

Kearney, Nebraska
January 13, 2015
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 January 13, 2015, 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; and Bruce Grupe, City Engineer were also present. Some of the citizens present in the audience included: Tom McCarty, Craig Bennett, Robert Fitzgerald, Mitch Humphrey, Mindy Oman, Alan Wedige, Lucille Stone, Marvin Stone, Steve Altmaier from KGFW Radio, Ashley White from Kearney Hub and 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

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.

ORAL COMMUNICATIONS

Mayor Clouse and Council members recognized former Council member Don Kearney who passed away recently. He will be missed by all.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATE PART OF LOT 1, INGALLS CROSSING FOURTH AND FINAL PLAT FOR INGALLS CROSSING EIGHTH

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

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for Roberta Corrigan, Trustee of the Leroy Corrigan Trust & Roberta Corrigan, General Partner of Roberta Corrigan Farm, a Nebraska Limited Partnership to (1) vacate property described as a tract of land being part of Lot 1, Ingalls Crossing Fourth Addition located in the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 7958; and (2) for the Final Plat and Subdivision Agreement for Ingalls Crossing Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (south of 60th Street between 1st Avenue and 2nd Avenue) and consider Resolution No. 2015-1. Planning Commission recommended approval.

The applicant is requesting approval to develop the next phase of the Ingalls Crossing Development approximately 600 feet north of 56th Street and east of 2nd Avenue. The property in question is more accurately described as extending south from 60th Street to the Jimmy Johns lot (5710 1st Avenue), between 1st Avenue and 2nd Avenue. The applicant would like to extend 1st Avenue from its existing terminus north to tie into 60th Street which will greatly improve traffic flow in the area. Municipal water and sanitary sewer mains were previously installed in the 1st Avenue right-of way alignment. The applicant is proposing a 6-lot subdivision with all lots on the west side of the street with rear frontage on 2nd Avenue. The property is currently zoned C-2/PD and will not be rezoned.

Part of Lot 1 of Ingalls Crossing Fourth Addition must be vacated to accommodate the proposed subdivision. Ingalls Crossing Fourth was a 2-lot subdivision approved in 2008 north of Applebee's restaurant. In 2013 the Taco Bell used a Minor Subdivision to split some of the land from Lot 2 and combine it with additional land to build a restaurant. More recently, Jimmy Johns performed a similar Minor Subdivision and added land from Lot 2 of Ingalls Fourth to create a property large enough to construct a restaurant and then replatted the combined piece as Ingalls Crossing Seventh Addition. The remaining platted land north of Ingalls Crossing Seventh is part of Lot 1 of Ingalls Fourth Addition and is the part that will now be vacated so that the new lots in Ingalls Crossing Eighth can be platted with no undue encumbrances that may be caused by the past Minor Subdivision land swaps.

Ingalls Crossing Eighth Addition consists of six commercial lots on 7.59 acres, all on the west side of 1st Avenue. The lots vary in depth from 255 feet to 348 feet and in width from 90 to 200 feet providing flexibility in lot sizes for potential commercial businesses. 1st Avenue will be extended from its current terminus at Taco Bell north to 60th Street. As previously mentioned, City water and sewer are already installed for the entire length of the 1st Avenue alignment. The lots will be annexed into the corporate limits so that a paving improvement district can be created for 1st Avenue. The cost estimate to pave 1st Avenue is \$250,000 which does not include the cost for inlets.

In past versions of the subdivision layout, a second east/west street labeled as 57th Street was required between 56th Street and 60th Street. Said street is outside the boundaries of the Ingalls Crossing Eighth subdivision and does not need to be shown on the plat. A major draw in the topography of the site runs north from 56th Street curving to the east. Street crossings at the drainage channel will be expensive and should be minimized. With 57th Street and 60th Street planned for future roadway expansion two crossings were contemplated. After lengthy discussion, staff has decided that 57th Street is no longer warranted since 60th Street will provide adequate east-west access in this part of the subdivision. Further to the east, Parklane Drive will be extended north to intersect with 60th Street.

An Infrastructure Feasibility Plan has been submitted. The developer should review the location of existing sanitary sewer services for both the west side of 1st Avenue and the east side and consider adding any additional that may be needed before 1st Avenue is paved. The developer should also consider if water services should be stubbed from the water main located on the west side of 1st Avenue, to the east side of 1st Avenue before 1st Avenue is paved. The cost to bore larger diameter water service lines (fire suppression services) after 1st Avenue is paved will be more expensive than a standard 1-inch service line installed by the City.

The Public Works Department has requested stormwater computations for the proposed stormwater cell located east of the subdivision at this time as opposed to waiting until Building Permit application. Staff would like the ability to assess the impact of the proposed cell on the drainage basin to the east of the site as there are already two additional cells that are existing here. The stormwater runoff from the proposed subdivision will be split so that part of the development will flow into a new proposed detention cell while the remainder can use an existing detention cell. The new cell will be sized to accommodate additional water from future development in the drainage basin that has yet to be platted (future lots on the east side of 1st Avenue). Since the proposed detention cell is located outside the boundary of the plat, the Developer will need to file easements under separate instrument at the Register of Deeds Office for the detention cell, storm sewer pipe and drainage ways from the subdivision boundary to the cell. The cell will be constructed when 1st Avenue is built.

A Subdivision Agreement has been prepared and signed by the owners. Landscaping will be required at the time individual lots are developed in the future.

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."

The applicant has also submitted a complete Development Plan package for a small commercial retail building on proposed Lot 6 (0.54 acres of lot area, lot size 95 x 260 ±). The proposed single story building consists of two commercial bays and the dimensions of the building are 68 feet by 72 feet, or 4,896 square feet of floor area. The amount of impervious coverage at 64.4% is well below the maximum of 80% in a C-2 district. The building is pushed back on the site close to the 2nd Avenue frontage with the parking to the east off of 1st Avenue. 25 parking stalls are required and 25 are provided. A complete Landscape Plan is provided as are architectural elevations of all four sides of the building. Proposed construction materials include a mix of split-faced block, brick, stucco and stone veneer. Public sidewalks are shown along the frontages of both streets.

Craig Bennett from Miller & Associates presented this matter to the Council. The current zoning is C-2/PD so they are not asking for any zoning changes on the particular parcel and there is currently water located in an easement located along on the east side which is known as 1st Avenue as the plat goes forward and sanitary sewer also exists along the east side. Basically, the plat is served with both sewer and water but just missing paving.

Before City Council tonight is the same area as the 2003 Preliminary Plat that is subdivided into six lots of which they are jogging out to capture where the platted right-of-way ends and will continue northerly to include 1st Avenue all the way up to 60th Street. There is also needed approval of the development plan. Noted in the Planning Commission Minutes, they needed to provide storm water calculations for it and they have identified the area which will be using the existing detention cell and they have shown the proposed detention cell that will provide storm water detention for four lots as well as future lots that are currently not platted. In the event that those come forward, neither one of those developments will need storm water detention on site because it will be provided by the new detention cell.

With regard to the Development Plan for Lot 6 which is on the southern end of the subdivision they are proposing basically a 4,800 square foot building. It has two units; the proposed owner will occupy one unit and probably lease the other. It will have separate services to each. Parking will be associated and landscaping plans with a plant schedule since it is required by the Development Plan. Currently, it will not be a restaurant so the parking is associated to office or retail.

Council Member Buschkoetter asked if it could be converted into a restaurant at a later date. Mr. Bennett stated it could be if parking could be achieved and so that would mean a very small seeding area. Council Member Buschkoetter asked so it would limit what it could be. Mr. Bennett stated the proposed parking shown tonight would limit it from being an eating establishment that would have much seating in it.

The developer has provided the elevations basically consisting of brick veneer, stone veneer, and some stucco. The west side which would be facing 2nd Avenue would have elongated windows and will expose stucco and brick as well. That would be similar to

the south and north sides of the building.

Tom McCarty from Coldwell Banker representing Ms. Corrigan, family and retail development is excited to put 1st Avenue in going north. It will help take some of the traffic off of 2nd Avenue and there is a new business going up north.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Applications submitted by Miller & Associates for Roberta Corrigan, Trustee of the Leroy Corrigan Trust & Roberta Corrigan, General Partner of Roberta Corrigan Farm, a Nebraska Limited Partnership and introduced Ordinance No. 7958 vacating property described as a tract of land being part of Lot 1, Ingalls Crossing Fourth Addition located in the West Half of the Southwest Quarter of Section 24, 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 Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 7958. 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. 7958 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. 7958 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. 7958 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.

