

Kearney, Nebraska
February 10, 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 February 10, 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; Bruce Grupe, City Engineer; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Some of the citizens present in the audience included: Rich Broderson, Doug Brummels, Mike Huffaker, Craig Bennett, Mitch Humphrey, Tom Daley, Steve Altmaier from KGFW Radio, Ashley White from Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

Boy Scouts 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

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

LAND USE MAP AMENDMENT FOR NORTH OF 15TH STREET AND WEST OF AVENUE M

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

Mayor Clouse opened the public hearing on the Application submitted by Douglas and Heather Brummels for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential to Mixed Density Residential property described as Lots 3, 4 and 5, Codner Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, TOGETHER WITH the vacated south 180.75 feet of Avenue L abutting Lots 3 and 5, Codner Subdivision and abutting part of Lot 3 and all of Lots 4, 5 and 6, Warwick Place, AND TOGETHER WITH the vacated north 7 feet of 15th Street abutting Avenue L on the south (north of 15th Street and west of Avenue M) and consider Resolution No. 2015-16. Planning Commission recommended approval.

The applicant is requesting approvals to amend the Future Land Use Map of the City of Kearney Comprehensive Development Plan and to rezone property to allow a higher density. This property consists of three platted lots and part of a vacated street as follows; Lots 3, 4, and 5, Codner Subdivision together with the vacated east 40 feet of the south 180.75 feet of Avenue L abutting Lots 3 and 5 and the vacated north 7 feet of 15th Street abutting Avenue L on the south. The property is currently zoned R-1 and comprises approximately one acre in aggregate.

The subject property is currently designated as "Low Density Residential" and the applicant is requesting a change to "Mixed Density Residential" which corresponds to the requested zone change from R-1 to R-2.

The applicant would like the flexibility to construct duplex units on the property in question and is therefore requesting rezoning from District R-1, Urban Residential Single-Family District to District R-2, Urban Residential Mixed-Density District. Although the property immediately abutting the subject property to the north is zoned R-1, there is existing R-2 zoning in the neighborhood to the west and also recently rezoned property to R-2 for Habitat for Humanity and Taylor Addition on the east side of Avenue M.

Doug Brummels presented this matter to the Council. He would like the flexibility to build duplexes on Lots 3, 4 and 5 of Codner Subdivision and the east half of Warrick Subdivision. The ground has never been built on. Currently on Lot 3, he is moving a house that was previously south of the courthouse on this lot. Lot 3 will never have a duplex on it. The basement that he is putting in there is not made for duplexes, it is for single family.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2015-16** approving the Application submitted by Douglas and Heather Brummels for

an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential to Mixed Density Residential property described as Lots 3, 4 and 5, Codner Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, TOGETHER WITH the vacated south 180.75 feet of Avenue L abutting Lots 3 and 5, Codner Subdivision and abutting part of Lot 3 and all of Lots 4, 5 and 6, Warwick Place, AND TOGETHER WITH the vacated north 7 feet of 15th Street abutting Avenue L on the south. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2015-16

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being Lots 3, 4 and 5, Codner Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, TOGETHER WITH the vacated east half of the south 180.75 feet of Avenue L abutting Lots 3 and 5, Codner Subdivision AND TOGETHER WITH the vacated north 7 feet of 15th Street abutting the east half of vacated Avenue L on the south (north of 15th Street and west of Avenue M), from Low Density Residential to Mixed Density Residential, and

WHEREAS, the said application for change in the Comprehensive Land Use Plan has been approved by the City Planning Commission, after a public hearing properly published and held, and

WHEREAS, the City Council has held a public hearing upon the said revision and voted in favor of a motion to approve the change in the Land Use Plan as requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Low Density Residential to Mixed Density Residential the use classification for a tract of land being Lots 3, 4 and 5, Codner Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, TOGETHER WITH the vacated east half of the south 180.75 feet of Avenue L abutting Lots 3 and 5, Codner Subdivision AND TOGETHER WITH the vacated north 7 feet of 15th Street abutting the east half of vacated Avenue L on the south (north of 15th Street and west of Avenue M).