Moved by Lear seconded by Buschkoetter to adopt **Resolution No. 2015-1** approving the Final Plat and Subdivision Agreement for Ingalls Crossing Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (south of 60th Street between 1st Avenue and 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2015-1

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Ingalls Crossing Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to the Southwest Corner of the Southwest Quarter of Section 24 and assuming the West line of said Southwest Quarter as bearing N 00°21'41" W and all bearings contained herein are relative thereto; thence N 00°21'41" W on said West line of the Southwest Quarter a distance of 59.68 feet; thence N 89°38'19" E perpendicular to said West line of the Southwest Quarter a distance of 59.05 feet to the Southwest corner of Lot 1, Ingalls Crossing Second Addition to the City of Kearney, Buffalo County, Nebraska, also being the intersection of the North Right-of-Way of 56th Street and the East Right-of-Way of Nebraska State Highway 10 (aka. 2nd Avenue) as platted in the City of Kearney, Buffalo County, Nebraska; thence N 00°31'27" E on said East Right-of-Way a distance of 414.79 feet to a 5/8" rebar with cap; thence N 00°34'14" E continuing on said East Right-of-Way a distance of 67.94 feet to a 5/8" rebar with cap at the Northwest Corner of Lot 1, Ingalls Crossing Seventh Addition to the City of Kearney, Buffalo County, Nebraska, and the ACTUAL POINT OF BEGINNING; thence continuing N 00°34'14" E on said East Right-of-Way a distance of 356.31 feet to a 5/8" rebar with cap; thence N 00°18'08" W continuing on said East Right-of-Way a distance of 598.79 feet to a 5/8" rebar with cap on the South line of 60th Street as platted in Ingalls Crossing Third Addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°39'47" E on said South line of 60th Street a distance of 408.84 feet to a 5/8" rebar with cap on the East line of First Avenue as platted in said Ingalls Crossing Third Addition, and the East line of a Public Access, Water, Storm Sewer, and Sanitary Sewer Easement to the City of Kearney, Nebraska, and recorded as instrument 2004-04606 in the Buffalo County, Nebraska, Register of Deeds office; thence S 00°22'55" E on said East Easement line a distance of 255.83 feet to a 5/8" rebar with cap at the beginning of a tangent curve to the Right, having a radius of 330.00 feet, a central angle of 25°01'40", an arc length of 144.15 feet, a chord bearing of S 12°07'55" W, for a distance of 143.01 feet to a 5/8" rebar with cap; thence S 24°38'45" W continuing on said East Easement line a distance of 100.00 feet to a 5/8" rebar with cap at the beginning of a tangent curve to the Left, having a radius of 270.00 feet, a central angle of 25°14'53", an arc length of 118.98 feet, a chord bearing of S 12°01'17" W, for a distance of 118.02 feet to a 5/8" rebar with cap; thence S 00°36'10" E continuing on said East Easement line a distance of 172.61 feet to a 5/8" rebar with cap on the East line of First Avenue as platted in said Ingalls Crossing Fourth Addition; thence S 89°46'05" W on the North line of said Ingalls Crossing Fourth Addition a distance of 60.00 feet to a 5/8" rebar with cap on the West line of said First Avenue; thence S 00°11'26" E on said West line of First Avenue a distance of 130.99 feet to a 5/8" rebar with cap at the beginning of a tangent curve to the Left, having a radius of 231.22 feet, a central angle of 13°35'59", an arc length of 54.88, and a chord bearing of S 06°59'25" E, for a distance of 54.75 feet to a 5/8" rebar with cap at the Northeast corner of said Lot 1, Ingalls Crossing Seventh Addition; thence N 89°25'21" W on the North line of said Lot 1, Ingalls Crossing Seventh Addition a distance of 263.52 feet to the Point of Beginning, containing 7.59 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 13TH DAY OF JANUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF INGALLS CROSSING EIGHTH ADDITION

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Roberta Corrigan, Trustee of the Leroy Corrigan Trust & Roberta Corrigan, General Partner of Roberta Corrigan Farm, a Nebraska Limited Partnership, for the annexation of Ingalls Crossing Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (south of 60th Street between 1st Avenue and 2nd Avenue) and consider Resolution No. 2015-2. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2015-2** approving the Application submitted by Miller & Associates for Roberta Corrigan, Trustee of the Leroy Corrigan Trust & Roberta Corrigan, General Partner of Roberta Corrigan Farm, a Nebraska Limited Partnership, for the annexation of Ingalls Crossing Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (south of 60th Street between 1st Avenue and 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2015-2

WHEREAS, an Application has been submitted by Miller & Associates for Roberta Corrigan, Trustee of the Leroy Corrigan Trust & Roberta Corrigan, General Partner of Roberta Corrigan Farm, a Nebraska Limited Partnership for the inclusion of Ingalls Crossing Eighth Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to the Southwest Corner of the Southwest Quarter of Section 24 and assuming the West line of said Southwest Quarter as bearing N 00°21'41" W and all bearings contained herein are relative thereto; thence N 00°21'41" W on said West line of the Southwest Quarter a distance of 59.68 feet; thence N 89°38'19" E perpendicular to said West line of the Southwest Quarter a distance of 59.05 feet to the Southwest corner of Lot 1, Ingalls Crossing Second Addition to the City of Kearney, Buffalo County, Nebraska, also being the intersection of the North Right-of-Way of 56th Street and the East Right-of-Way of Nebraska State Highway 10 (aka. 2nd Avenue) as platted in the City of Kearney, Buffalo County, Nebraska; thence N 00°31'27" E on said East Right-of-Way a distance of 414.79 feet to a 5/8" rebar with cap; thence N 00°34'14" E continuing on said East Right-of-Way a distance of 67.94 feet to a 5/8" rebar with cap at the Northwest Corner of Lot 1, Ingalls Crossing Seventh Addition to the City of Kearney, Buffalo County, Nebraska, and the ACTUAL POINT OF BEGINNING; thence continuing N 00°34'14" E on said East Right-of-Way a distance of 356.31 feet to a 5/8" rebar with cap; thence N 00°18'08" W continuing on said East Right-of-Way a distance of 598.79 feet to a 5/8" rebar with cap on the South line of 60th Street as platted in Ingalls Crossing Third Addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°39'47" E on said South line of 60th Street a distance of 408.84 feet to a 5/8" rebar with cap on the East line of First Avenue as platted in said Ingalls Crossing Third Addition, and the East line of a Public Access, Water, Storm Sewer, and Sanitary Sewer Easement to the City of Kearney, Nebraska, and recorded as instrument 2004-04606 in the Buffalo County, Nebraska, Register of Deeds office; thence S 00°22'55" E on said East Easement line a distance of 255.83 feet to a 5/8" rebar with cap at the beginning of a tangent curve to the Right, having a radius of 330.00 feet, a central angle of 25°01'40", an arc length of 144.15 feet, a chord bearing of S 12°07'55" W, for a distance of 143.01 feet to a 5/8" rebar with cap; thence S 24°38'45" W continuing on said East Easement line a distance of 100.00 feet to a 5/8" rebar with cap at the beginning of a tangent curve to the Left, having a radius of 270.00 feet, a central angle of 25°14'53", an arc length of 118.98 feet, a chord bearing of S 12°01'17" W, for a distance of 118.02 feet to a 5/8" rebar with cap; thence S 00°36'10" E continuing on said East Easement line a distance of 172.61 feet to a 5/8" rebar with cap on the East line of First Avenue as platted in said Ingalls Crossing Fourth Addition; thence S 89°46'05" W on the North line of said Ingalls Crossing Fourth Addition a distance of 60.00 feet to a 5/8" rebar with cap on the West line of said First Avenue; thence S 00°11'26" E on said West line of First Avenue a distance of 130.99 feet to a 5/8" rebar with cap at the beginning of a tangent curve to the Left, having a radius of 231.22 feet, a central angle of 13°35'59", an arc length of 54.88, and a chord bearing of S 06°59'25" E, for a distance of 54.75 feet to a 5/8" rebar with cap at the Northeast corner of said Lot 1, Ingalls Crossing Seventh Addition; thence N 89°25'21" W on the North line of said Lot 1, Ingalls Crossing Seventh Addition a

distance of 263.52 feet to the Point of Beginning, containing 7.59 acres, more or less, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on December 19, 2014 on the inclusion of Ingalls Crossing Eighth 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 Ingalls Crossing Eighth 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 January 13, 2015 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 Ingalls Crossing Eighth 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 Ingalls Crossing Eighth 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 13TH DAY OF JANUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

DEVELOPMENT PLANS FOR SOUTH OF 60TH STREET BETWEEN 1ST AVENUE AND 2ND AVENUE

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Roberta Corrigan, Trustee of the Leroy Corrigan Trust & Roberta Corrigan, General Partner of Roberta Corrigan Farm, a Nebraska Limited Partnership, for Planned District Development Plan Approval for retail/general office development on property zoned C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska, also to be known as Lot 6, Ingalls Crossing Eighth Addition (south of 60th Street between 1st Avenue and 2nd Avenue) and consider Resolution No. 2015-3. Planning Commission recommended approval subject to off-site drainage and stormwater easements shall be filed of record under separate instrument prior to the issuance of any building permits.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2015-3** approving the Application submitted by Miller & Associates for Roberta Corrigan, Trustee of the Leroy Corrigan Trust & Roberta Corrigan, General Partner of Roberta Corrigan Farm, a Nebraska Limited Partnership, for Planned District Development Plan Approval for retail/general office development on property zoned C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska, also to be known as Lot 6, Ingalls Crossing Eighth Addition (south of 60th Street between 1st Avenue and 2nd Avenue) subject to off-site drainage and stormwater easements shall be filed of record under separate instrument prior to the issuance of any building permits. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2015-3

WHEREAS, Miller & Associates for Roberta Corrigan, Trustee of the Leroy Corrigan Trust & Roberta Corrigan, General Partner of Roberta Corrigan Farm, a Nebraska Limited Partnership have applied for Planned District Development Plan Approval for retail/general office development on property to be zoned C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of 6th P.M., more or less, Buffalo County, Nebraska, also to be known as Lot 6, Ingalls Crossing Eighth Addition (south of 60th Street between 1st Avenue and 2nd Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates for Roberta Corrigan, Trustee of the Leroy Corrigan Trust & Roberta Corrigan, General Partner of Roberta Corrigan Farm, a Nebraska Limited Partnership for Planned District Development Plan Approval for retail/general office development on property to be zoned C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being part of the West Half of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of 6th P.M., more or less, Buffalo County, Nebraska, also to be known as Lot 6, Ingalls Crossing Eighth Addition (south of 60th Street between 1st Avenue and 2nd Avenue) be approved subject to off-site drainage and stormwater easements shall be filed of record under separate instrument prior to the issuance of any building permits.

PASSED AND APPROVED THIS 13TH DAY OF JANUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING EAST OF AVENUE M AND SOUTH OF 16TH STREET

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for Marvin Taylor to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District R-2, Urban Residential Mixed-Density District property described as Lots 1, 2 and 3 of Block 2, Taylor Addition, an addition to the City

of Kearney, Buffalo County, Nebraska (east of Avenue M and south of 16th Street) and consider Ordinance No. 7959. Planning Commission recommended approval.

The applicant is requesting approval of rezoning from R-1, Single-Family Residential District to R-2, Mixed-Density Residential District for three lots in Taylor Addition on the southeast quadrant of the intersection of Avenue M and 16th Street. There is an existing guy wire for an existing electric pole that encumbers Lot 2. It would be difficult to provide a driveway in a typical single-family development scenario with the guy wire in the way. Instead of relocating the power lines, which would be expensive (estimated at \$60,000 minimum), the applicant would like to construct two buildings across the three lots, each building containing three townhome units. The proposed buildings can be positioned to avoid the guy wire and a shared access drive reduces the number of curb cuts on 16th Street which is also favorable. This type of development requires a rezoning from R-1 to R-2. Preliminary site layouts were presented to staff at DRT and staff is in support of this development concept and the required rezoning request.

Mitch Humphrey from Buffalo Surveying presented this matter to the Council. He represents Marvin Taylor regarding the zoning proposal. What they have is a tract of land that consists of Lots 1, 2 and 3 of Block 2 of the Taylor Addition which the Council approved a few months ago. They found out that there is electrical anchor or power pole apparatus that sits in the middle of the front of Lot 2 that is going to be in the way more than they anticipated and it is an expensive proposition to move. They met with City staff and discussed the possibility of zoning the three lots to District R-2 which seems to be acceptable to them so they can build some townhomes on the lots or duplexes.

The present zoning is R-1 and the tracts on the corner of 16th and Avenue M is R-2 and in the general neighborhood. The tract that is zoned R-2 is owned by Habitat for Humanity and they are planning on doing some work there with duplexes and then half a block to the west off of 16th Avenue, there is development that is zoned R-2/PD. They think this would fit into the neighborhood, it is right off the intersection and there will not be any additional drive-way access points or anything that will cause conflicts.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Buffalo Surveying for Marvin Taylor to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District R-2, Urban Residential Mixed-Density District property described as Lots 1, 2 and 3 of Block 2, Taylor Addition, an addition to the City of Kearney, Buffalo County, Nebraska (east of Avenue M and south of 16th Street) and introduced Ordinance No. 7959 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. 7959. 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. 7959 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 Nikkila seconded by Lear that Ordinance No. 7959 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. 7959 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.

VACATE LOT 1, SMITH ADDITION, PART OF CASTLE RIDGE FOURTH ADDITION AND REZONE 5120 17TH AVENUE AND ALSO NORTH OF 19TH AVENUE AND 50TH STREET

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

Mayor Clouse opened the public hearing on the Applications submitted by Buffalo Surveying for Starostka Group Unlimited, Inc. and Lucille Stone, Trustee of the Lucille E. Stone Revocable Trust to (1) vacate Lot 1, Smith Addition, and Lots 1 through 5, inclusive, Block 1, and Lots 1 through 10, inclusive, Block 2 and all of 21st Avenue abutting Block 1 on the west and abutting Block 2 on the east and all of 51st Street Place abutting Lots 1 through 5, inclusive, Block 1 lying east of the east line of 21st Avenue and all of 51st Street Place abutting Lots 1 through 9, inclusive, Block 2 lying west of the west line of 21st Avenue, all located in Castle Ridge Fourth Addition and consider Ordinance No. 7960; and (2) to rezone from District AG, Agricultural District and District RR-2, Rural Residential District (Intermediate Standards) to District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District property described as Lot 1, now vacated, Smith Addition, TOGETHER WITH a tract of land located in the Southeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (5120 17th Avenue and also north of 19th Avenue and 50th Street) and consider Ordinance No. 7961. Planning Commission and staff recommend approval and rezoning all of property to R-1. Neither staff nor Planning Commission is in support of increasing the density with the R-2 rezoning request at this time.

The applicant is requesting approvals for a single-family residential development one-half block north of 50th Street, from 17th Avenue west to 19th Avenue. The majority of this property was Preliminary Platted at one time several years ago, and a portion of it towards the west end was Final Platted as Castle Ridge Fourth Addition. The Developer has decided to phase his development in a different manner than he originally contemplated when Castle Ridge Fourth was platted several years ago. He would now like to pursue development approvals and construction for Castle Ridge Fifth prior to development of the existing platted Castle Ridge Fourth. There are also some drainage concerns in the area that was previously platted as Castle Ridge Fourth and the applicant believes that a new lot layout may be an improvement over the original

plattting. Therefore, he is requesting vacation of Castle Ridge Fourth Addition and the area will be re-platted at some time in the future.

Recently, the developer was able to exercise purchase options on the property at 5110 17th Avenue (Smith Addition) and the west half of property located at 5120 17th Avenue, both of which abut the eastern end of property that he already owns. The addition of the new parcels may allow some flexibility for future development, although no plan was shown for how the additional property might be redeveloped at this time. The residents of these houses will continue living in the house until such time in the future that the property can be included into the development of Castle Ridge.

Castle Ridge Fourth Addition and Smith Addition are requested for vacation. There is no reason in particular that staff is aware why Castle Ridge Fourth needs to be vacated except that the developer has decided to concentrate on Castle Ridge Fifth instead and believes that an improved layout for Castle Ridge Fourth can be achieved in the future. Staff assumes Castle Ridge Fourth can be vacated at this time, as long as the Register of Deeds will accept the vacation as presented and the Final Plat of Castle Ridge Fifth as presented. Staff's concerns in this regard include:

- a) Castle Ridge Fourth was annexed into the City when it was previously platted and recorded at the Register of Deeds. The City has no intention of abandoning the annexed area or allowing the developer to remove the property contained within the annexed boundaries from annexation.
- b) Likewise, the property contained in Castle Ridge Fourth was rezoned to R-1 in the past and the City has no interest in changing the zoning. The applicant has not requested a change in zone for this area on the rezoning application so this should not be an issue.
- c) It appears that the developer intends to treat the vacated area that would be former Castle Ridge Fourth (assuming the vacation is approved) as unplatted land, and that particular land is apparently intended to be combined with other unplatted lands that the developer owns adjacent and abutting it, such that the aggregate total of unplatted land, as measured by metes and bounds, will exceed 10 acres in size and thus be exempt from State law requiring any parcel less than 10 acres to be platted. Staff questions whether more than one parcel, or multiple parcels, described by metes and bounds and under common ownership, can be added together to exceed the 10-acre threshold as a single entity when the single entity is really composed of multiple parts (that do not exceed 10 acres). This is a question for the Register of Deeds. Alternatively, staff wonders why the entire unplatted, and as yet to be developed property that the developer owns cannot be shown as a single Outlot, as in "Outlot A" and included in the Final Plat?

The majority of the property is zoned R-1, Urban Residential Single Family District with some of the property zoned AG, Agricultural. The property at 5110 17th Avenue is currently zoned RR-2. At the Development Review Team (DRT) meeting, the developer's intent was for R-1 zoning for the entire subdivision. On the rezoning application and the rezoning exhibit roughly half of the property at 5110 17th Avenue is proposed for R-2 zoning with the other half proposed as originally slated for R-1. There was no discussion of R-2 zoning at the DRT meeting. Staff will not support the request for an increase in density to R-2 without discussing it with the applicant in some detail.