PASSED AND APPROVED THIS 10TH DAY OF FEBRUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING NORTH OF 15TH STREET AND WEST OF AVENUE M

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

Mayor Clouse opened the public hearing on the Application submitted by Douglas and Heather Brummels 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 3, 4 and 5, Codner Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, TOGETHER WITH the vacated south 180.75 feet of Avenue L abutting Lots 3 and 5, Codner Subdivision and abutting part of Lot 3 and all of Lots 4,

5 and 6, Warwick Place, AND TOGETHER WITH the vacated north 7 feet of 15th Street abutting Avenue L on the south (north of 15th Street and west of Avenue M) and consider Ordinance No. 7963.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Douglas and Heather Brummels 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 3, 4 and 5, Codner Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, TOGETHER WITH the vacated south 180.75 feet of Avenue L abutting Lots 3 and 5, Codner Subdivision and abutting part of Lot 3 and all of Lots 4, 5 and 6, Warwick Place, AND TOGETHER WITH the vacated north 7 feet of 15th Street abutting Avenue L on the south (north of 15th Street and west of Avenue M) and consider and introduced Ordinance No. 7963 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 7963. 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. 7963 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 Lear seconded by Buschkoetter that Ordinance No. 7963 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. 7963 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.

CONDITIONAL USE PERMIT FOR EAST OF CHERRY AVENUE ¾ MILE NORTH OF THE BYPASS

Mayor Clouse opened the public hearing on the Application submitted by Kappas Enterprises and Werner Construction, Inc. for a Conditional Use Permit to operate a gravel pit to produce aggregate for the Cherry Avenue Bypass project (Phases 2 and 3) and improvements to area roads on property zoned District AG, Agricultural District and described as being part of Government Lots 1, 2, 3 and 4 in Section 9, Township 8 North, Range 15 West of the 6th P.M., all in Buffalo County, Nebraska (east of Cherry Avenue ¾ mile north of the bypass) and consider Ordinance No. 7964. Planning Commission recommended approval with an extension clause that will allow Werner

Construction to continue operating at this location for an additional three years to December 31, 2019 subject to approval of the extension by Planning Commission and City Council.

The applicant is requesting approval for a Conditional Use Permit (CUP) to extract sand and gravel for the next two phases of the Cherry Avenue Bypass Project and perhaps longer if an extension is granted by the Planning Commission and City Council after completion of the bypass project. This site is the location of a temporary paving batch plant previously approved by the City alongside Cherry Avenue and the gravel mining will occur to the east. This CUP is subject to all applicable State and Federal laws and copies for State and Federal authorizations are requested for the City files.

The applicant has requested an additional three years to operate at this location once the bypass project is completed to continue to provide construction materials for area road construction projects. The requested extension is acceptable to staff with the understanding that Werner must receive authorization for the 3-year extension from Planning Commission and City Council at that time.

Mike Huffaker from Werner Construction presented this matter to the Council. He stated the special use permit is already in operation with Commercial Construction Inc. where they are using it as borrow for the project of the East Bypass so what they are doing is putting in a gravel pump and will be operating in the southeast part of it and anything they operate will be within the boundaries. They are going to start in the southeast corner and will stay within the pasture area.

Mayor Clouse asked the boundaries are what were approved previously. Mr. Huffaker confirmed.

Council Member Buschkoetter asked about traffic flow for the trucks coming in and out. Mr. Huffaker stated there is a haul road on the property and goes through the Werner mobile plant and comes back out on the spur. As they have been currently operating, they have been using the new highway going into the new project site and that is what they will continue to do but for the gravel operations the only place they are going on their mobile plant location and they are not adding any traffic.

Council Member Lammers asked with Cherry Avenue due to be completed by 2017, what was the reason for the extension going to 2019. Mr. Huffaker stated their hopes would be that more projects would be bid and come about and so they would like to operate the plant in the future at the same location for future projects.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by Kappas Enterprises and Werner Construction, Inc. for a Conditional Use Permit to operate a gravel pit to produce aggregate for the Cherry Avenue Bypass project (Phases 2 and 3) and improvements to area roads on property zoned District AG, Agricultural District and described as being part of Government Lots 1, 2, 3 and 4 in Section 9, Township 8 North, Range 15 West of the 6th P.M., all in Buffalo County, Nebraska (east of Cherry Avenue $\frac{3}{4}$ mile north of the bypass) subject to an extension

clause that will allow Werner Construction to continue operating at this location for an additional three years to December 31, 2019 subject to approval of the extension by Planning Commission and City Council and introduced Ordinance No. 7964 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 7964. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7964 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 7964 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7964 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

DEVELOPMENT OF STONERIDGE NINTH ADDITION; 5708 AVENUE I

Mayor Clouse opened the public hearing on the Applications submitted by Buffalo Surveying for NP Land Development, Inc. and Paul and Jaunita Koerner (1) to vacate Lot 14 of Block Two, Stoneridge Eighth Addition and consider Ordinance No. 7965; and (2) the Final Plat for Stoneridge Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the South Half of the Southeast Quarter of Section 24, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska and Lot 14 of Block Two (to be vacated), Stoneridge Eight Addition, an addition to the City of Kearney, Buffalo County, Nebraska (5708 Avenue I) and consider Resolution No. 2015-17. Planning Commission recommended approval.