Although there is higher density zoning in the general area with Richard Young Hospital and Northridge Retirement Community these properties are really more institutional in nature than residential. At the residential scale this area is developed, and continues to develop, as R-1 single-family housing and not duplexes. In addition, staff has agreed to support a cul-de-sac street that exceeds the 600-foot maximum length to prohibit additional access points to the arterial street (17th Avenue). Rezoning the parcel in question directly abutting the arterial street to a higher density is not in accordance with limiting density and limiting access.

For these reasons staff believes that R-1 is the appropriate zoning category for this subdivision and will not support rezoning to R-2 at this time. At the Planning Commission hearing the rezoning issue was discussed and the applicant agreed to modify the rezoning request by removing any consideration of R-2 and rezoning everything to R-1. In the future, the applicant can request a different zoning classification if so desired, but there is no guarantee that a different zoning category will be supported by staff or approved by Planning Commission and City Council.

The proposed subdivision, to be known as Castle Ridge Fifth Addition, is comprised of 29 single-family residential lots on 13.70 acres of land. The Preliminary Plat was approved by Planning Commission at the December 16, 2014 meeting. The majority of the property in this subdivision is flat but the grade drops on the east side towards 17th Avenue. The layout of the subdivision consists of two east-west oriented cul-de-sacs to be known as 51st Street Place. The cul-de-sac on the west side of 19th Avenue is short, but the cul-de-sac on the east side of 19th Avenue is approximately 834 feet in length, exceeding the 600-foot maximum length stated in the zoning ordinance by 234 feet. As previously mentioned, staff will support the longer cul-de-sac in order to eliminate another access onto 17th Avenue. 19th Avenue extends north from 50th Street to access the cul-de-sac streets and then terminates at the north end of the proposed lots. 19th Avenue will be extended north in some fashion to intersect 56th Street in the future.

A Subdivision Agreement has been prepared and executed and an Infrastructure Feasibility Plan has been submitted per City requirements.

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."

Mitch Humphrey from Buffalo Surveying presented this matter to the Council. He stated the last sentence that Mayor Clouse stated in regards to the R-2 zoning, which was also an issue with Planning Commission, is not an issue with them either. They are going to request the zoning to single family at this point of time. They do recognize where the tract is located and that perhaps a day in the future if things pane out along 17th Avenue as they anticipate there may be a project that comes before City Council that would necessitate a zoning change but for now they will not be addressing that issue anymore.

The project is interesting because it is located north of 50th Street. They platted the Castle Ridge Fourth project off of 21st Avenue which is ready to go but the lots lay out that such it is not the best way to do things when you look at the entire piece of property. Mr. and Mrs. Stone live in a house which is Lot 1 of Smith Addition, they have lived there for a long time and the Greens owned the parcel to the south of them which is unplatted but it is zoned. Danny Starostka owns an odd shape piece that is unplatted and owns the other lots in Castle Ridge Fourth and has acquired the Green tract and has some agreements on the back portion of the Stone land. It is a weird project because there are all these pieces coming together.

Portions of the two lots will be zoned R-1 and the land to the north which Better Health Systems own is zoned R-3/PD and that is part of the Northridge Retirement Subdivision that is annexed.

The vacation essentially is Lot 1 of Smith Addition and all of the residential lots and streets in the Castle Ridge Fourth development. Some land to the north and the land to the east which is Castle Ridge Fifth is the land that Starostka Group acquired a number of years ago. The land to the north is owned by the hospital foundation or one of the Good Samaritan Hospital entities. To really necessitate a lot of the development to the north there will have to be some discussions with the owners so the puzzle can be put together.

They had their engineers look at the map and came up with a plan considering drainage and traffic patterns that really is nice from the standpoint that they can project 19th Avenue all the way up to 56th Street and because of the grade changes and the drainage issues they can come up with some short cul-de-sacs and some lots that would allow them to extend 21st Avenue to intersect the east-west corridor south of the Northridge project on 54th Street. That concept works but there will have to be discussions with the owners.

They are not disconnecting Castle Ridge Fourth from the City's annexation line or changing zoning they just want to start with a clean slate so that once they do the Castle Ridge Fifth project they can address another phase of the Castle Ridge project so they can work towards something similar to what is currently before Council.

Mr. and Mrs. Stone have been gracious enough to work out an agreement so they can put sanitary sewer along the south side line of the project and have a gravity flow sewer for the project which will allow them not to have grinder pumps or a lift station or anything that will complicate the utilities department. The only issue here would be the cul-de-sac is a bit excessive in length but when they looked at that with Public Works that it is best not to have another street intersection off of 17th Avenue which would allow them to keep traffic running north and south more unimpeded in the future.

There was a great length of discussion with the Planning Commission; most of it focused around the zoning and once you take that issue off of the table, he believes this project becomes more palatable and simple.

Mayor Clouse asked you will be vacating Lot 1 and then the cul-de-sac will extend into that area in Lot 1 correct. Mr. Humphrey stated that is correct. Mayor Clouse asked

what was going to happen with Castle Ridge Fourth. Mr. Humphrey stated it will be unplatted at this time. They are basically wiping the slate clean. They are vacating the lots and blocks and streets that were platted with the exception of the outlot that handles some drainage. Since they are submitting vacation applications and trying to get everything to fit together in the future they thought it was prudent to wipe that out of the books and Danny Starostka has them working on a next phase on down the line as soon as they get the Castle Ridge Fifth project built out.

Mayor Clouse wanted clarification that it will always be Castle Ridge Fourth; there is nothing there and it is not included in the annexation, the only thing they are annexing is Castle Ridge Fifth.

City Attorney Michael Tye stated they are requesting that Castle Ridge Fourth be vacated so the plat for Castle Ridge Fourth goes away and they are asking for Castle Ridge Fifth to be platted. A portion of that is in Castle Ridge Fourth. When Castle Ridge Fourth goes away it will not be rezoned it will stay R-1 and it does not change the annexation line so that land even though it goes back to metes and bounds and not in a plat it is still part of the City of Kearney and still zoned R-1.

Mayor Clouse stated the only reason he is asking as they go through and do the annexation map and they identify Castle Ridge First, Third and Fifth Additions and ask what happened to Fourth Addition. City Attorney stated the only part of Castle Ridge Fourth that will be left will be Outlot A to the west side that is used for drainage.

City Manager Michael Morgan asked can you have a parcel land that is zoned that is unidentified in single family. City Attorney stated the City has parcels of properties that are metes and bounds description that are zoned and it is a different process when they start it to rezone something that is metes and bounds but that does not mean it cannot be zoned or annexed either. Platting just defines the lots and the dedication of the streets and those sorts of things. That does not change the fact that it can be zoned R-1 or that it could be annexed you could have a parcel that is annexed that is not platted.

Council Member Buschkoetter stated they have had some discussions with other cul-de-sacs about fire trucks and getting them in there and the length of the cul-de-sac. How is this one okay? Mr. Humphrey stated the benefit they have with the property is its flat terrain, you can see from one end to the other. One thing they do not have that is a benefit is that extra bit of traffic coming onto 17th Avenue so it was a tradeoff they believed was a good one.

Director of Public Works Rod Wiederspan stated Mr. Humphrey is correct they did work with the developer on this project. It does exceed their requirement of 600 feet on the cul-de-sac and this one is considerably longer. In doing so they traded off the fact that they can control the amount of access points onto 17th Avenue. It is a straight cul-de-sac and the Fire Department believed that it was adequate that they could get in and out of there to fight a fire if they had to because it is straight. With the grade of the road coming down on 50th Street, they looked at trying to have a connection to come down and tie in at 50th Street but the hill did not leave adequate site vision.

Council Member Buschkoetter stated he is comfortable with that entirely but obviously if a house is on fire none of that matters. Council Member Nikkila asked if they had additional fire hydrants in a long cul-de-sac. Public Works Director stated there will be an intermittent one in the middle of the cul-de-sac as well as the end.

City Manager stated there are several issues with the length of the cul-de-sac and clarified for the record this will come up again and you will be requested again. This is a very rare exception and there should be some very specific findings for it because the Code requires 600 feet for lots of reasons. Not only is it for fire trucks, imagine being a citizen living on that cul-de-sac at the end you are going to come all the way back and all the way around so that will be frustrating and it is for standard traffic and law enforcement when you are driving through a community.

The City may need to look at some different signage for this particular cul-de-sac because it is 870 feet but on the other side if looking at specific findings, he would say to make the exception because it is flat which helps. The other issues would be it is difficult with the first three or four lots coming off of 50th Street and 17th Avenue; 17th Avenue will be a 4-lane road and a busy road in the near future and so the City wants to restrict access as part of the tradeoff and to work with the developer. Topography has a lot to do with it and the feasibility because the fact it is developed on the south inhibits you as well; if that had not been done City staff would have a different answer. There are some very unique circumstances but it is a customer convenience issue because of the length but on the same side the Fire Department does not prefer it.

Council Member Lear clarified with Mr. Humphrey that it was raised at Planning Commission that it would not be practical to rezone this area to R-2. Mr. Humphrey stated they understand that it is not prudent to zone it to R-2 at this time; they understand that arterials and corridors such as this one are subject to different development techniques other than single family so they do not know what the future will bring. What they would like to do is recognize it is acceptable to zone this to R-1 and they will see how 17th Avenue by 56th Street develops and go from there. They still believe that it would be reasonable to zone both of the lots that Stone's own. They have some opportunities there with a developer he is working with and what he calls the balance of the Green lot to R-2 but they are not asking for that tonight.

Council Member Lear stated he understands that he would want R-2 but if you came in and wanted to rezone that to R-2 and if they had some opposition to it from the R-1 that has gone in there as a result. That is going to be something hard for him to overcome; he would want that recognition to be there. From his standpoint he is not saying that R-2 is never appropriate but that it is not prudent.

Mr. Humphrey stated he understands that, it very well could be as we all know in these corridors that it could be those two lots are zoned to non-retail/commercial or something that is completely compatible use wise with R-1 from the standpoint that their timing as far as their uses are generally compatible but for right now they are fine with it.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Applications submitted by Buffalo Surveying for Starostka Group Unlimited, Inc. and Lucille Stone, Trustee of the Lucille E. Stone Revocable Trust and introduced Ordinance No. 7960 vacating Lot 1, Smith Addition, and Lots 1 through 5, inclusive, Block 1, and Lots 1 through 10, inclusive, Block 2 and all of 21st Avenue abutting Block 1 on the west and abutting Block 2 on the east and all of 51st Street Place abutting Lots 1 through 5, inclusive, Block 1 lying east of the east line of 21st Avenue and all of 51st Street Place abutting Lots 1 through 9, inclusive, Block 2 lying west of the west line of 21st Avenue, all located in Castle Ridge Fourth Addition AND Ordinance No. 7961 rezoning from District AG, Agricultural District and District RR-2, Rural Residential District (Intermediate Standards) to District R-1, Urban Residential Single-Family District (Low Density) property described as Lot 1, now vacated, Smith Addition, TOGETHER WITH a tract of land located in the Southeast Quarter of the Northeast Quarter of Section 27, 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 Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 7960 and 7961. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 7960 and 7961 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance Nos. 7960 and 7961 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance Nos. 7960 and 7961 are declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

FINAL PLAT FOR CASTLE RIDGE FIFTH ADDITION

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

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for Starostka Group Unlimited, Inc. and Lucille Stone, Trustee of the Lucille E. Stone Revocable Trust for the Final Plat and Subdivision Agreement for Castle Ridge Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1, now vacated, Smith Addition, TOGETHER WITH a tract of land located in the Southeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (5120 17th Avenue and

also north of 19th Avenue and 50th Street) and consider Resolution No. 2015-4.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2015-4** approving the Application submitted by Buffalo Surveying for Starostka Group Unlimited, Inc. and Lucille Stone, Trustee of the Lucille E. Stone Revocable Trust for the Final Plat and Subdivision Agreement for Castle Ridge Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1, now vacated, Smith Addition, TOGETHER WITH a tract of land located in the Southeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (5120 17th Avenue and also north of 19th Avenue and 50th Street). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2015-4

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Castle Ridge Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being Lot 1, now vacated, Smith Addition, a subdivision located in the Southeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, together with; a tract of land being part of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, all more particularly described as follows: Referring to the Southeast Corner of the Northeast Quarter of Section 27, and assuming the East line of the Northeast Quarter as bearing N 00°00'15" W and all bearings contained herein are relative thereto; thence on the East line of the Northeast Quarter, N 00°00'15" W a distance of 732.62 feet; thence leaving the East line of the Northeast Quarter, S 89°33'15" W a distance of 40.0 feet to the Southeast Corner of Lot 1, Smith Addition, a subdivision located in the Southeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, said point also being the Northeast Corner of Lot 1, Block One, Hoehner Estates Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the ACTUAL PLACE OF BEGINNING; thence continuing S 89°33'15" W on the line common to Lot 1, Smith Addition and Block One, Hoehner Estates Third Addition a distance of 554.57 feet to the Southwest Corner of said Lot 1, Smith Addition, said point also being the Northeast Corner of Lot 1, Block One, Castle Ridge an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°29'20" W on the North line of said Block One, Castle Ridge, if extended, a distance of 720.30 feet to the Northwest Corner of Lot 8, Block One, North Park, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing S 89°29'20" W a distance of 66.0 feet to the Northeast Corner of Lot), Block Two, North Park; thence continuing S 89°29'20" W and on the North line of Block Two, North Park a distance of 262.12 feet; thence leaving the North line of said Block Two, North Park, N 07°07'49" W a distance of 257.28 feet; thence N 00°29'41" W a distance of 109.44 feet; thence N 89°30'51" E a distance of 358.98 feet; thence S 00°29'41" E a distance of 29.00 feet; thence N 89°30'51" E a distance of 1014.44 feet; thence N 00°00'15" W, parallel with the East line of the Northeast Quarter of said Section 27, a distance of 126.02 feet to a point on the South line of Lot 1, Block Two, Northridge Retirement

Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; thence on the South line of said Lot 1, Block Two, Northridge Retirement Subdivision, if extended, N 89°33'53" E a distance of 302.01 feet to a point on the East line of the Northeast Quarter of said Section 27; thence on the East line of the Northeast Quarter of said Section 27, S 00°00'15" E a distance of 208.0 feet, said point being the Northeast Corner of Smith Addition; thence on the North line of Smith Addition, S 89°28'22" W a distance of 40.0 feet to the Northeast Corner of Lot 1 of Smith Addition; thence S 00°00'15" W on the East line of Lot 1, Smith Addition a distance of 253.91 feet to the place of beginning, containing 13.70 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 13TH DAY OF JANUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF CASTLE RIDGE FIFTH ADDITION

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

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for Starostka Group Unlimited, Inc. and Lucille Stone, Trustee of the Lucille E. Stone Revocable Trust for the annexation of Castle Ridge Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1, now vacated, Smith Addition, TOGETHER WITH a tract of land located in the Southeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (5120 17th Avenue and also north of 19th Avenue and 50th Street) and consider Resolution No. 2015-5.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2015-5** approving the Application submitted by Buffalo Surveying for Starostka

Group Unlimited, Inc. and Lucille Stone, Trustee of the Lucille E. Stone Revocable Trust for the annexation of Castle Ridge Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1, now vacated, Smith Addition, TOGETHER WITH a tract of land located in the Southeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (5120 17th Avenue and also north of 19th Avenue and 50th Street). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2015-5

WHEREAS, an Application has been submitted by Buffalo Surveying for Starostka Group Unlimited, Inc. and Lucille Stone, Trustee of the Lucille E. Stone Revocable Trust for the inclusion of Castle Ridge Fifth Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being Lot 1, now vacated, Smith Addition, a subdivision located in the Southeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, together with; a tract of land being part of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, all more particularly described as follows: Referring to the Southeast Corner of the Northeast Quarter of Section 27, and assuming the East line of the Northeast Quarter as bearing N 00°00'15" W and all bearings contained herein are relative thereto; thence on the East line of the Northeast Quarter, N 00°00'15" W a distance of 732.62 feet; thence leaving the East line of the Northeast Quarter, S 89°33'15" W a distance of 40.0 feet to the Southeast Corner of Lot 1, Smith Addition, a subdivision located in the Southeast Quarter of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, said point also being the Northeast Corner of Lot 1, Block One, Hoehner Estates Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the ACTUAL PLACE OF BEGINNING; thence continuing S 89°33'15" W on the line common to Lot 1, Smith Addition and Block One, Hoehner Estates Third Addition a distance of 554.57 feet to the Southwest Corner of said Lot 1, Smith Addition, said point also being the Northeast Corner of Lot 1, Block One, Castle Ridge an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°29'20" W on the North line of said Block One, Castle Ridge, if extended, a distance of 720.30 feet to the Northwest Corner of Lot 8, Block One, North Park, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing S 89°29'20" W a distance of 66.0 feet to the Northeast Corner of Lot), Block Two, North Park; thence continuing S 89°29'20" W and on the North line of Block Two, North Park a distance of 262.12 feet; thence leaving the North line of said Block Two, North Park, N 07°07'49" W a distance of 257.28 feet; thence N 00°29'41" W a distance of 109.44 feet; thence N 89°30'51" E a distance of 358.98 feet; thence S 00°29'41" E a distance of 29.00 feet; thence N 89°30'51" E a distance of 1014.44 feet; thence N 00°00'15" W, parallel with the East line of the Northeast Quarter of said Section 27, a distance of 126.02 feet to a point on the South line of Lot 1, Block Two, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; thence on the South line of said Lot 1, Block Two, Northridge Retirement Subdivision, if extended, N 89°33'53" E a distance of 302.01 feet to a point on the East line of the Northeast Quarter of said Section 27; thence on the East line of

the Northeast Quarter of said Section 27, S 00°00'15" E a distance of 208.0 feet, said point being the Northeast Corner of Smith Addition; thence on the North line of Smith Addition, S 89°28'22" W a distance of 40.0 feet to the Northeast Corner of Lot 1 of Smith Addition; thence S 00°00'15" W on the East line of Lot 1, Smith Addition a distance of 253.91 feet to the place of beginning, containing 13.70 acres, more or less, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on December 19, 2014 on the inclusion of Castle Ridge Fifth 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 Castle Ridge Fifth 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 January 13, 2015 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 Castle Ridge Fifth 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 Castle Ridge Fifth 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 13TH DAY OF JANUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated that Item 3 are the Plans and Specs for the paving improvements for 11th Street, 27th Avenue and 30th Avenue and will be removed from the Consent Agenda for discussion.