The applicant is requesting approvals to vacate an existing platted lot and file a new plat with additional property included and added to the original lot. The additional property is unplatted so a Minor Subdivision cannot be used to create the new lot. This property is zoned R-1 and will remain as such. The property contains an existing single-family residence.

Lot 14 of Block 2, Stoneridge Eighth Addition will be vacated. The existing lot contains 18,443 square feet and backs to the lake at the Stoneridge development. The proposed subdivision, to be known as Stoneridge Ninth Addition, consists of the original lot area

of 18,443 square feet plus an additional 6,747 square feet for a total of 25,190 square feet. The owner of the property in question believes it would be beneficial to include the additional property for landscaping and additional open space.

Mitch Humphrey from Buffalo Surveying presented this matter to the Council. He stated the house site that the Koerner's presently have is located on Lot 14, Block 2 of Stoneridge Eighth which is at 5708 Avenue I. Back behind the house is a piece of property that has been left unplatted and is part of the lake area for the Stoneridge Lake. What the two parties have agreed to do is to transfer the unplatted land to the corner property so they will end up with approximately 25,200 square feet of platted lot. They want to vacate Lot 14, the corner lot as it sits currently and then add some unplatted land to it and the end result would be to create the one lot subdivision that would be known as Stoneridge Ninth.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Applications submitted by Buffalo Surveying for NP Land Development, Inc. and Paul and Jaunita Koerner for the vacation of Lot 14 of Block Two, Stoneridge Eighth Addition to the City of Kearney, Buffalo County, Nebraska and introduced Ordinance No. 7965 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. 7965. 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. 7965 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. 7965 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. 7965 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. 2015-17** approving the Final Plat for Stoneridge Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the South Half of the Southeast Quarter of Section 24, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska and Lot 14 of Block Two (to be vacated), Stoneridge Eight

Addition, an addition to the City of Kearney, Buffalo County, Nebraska (5708 Avenue I). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2015-17

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Stoneridge Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the South Half of the Southeast Quarter of Section 24, Township 9 North, Range 16 West of the Sixth P.M., Buffalo County, Nebraska, and all of Lot 14 (now vacated), Block 2, Stoneridge Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of the Southeast Quarter of Section 24, and assuming the South line of the Southeast Quarter of said Section 24 as bearing N89°11'17"E and all bearings contained herein are relative thereto; thence on the South line of the Southeast Quarter of said Section 24, N89°11'17"E a distance of 1073.50 feet; thence leaving the South line of the Southeast Quarter of said Section 24, N00°48'43"W a distance of 50.0 feet to a point on the North line of 56th Street, a street in the City of Kearney, Buffalo County, Nebraska, said point also being the Southwest Corner of Lot 16, Block 2, Stoneridge Eighth Addition; thence on the West line of said Lot 16, Block 2, N14°49'49"E a distance of 129.81 feet; thence continuing on the West line of said Lot 16, Block 2, N00°48'43"W a distance of 175.00 feet to the Northwest Corner of said Lot 16, Block 2; thence on the North line of said Lot 16, Block 2 and parallel with the South line of the Southeast Quarter of said Section 24, N89°11'17"E a distance of 150.98 feet to the ACTUAL PLACE OF BEGINNING; thence continuing on the North line of said Lot 16, Block 2 and parallel with the South line of the Southeast Quarter of said Section 24, N89°11'17"E a distance of 118.30 feet to the Southeast Corner of Lot 14 (now vacated), Block 2, said point also being the Southwest Corner of Lot 15, Block 2, Stoneridge Eighth Addition; thence on the line common to Lot 14 (now vacated) and Lot 15, Block 2, Stoneridge Eighth Addition, N29°18'53"E a distance of 159.46 feet to the Northwest Corner of Lot 15, Block 2, Stoneridge Eighth Addition, said point also being on the Southwesterly line of Avenue I, a street in the City of Kearney; thence on the Southwesterly line of said Avenue I and on a 130.00 foot radius non-tangent curve, concave northeasterly, forming a central angle of 25°50'26" an arc distance of 81.32 feet to the Southeast Corner of Lot 13, Block 2, Stoneridge Eighth Addition, said point bears N42°45'54"W a chord distance of 80.00 feet from the previously described point; thence leaving the Southwesterly line of Avenue I and on the line common to Lot 13 and Lot 14 (now vacated), Block 2, Stoneridge Eighth Addition, S65°09'19"W a distance of 150.00 feet to the Southwest Corner of said Lot 13, Block 2, said point also being the Northwest Corner of Lot 14 (now vacated), Block 2, Stoneridge Eighth Addition; thence S24°50'41"E a distance of 25.00 feet to a point of curvature; thence on a 73.00 foot radius curve to the right forming a central angle of 72°14'16" an arc distance of 92.04 feet; thence leaving said curve, S00°48'43"E a distance of 29.39 feet to the place of beginning, containing 0.58 acres, more or less, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and