City Engineer Bruce Grupe discussed the traffic study that was conducted by Olsson Associates. Earlier this year the City employed Olsson Associates to prepare a traffic impact study and analysis to help them with the plans. It was a rather extensive project and these plans are necessary to accommodate the increase in traffic that they expect the new Kearney High School to generate. Overall the Kearney High School project involves paving 30th Avenue for approximately 1,500 feet south of 11th Street, adding a lane to the south side of 11th Street to get some left turn lanes in and paving 27th Avenue for approximately 900 feet south of 11th Street. At the end of 27th Avenue, the main entrance is at the end of 27th and the new entrances that they are asking for into their parking lot.

Council Member Lammers asked does that 1,500 feet take you down to the edge of the south pits. City Engineer stated the 1,500 feet will take you about 400 feet past the drive way they are using for the sand pit so it does take them well into the sand pit property.

The plans were completed in accordance to the study and all the recommendations, the study recommended a traffic signal at the intersection of 30th Avenue and 11th Street. As well as leaving the speed limit 45 mph on 11th Street and if they leave that 45 mph it calls for a traffic signal on 27th Avenue. They are building the traffic signal and will do some extra work so that in the future they can continue the drive up there fairly easily and will be a 4-lane intersection for the traffic signal.

City Engineer discussed the signage that will be used to direct people for the intersection. Usually they paint the arrows on the pavement but in this case they want to put some signs up to give people from out of town heads up. Traffic exiting west will get onto 30th Avenue, if you are in the right turn lane you will have to go right because it drops, if you go straight north you will stay in the left lane and continue straight through. They will be adding a left turn lane for future growth.

They want to leave the bypass lane for the traffic that is not utilizing the high school or some of the people that are coming out of the 27th Avenue entrance. Up to the overpass they only have one lane on the overpass, they have approximately 900 feet for the traffic to merge over, they do not expect that to be a problem most of the students, younger drivers are going to be exiting out onto 30th Avenue they will continue north. Most of the parents who are dropping the children off will come out through the 27th Avenue signal and take the shoo-fly and will have 900 feet to merge in before they get to the overpass. Capacity wise the overpass will be no problem it can handle 16,000 cars a day going both ways. Currently they have about 2,200 using the overpass, the school is expecting to generate trips of about 2,800 vehicles, half of them are expected to go on 11th Street and head east.

The study did discuss about adding another lane onto the overpass; it is designed to add a future lane to make it a 4-lane grade separation. The study indicated that it is not necessary at this time but they believed that the City should keep it on the radar as the town grows and more business comes around the high school there will come a point in time where the City needs to do that. They did recognize that the City has it on the Six Year Plan; it is a big expenditure.

Council Member Buschkoetter asked aside from the expense would there be another reason to wait on that. He is remotely concerned on the merging of 900 feet which sounds good but they are dealing with some new drivers. Would there be a reason not to do it now. City Engineer stated no just trying to prioritize their jobs and it would be tough to currently get it done with everything going on right now from a contractor's standpoint; the high school work going on it would be difficult.

City Manager asked if you widened it, you really are not widening it for the kids going to the school you would be widening it for parents. The busier leg will be going north bound without a merge required that is the big difference. The other leg going west bound they will have to merge.

Mayor Clouse asked currently what is the City's traffic study. City Engineer stated 2,200 vehicles. Mayor Clouse asked how many vehicles with the 2-lane overpass. City Engineer stated the 2-lane can handle approximately 16,000 vehicles per day. There are no stopping conditions; it is a free flowing 2-lane of traffic.

Council Member Lear commented that does not assume when it says it has that kind of carrying capacity you are not saying 16,000 vehicles in an hour, but in a day. He has seen this in other traffic studies where he believed the study did a good job of generally projecting what traffic movements were going to be, like the weakness in terms of how he understood those studies was what it was going to do during those compact times of day. Like shortening left hand turn signal times, it sounds great in terms of general traffic and it is great for 22 hours of the day but then you have those other special events when you have more traffic. That is the thing that worries him, yes the bridge is designed to handle 16,000 but is it designed to handle 2,500 in a 45 minute window.

City Engineer stated the study looked at a 1-hour, 4-hour and 8-hour peak traffic and then the average daily traffic. It did look at a 1-hour consideration but they do not generally do the studies at peak events. Council Member Lear asked he assumes the 1-hour peaks were 8:00 a.m. and 3:30 p.m. City Engineer stated yes, they discussed with the school, the school was pretty involved in the study as far as the data collected.

Council Member Nikkila asked is each car counted once or once they arrive and once when they leave. City Engineer stated they are talking average daily traffic that means going to school and coming back would be counted as two. Council Member Nikkila stated 2,800 basically means 1,400 vehicles. City Engineer stated yes, 1,400 going and 1,400 coming back.

They asked them in the study to take a look at that fairly hard as far as the overpass because everyone had concerns about it. Mayor Clouse asked so if it is problematic what the response time to take care of it is. City Manager stated possibly one year and approximately \$2 million. When you look at the current high school situation and the merging into a left turn lane, it is far worse than this would ever be. Also the school will have different rules he believes about off campus lunch, the pedestrian traffic at the current situation is not good either so certainly they need to look at it and he has no problem with them going to have the design ready if necessary. Currently, the City does not have \$2 million; this project is already over \$1 million in City funds.

City Manager stated the car that will be heading north bound on 30th Avenue going over the overpass will not change lanes. City Engineer stated that is correct, the students coming out will stay in the left lane straight over the overpass. The city traffic passing by or the parents will be in the right lane heading north, shoo-flying by and will have to merge into left lane before they get to the overpass.

Council Member Lear stated everything here will probably be better than what they have today. At the end of the day it is a better traffic situation than at their current location so that is a positive. The big concern is the 900 feet of merge going north bound to the extent that those mergers are occurring during a peak traffic time – that is probably going to be the most problematic.

City Manager stated another thing that they did is the traffic signal on 27th Avenue. It is a close call whether it is necessary at this time but in order to gain some delays and gaps and to allow for that north bound traffic. That is one of the reason they looked at that very strongly to go ahead and do it plus this all can change if Central Community College goes forward. That will be another issue on the 27th Avenue corridor so he directed staff to go ahead and proceed. Phase 1 would have been everything but the 27th Avenue signal and the City did not really budget for the 27th Avenue signal but they are going to have to figure out how to do that which would be Phase 2 and Phase 3 will be the overpass.

City Engineer stated one other fix they could look at but would hate to do it, they could go to a 4-lane intersection, take the median and shoo-fly lane out and then you are not merging traffic. Then you are not merging traffic the signal is controlling it but you lose a lot of capacity, it just does not make sense at this point.

Council Member Lear stated most time it will not be an issue, 23 hours a day it is not going to be an issue and there will be some relief because while the light is red will create a gap. City Engineer stated combine that with the fact that rush hour going through here for bypassing traffic will be done at 5:00 p.m.

Council Member Lammers asked on 27th Avenue at some point will Kea West go all the way over to Talmadge so there is another out for the high school going to the south. City Engineer stated this development does not go that far and pose that question but yes they are counting on that at some point in time they would like to see that happen.

City Manager stated the problem is when they get them there they have nowhere to take them. They will move them from a signalized section unless they signalize Kea West into a gravel road going south to Talmadge Street that is gravel hopefully someday. They did talk with the developer, the hospital development about that potential but part of the concern and that is why in the perfect world you are able to achieve that and make the signal demand even less than it is but at the same time they found given the circumstances it made sense to proceed with the signal on 27th Avenue. For a lot of hours of the day people are going to complain about stopping at 27th Avenue but it will be an on demand system.

Mayor Clouse asked structurally the overpass, are there issues with it. City Manager stated no, it can carry the load of traffic, the challenge is you have to have accessibility. Mayor Clouse asked does it need any repair or any concrete to be done. City Engineer stated there is some general maintenance not a big deal. It is a fairly new structure. It was designed to handle more lanes of traffic, they just need to set the girders and pave a little further.

City Manager stated we wish that years ago, glad that they did that but the cost is going to be a lot more today than if they would have done it back then. The railroad paid a good portion of that when it was done years ago. He thinks what the City needs to do is get the plans and specifications ready for the future widening and have it ready to go. It will be a learning experience for everyone. Law enforcement is going to have some additional work, students and parents are going to learn and adapt.