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

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

PASSED AND APPROVED THIS 10TH DAY OF FEBRUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

DEVELOPMENT OF FULLER AND DALEY FIRST ADDITION

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company (1) to vacate part of Lot 1 of Block One, G & K Addition being a tract of land being part of the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 7966; and (2) the Final Plat for Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 13th Avenue) and consider Resolution No. 2015-18.

The applicant is requesting approval to vacate part an existing subdivision and then replat this area into a new subdivision. This property is zoned M-1 and will remain as such. The size of the property is 2.27 acres.

The south 200 feet of the east 494 feet of Lot 1, Block 1, G & K Addition is proposed for vacation. This property will be subdivided into a new 4-lot industrial subdivision. The proposed subdivision, to be known as Fuller and Daley First Addition, consists of four lots on 2.27 acres. The corner lot (Lot 1) at the intersection of 11th Avenue and 16th Street is the largest lot at 193' x 200' or 38,694 sq. ft. (0.89 acres). The three lots to the west are all 100 feet in width and 200 feet deep (20,000 square feet/.49 acres). All public infrastructure is available to these lots.

Craig Bennett from Miller & Associates presented this matter to the Council. He stated the site that they are looking at tonight has gone through Planning Commission prior to tonight and it was before City Council but tabled three times and withdrawn. What they have done is reduced the amount of area they are choosing to plat at this particular time. Basically, what was before you and tabled last fall was the platting of the area so they are coming through with just the first phase and not creating all of the lots at this particular time.

The current zoning is M-1 and they are not asking for that to be changed. The area is located in the southeast corner of Lot 1, Block 1, G & K Addition and so before City Council tonight is a vacation of that portion of Lot 1 leaving flagged lot of Lot 1 just vacating. The Final Plat would be a 4-lot subdivision and would remain M-1 and in the

overall master plan that they had before which was withdrawn was to be storage units and that is still the intent.

Mayor Clouse asked are there a lot of issues on the remaining parcel in the flagged area. Mr. Bennett stated what they have done is made provisions so that 13th Avenue would have the availability to have the lot brought back over to it if needed and would be able to circulate through the development area.

Mayor Clouse asked if the Council would be seeing something on that in the near future. Mr. Bennett stated essentially it does become expensive if you are platting all of the lots at one time. Mayor Clouse asked about traffic issues. Mr. Bennett stated what they had before allowed public access in and through from 13th Avenue to 15th Avenue so he would say at some point down the road they would be coming back with that circulation issue.

Council Member Buschkoetter asked each of the four lots would have access on and off of 16th Street and Mr. Bennett confirmed.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Applications submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company for the vacation of part of Lot 1 of Block One, G & K Addition being a tract of land being part of the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and introduced Ordinance No. 7966 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 7966. 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. 7966 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 Clouse seconded by Lammers that Ordinance No. 7966 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. 7966 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 Lammers seconded by Nikkila to adopt **Resolution No. 2015-18** approving the Final Plat for Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 13th Avenue). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2015-18

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being a vacated part of Lot 1 of Block One, G & K Addition to the City of Kearney in the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to a 3/4" iron pipe at the Northwest Corner of the Southwest Quarter of Section 2 and assuming the West line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on said West line of the Southwest Quarter a distance of 608.03 feet to a 5/8" rebar at the Northwest Corner of Sun West Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and on the Westerly Extension of the North line of 16th Street, a street in the City of Kearney; thence N89°16'35"E on the North line of said Sun West Third Addition and on said North line of 16th Street a distance of 1084.19 feet to a 5/8" rebar at the Southwest Corner of Lot 1, Block One, G & K Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing N89°16'35"E on said North line of 16th Street a distance of 518.04 feet to the ACTUAL POINT OF BEGINNING; thence continuing N 89°16'35" E on said North line of 16th Street a distance of 493.47 feet to a chiseled X in concrete at the centerline of 11th Avenue, a street in the City of Kearney (now vacated); thence N00°27'30"W on said centerline of vacated 11th Avenue a distance of 200.00 feet to a 5/8" rebar with cap; thence S89°16'35"W parallel with said North line of 16th Street a distance of 494.40 feet to 5/8" rebar with cap; thence S00°43'25"E perpendicular to said North line of 16th Street a distance of 200.00 feet to the Point of Beginning, containing 2.27 acres more or less, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

PASSED AND APPROVED THIS 10TH DAY OF FEBRUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Nikkila seconded by Lear that Subsections 1 through 13 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 January 27, 2015.