City Engineer stated they would propose to get a left turn lane on 11th Street to get into the high school on 27th Avenue. They are looking ahead into the future thinking they will need left turn lanes at some point going to the property to the north so they are constructing that, they are building it right.

Council Member Nikkila asked how many cars can stack in the left turn lane. City Engineer stated he believes it is approximately 250 feet long so you are looking at around 15 cars.

Council Member Buschkoetter asked there will be a light at 27th Avenue, another light on 2nd Avenue that is a pretty wide stretch for somebody that lives for example on 13th Avenue and turns left heading to the east. There will be no lights except for the Kenwood School crossing light. When there is a lot of traffic on 11th Street there will not be any gaps to turn left down there correct. City Engineer stated 27th Avenue will help platoon the traffic and bring it down a little bit better but you have such a gap that traffic will fill in. The 2,200 vehicles per day, half of them are going east in the morning so it will platoon them. They have never looked at putting in a signal to gain gaps. He does not know if they can make that work.

City Manager stated it is a good question and something they will have to watch. Council Member Buschkoetter stated one thing about the current location of the school there is a reason to have a stoppage ever 4-5 blocks.

Moved by Nikkila seconded by Lear that Subsections 1 through 9 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held December 23, 2014.

2. Approve the following Claims:

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

Ace Irrigation \$103.00 smcs; Alamar Uniforms \$637.57 smcs; Alfred Benesch \$2,733.69 smcs,co; All Makes Auto Supply \$778.73 smcs; Amazon \$530.22 smcs; Amer First Aid \$247.82 smcs; Andersen,B \$128.10 smcs; Anderson Bros \$467.58 smcs; Anderson,B \$40.00 smcs; Antelope Newspaper \$80.00 smcs; Arch \$75,000.00 smcs; Ask Supply \$356.07 smcs; Baird Holm \$1,500.00 smcs; Baker & Taylor \$4,634.19 smcs; Beckenhauer,T \$11.00 smcs; Beehive Industries \$11,546.00 smcs; Blackstone Audio Books \$575.73 smcs; Blessing \$92,861.32 co; BlueCross BlueShield \$189,942.40 smcs; Bosselman \$3,101.04 smcs; Broadfoot's \$65.00 smcs; Bryn,T \$65.00 smcs; Buffalo Co Election \$1,692.51 smcs; Buffalo Co Register Deeds \$98.00 smcs; Buffalo Co Sheriff \$154,833.75 smcs; Buffalo Co Treasurer \$18,750.00 smcs; Builders \$177.06 smcs; Burke,M \$2,500.00 smcs; CANDO \$3,000.00 smcs; Capital Business Systems \$169.93 smcs; Capstone Press \$43.48 smcs; Cash-Wa \$136.40 smcs; Central Fire &

Safety \$782.00 smcs; Central NE Bobcat \$14,404.02 co; Charter \$203.24 smcs; Chief Supply \$330.11 smcs; City of Ky \$373,380.83 smcs,ps; Cleveland,E \$685.00 smcs; Clinch Enterprises \$4,124.86 smcs; Clipper Herald \$505.00 smcs; Complete Music \$355.00 smcs; Copycat \$270.24 smcs; Cullen,M \$37.44 smcs; D&M Security \$64.50 smcs; Danko Emergency \$895.01 smcs; Dawson PPD \$2,383.84 smcs; Dell \$4,843.57 smcs; Demco \$73.95 smcs; Depository Trust \$46,282.50 ds; Dish \$95.00 smcs; Eakes \$1,768.86 smcs; Eggen,M \$260.00 smcs; Eirich,T \$50.00 smcs; Elliott Equipment \$6,281.53 smcs; Endress+Hauser \$4,628.76 smcs; Ensz,B \$60.00 smcs; Evers,B \$765.00 smcs; Expression Wear \$1,273.50 ps; Farmers Union \$808.00 smcs; Feld Fire \$368.00 co; Fireguard \$30,822.83 co; Flaherty,T \$524.00 smcs; Fountain Hills Properties \$16,930.51 co; French,V \$20.00 smcs; Friesen Chevrolet \$4,200.38 smcs; Frontier \$82.43 smcs; Gale \$22.49 smcs; Gaylord Bros \$160.11 smcs; GCSAA \$375.00 smcs; GPM \$1,825.05 smcs; Gray,C \$240.00 smcs; Harshbarger,K \$7.28 smcs; HD Supply \$5,488.76 smcs; Heartland Strategy Group \$5,000.00 smcs; Heiman Fire Equipment \$2,264.09 co; Highland Park \$1,812.85 smcs; Hinrichs,S \$140.60 smcs; HOA Solutions \$1,219.20 smcs; Hometown Leasing \$423.12 smcs; ICMA RC \$8,425.13 ps; IRS \$274,294.60 ps; Jack Lederman \$610.33 smcs; Johnson Service \$375.00 smcs; Ky Area United Way \$584.00 ps; Ky Chamber Comm \$112.88 smcs; Ky High School \$3,000.00 smcs; Ky Hub \$7,332.68 smcs; Ky Humane Society \$7,166.25 smcs; Ky Visitors Bureau \$31,849.52 smcs; Kendrick,C \$18.53 smcs; KHGI-TV \$4,110.00 smcs; Knipping,D \$128.10 smcs; Konica Minolta \$286.63 smcs; Leach,C \$128.10 smcs; Magic Cleaning \$4,690.00 smcs; Mail Express \$6,885.29 smcs; Marlatt Machine Shop \$123.48 smcs; Masonic Temple Assoc \$150.00 smcs; Matheson-Linweld \$35.03 smcs; Medicap Pharmacy \$8,925.00 ps; Meier,B \$450.00 smcs; Menards \$385.83 smcs; Metal Doors & Hardware \$401.40 smcs; Metlife \$8,487.39 ps; Midlands Contracting \$684,628.83 co; Midwest Pump \$51.32 smcs; Midwest Radar \$1,000.00 smcs; Milco Environmental \$4,204.50 smcs; Miller & Associates \$451,049.20 smcs,co; Mindmixer.com \$250.00 smcs; Minitex \$1,388.00 smcs; Moonlight Embroidery \$176.00 smcs; Moore,K \$60.00 smcs; Municipal Supply \$23,613.58 smcs; Navigator Motorcoaches \$2,560.00 smcs; NE Assoc Airport Officials \$250.00 smcs; NE Aviation Council \$190.00 smcs; NE Child Support \$5,465.16 ps; NE Dept of Revenue \$77,913.70 smcs,ps; NE Public Health \$1,028.00 smcs; NE Safety & Fire \$299.00 smcs; Nelsen,C \$94.00 smcs; Noetzelman,J \$128.10 smcs; Norm's Plumbing \$390.00 smcs; Northwestern Energy \$13,930.61 smcs; Oak Creek Engineering \$3,167.80 smcs; Office Depot \$140.34 smcs; One Call Concepts \$235.45 smcs; O'Reilly Automotive \$492.31 smcs; Overhead Door \$100.00 smcs; Paramount \$378.87 smcs; Payflex Systems \$565.25 ps; Platte Valley Comm. \$4,436.45 smcs; Platte Valley Labs \$62.50 smcs; Presto-X \$1,106.77 smcs; Public Grants & Training \$617.46 smcs; Pulliam,R \$40.00 smcs; Quatred \$1,165.93 smcs; Quill \$65.94 smcs; Random House \$108.75 smcs; Ready Mixed Concrete \$320.20 smcs; Recognition Unlimited \$230.80 ps; Recorded Books \$333.94 smcs; Reicks,C \$45.00 smcs; Reinke's Refrigeration \$101.62 smcs; Resource Management \$268.80 smcs; Rheome Tree \$770.00 smcs; Rivershore \$312.00 smcs; RR Donelley \$483.68 smcs; Safe Cutter \$90.00 smcs; Sage,P \$77.57 smcs; Salter,J \$37.28 smcs; Sapp Bros \$33,991.40 smcs; Scholwin,R \$21.66 smcs; School District #7 \$821.35 smcs; Sensus Metering \$1,784.47 smcs; SOS Portable Toilets \$117.00 smcs; State of NE/AS Central \$3,653.35 smcs; Stegeman Solutions \$5,964.00 smcs; Stepanek,J \$46.24 smcs; Sun Life Financial \$61,475.20 smcs; Tacha,J \$50.00 smcs; Theis,G \$40.10 smcs; Titan Machinery \$9,338.59 smcs; Tye Law Firm \$12,156.49 smcs,ps; Underground Construction \$1,300.00 co; Union Bank & Trust

\$134,358.73 ps; Verizon \$1,279.63 smcs; Village Cleaners \$383.66 smcs; Watchguard Video \$403.00 co; Water Environmental \$124.00 smcs; Wegner,C \$0.18 smcs; Weis Equipment \$1,040.00 smcs; Weller,B \$53.28 smcs; Wellness Council \$97.20 ps; West Villa Animal \$101.25 smcs; Yanda's Music \$1,265.77 smcs; Zimmerman Printers \$90.75 smcs; Payroll Ending 12-27-2014 -- \$380,098.95 and Payroll Ending 1-10-2015 - - \$372,314.69. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Approve the Plans and Specifications for the 2014 Part 11 Improvements consisting of Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet; Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850[±] feet as platted in Lot 1, Bearcat Corner; and Paving Improvement District No. 2014-971 for 30th Avenue from 11th Street south a distance of 1,500[±] feet as platted in Lot 1, Bearcat Corner and set the bid opening date for February 4, 2015 at 2:00 p.m.

4. Adopt **Resolution No. 2015-6** accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for East 56th Street Estates.

RESOLUTION NO. 2015-6

WHEREAS, on the 10th day of April, 2012 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2012-58 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Dan Roeder to construct the paving, water, sanitary sewer and storm sewer for East 56th Street Estates to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the public improvements constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney for the construction of paving, storm sewer, water and sanitary sewer to serve the property described for East 56th Street Estates to the City of Kearney, Buffalo County, Nebraska and that the said public improvements be and are hereby accepted.

PASSED AND APPROVED THIS 13TH DAY OF JANUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Adopt **Resolution No. 2015-7** accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Lots 7 through 12 of Block One, Eastbrooke Eleventh, Lots 1 through 6, Eastbrooke Twelfth, Lots 2 and 3 of Block Five and Lots 1 through 4 of Block Six, Eastbrooke Eighth, an addition to the City of Kearney.

RESOLUTION NO. 2015-7

WHEREAS, on the 26th day of June, 2012 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2012-100 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Richard Poston, Trustee of the Richard L. Poston Revocable Trust and Stephen Beall to construct the paving, water, sanitary sewer and storm sewer for Lots 2 and 3 of Block Five and Lots 1 through 4 of Block Six, Eastbrooke Eighth Addition; Lots 7 through 12 of Block One, Eastbrooke Eleventh Addition; and Lots 1 through 4 of Block Six, Eastbrooke Twelfth Addition, all in the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the public improvements constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney for the construction of paving, storm sewer, water and sanitary sewer to serve the property described for Lots 2 and 3 of Block Five and Lots 1 through 4 of Block Six, Eastbrooke Eighth Addition; Lots 7 through 12 of Block One, Eastbrooke Eleventh Addition; and Lots 1 through 4 of Block Six, Eastbrooke Twelfth Addition, all in the City of Kearney, Buffalo County, Nebraska and that the said public improvements be and are hereby accepted.

PASSED AND APPROVED THIS 13TH DAY OF JANUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Adopt **Resolution No. 2015-8** accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Lots 1 through 24, Fountain Hills Third Addition.

RESOLUTION NO. 2015-8

WHEREAS, on the 28th day of May, 2013 the President and Council of the City of

Kearney, Nebraska passed and approved Resolution No. 2013-83 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Fountain Hills Properties LLC, a Nebraska Limited Liability Company by and through Steven D. Craig, Member, Carol J. Craig, a Nebraska Limited Liability Company to construct the paving, water, sanitary sewer and storm sewer for Fountain Hills Third Addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the public improvements constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney for the construction of paving, storm sewer, water and sanitary sewer to serve the property described for Fountain Hills Third Addition to the City of Kearney, Buffalo County, Nebraska and that the said public improvements be and are hereby accepted.

PASSED AND APPROVED THIS 13TH DAY OF JANUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

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 in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on January 31, 2015 from 4:00 p.m. until 12:00 a.m. for a Christmas party.

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 in the Exposition Building and the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on February 14, 15, 16, 17, 18, 19, 20, 21, 22, 2015 from 11:00 a.m. until 12:00 a.m. for the Cattlemen's Classic.

9. Adopt **Resolution No. 2015-9** approving the Developer Constructed Infrastructure Agreement between the City of Kearney and the University of Nebraska at Kearney for the construction of paving, water, sanitary sewer and storm sewer improvements for the University Village Phase 1 project.

RESOLUTION NO. 2015-9

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Development Agreement for University of Nebraska at Kearney, University Village Phase 1" between the City of Kearney and the University of Nebraska Board of Regents, for the construction of paving, water, sanitary sewer and storm sewer improvements to serve Lots 9 through 24 except the north ten feet thereof, Lincoln Way Villa Plots, an addition to the City of Kearney, Buffalo County, Nebraska, and unplatted land owned by the University located south of the previously mentioned lots and North Railroad Street, all in the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 13TH DAY OF JANUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

2014 AUDIT

Mayor Clouse opened for discussion the presentation from McDermott & Miller the City of Kearney Annual Financial Report.

Mindy Oman from McDermott & Miller presented this matter to the Council. They audited the financial statement as of September 30, 2014 prepared by City staff and the Finance Director. They had no problems with the information as it was presented to McDermott & Miller. Assets exceeded liabilities which is called net position by \$207,490,160 at the end of the year. This was an increase of \$12,321,965 over last year which is 6.3 percent. Over the last six years net position has increased from \$152 million to \$207 million that is an increase of \$55 million in the 6-year period. The total debt of the City increased by only \$44,000 which was .1 percent during this year. The City's general fund which is the City's main operating fund had an increase of \$1,277,000 which is the City's revenues are more than what the City spent. The proprietary funds which is mainly the utilities funds the net position increased by \$2,658,000 over the last year.

The two biggest capital asset projects were the Kearney East Bypass and the multi service aircraft hangar at the Airport. Overall, the City of Kearney is in really good shape financially and should be proud. The Finance Director does a great job along with his staff and the City has very good people looking after the money of the City.

Moved by Lear seconded by Buschkoetter to accept the City of Kearney Annual Financial Report prepared by the accounting firm of McDermott & Miller. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

ORDINANCE NO. 7962 AMENDING SECTION 3-1313.2 OF CITY CODE

Police Chief Dan Lynch presented this matter to the Council. He would offer the opportunity to amend existing code to include making it unlawful to possess an open container of an alcoholic beverage on public property. The City has some gatherings throughout the year that challenges them to maintain and make safe, not the least of which is Cruise Nite; however, that is not the only event the City has. Because of this, City Council enacted a consumption ordinance which has helped in some ways but it is still limiting because it requires the officers to actually observe someone consuming something that is found to be an alcoholic beverage. The only other open container statute available only implies within a vehicle and this amendment would give them tools to deal with things before they get out of hand.

Their goal would be to contain and have no intention for using this for any other reason to try and address those problem issues that are given to law enforcement at these gatherings. This really only applies to open, unsealed containers so that a person who might have purchased some alcohol and was trying to get from the street to their home, this does not affect them. This was developed and proposed in some ways by members of the Buffalo County Health Partners and the Be Safe, Be Smart group. As they did try to address those issues associated with Cruise Nite. That group is made up of Health Partners and other representatives from property owners, property managers, residents as well as UNK has played a big role and it is something the group has felt strongly about and that is one of the reason they brought to City Council.

Council Member Lammers asked the way it is worded is it only public sidewalks. Chief Lynch stated it is the area that is public right-of-way that would include the street, the sidewalks, alleys, etc. There is property in most areas that belongs to the public between the sidewalks and the curbs and so that area too would be included.

Council Member Buschkoetter asked so there is a line of demarcation. If friends would be around a fire pit in his driveway, in the driveway would be okay but there would be a line if they moved further towards the street where the sidewalk is it. Chief Lynch stated generally speaking the best guide would be a sidewalk where they exist. There is an area in between that is provided to the City as public right-of-way on almost all streets. It is legal in your yard, driveway, backyard, whatever property is yours to control.

Council Member Nikkila asked about places like Tru Café, there is an exception in the code for people who have a liquor license that allows them to do that correct. Police Chief stated where it has been permitted or a special designated license in the public right-of-way has been approved by the City Council and a permit issued then it is appropriate and not unlawful. This is only in the areas where that has not occurred.

Council Member Buschkoetter introduced Ordinance No. 7962 amending Section 3-1313.2 "Alcoholic Beverages; Places Where Drinking Prohibited" to include language prohibiting any person to possess an open container of alcoholic liquors on public sidewalks, 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. 7962 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. 7962 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. 7962 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.

OPEN ACCOUNT CLAIM

Moved by Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$7,075.48 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

City Manager Michael Morgan stated they are working through various discussions regarding the Vets Home and design. They are pleased with Federal Funding announcement that they are proceeding and working with a local architecture firm to move toward the final design. They were past 35 percent design. That project gets asked a lot of questions but a likely going out to bid will not be until the end of 2015 so there is a lot of process that you have to go through but it is on schedule with respect to that.

Council member Buschkoetter stated had a nice opportunity to be able to say some nice things about Don Kearney after his passing and still keeping him in his thoughts. A lot of times especially when City Council would have a financial report or something like that he would look at Don and say what questions do you have because he asked better questions than he would ever be able to come up with. That was part of tremendous amount of guidance that he was able to provide them.

Another thing he remembers most about Don is he was involved in one of the great love stories he has ever known and that was how he took care of his wife.

VIII. ADJOURN

Moved by Buschkoetter seconded by Lammers that Council adjourn at 6:42 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**