2. Approve the following Claims:

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

A-1 Refrigeration \$4,500.00 co; Alamar Uniforms \$223.80 smcs; Alfred Benesch \$1,456.18 co; Ally B Designs \$125.00 smcs; Amazon \$2,113.87 smcs; Amer First Aid \$107.84 smcs; Anderson,B \$40.00 smcs; Arctic Refrigeration \$553.50 smcs; Ask Supply \$378.39 smcs; Aurora Coop \$25.92 smcs; Baker & Taylor \$3,016.20 smcs; Barney Abstract \$150.00 smcs; Barney Escrow \$250,140.04 co; Beacon-Observer \$26.00 smcs; Bike Shed \$4,044.00 smcs; Blackstone Audio Books \$359.97 smcs; Bluecross Blueshield \$87,474.81 smcs; Bosselman \$5,834.71 smcs; Buffalo Co Register Deeds \$132.00 smcs; Builders \$856.53 smcs,co; Capital Business Systems \$324.28 smcs; Cash-Wa \$102.94 smcs; Central Fire & Safety \$225.00 smcs; Charter \$69.68 smcs; Chief Supply \$21.09 smcs; City of Ky \$472,659.85 smcs,ps; Coast to Coast \$404.66 smcs; Community Action Partner \$2,534.89 smcs; Community Health Charities \$15.00 ps; Control Yours \$149.00 smcs; Credit Mgmt. Services \$25.43 ps; Cummins Central Power \$1,442.15 smcs; Danko Emergency \$3,116.52 smcs,co; Dawson PPD \$19,089.21 smcs; Dell \$1,550.00 smcs; Dowhy Towing \$400.00 smcs; Eakes \$320.04 smcs; Eirich,T \$50.00 smcs; Elliott Equipment \$861.51 smcs; EMC Ins \$1,208.33 smcs; ESRI \$6,900.00 smcs; Eustis Body Shop \$100.00 smcs; Farmers Union Coop \$700.00 smcs; Firehouse Software \$1,155.00 smcs; Flynn,B \$410.97 smcs; Frontier \$133.01 smcs; Garrett Tires \$1,393.80 smcs; Harshbarger,K \$440.97 smcs; HD Supply \$9,505.55 smcs; Hebb,D \$31.00 smcs; Hometown Leasing \$157.20 smcs; Humanities Nebraska \$75.00 smcs; IACP \$150.00 smcs; ICMA RC \$4,281.18 ps; Intermountain Sales \$2,170.00 smcs; IRS \$134,056.37 ps; Jack Lederman \$1.89 smcs; Kart-Man \$998.66 smcs; Ky Chamber Comm \$100.00 smcs; Ky Towing & Repair \$417.50 smcs; Ky United Way \$1,016.50 ps; Ky Visitors Bureau \$32,298.85 smcs; Lockmobile \$27.00 co; Magic Cleaning \$4,690.00 smcs; Matheson \$26.43 smcs; McInstosh,C \$14.00 smcs; Metlife \$12,384.87 ps; Mid NE Garage Doors \$100.00 smcs; Midlands Contracting \$700,389.37 co; Midwest Turf & Irrigation \$115,018.00 co; Miller & Associates \$1,800.00 co; Mirror Image \$222.70 smcs; MOCIC \$250.00 smcs; Municipal Emergency \$433.27 co; NE Child Support \$2,732.58 ps; NE Dept of Revenue \$60,273.53 ps; NE DOL/Boiler Inspection \$30.50 smcs; NE Environmental Product \$1,080.00 co; NE Fire Administrative \$15.00 smcs; NE Library Commission \$1,500.00 smcs; NE Safety & Fire \$96.43 smcs; NE Sec of State \$30.00 smcs; Norm's Plumbing \$478.30 smcs; Northwestern Energy \$8,503.27 smcs; Ohri,R \$410.97 smcs; O'Keefe Elevator \$382.68 smcs; Oreshkov,N \$410.97 smcs; Paramount \$167.82 smcs; Payflex Systems \$1,957.00 smcs,ps; Pitney Bowes \$75.98 smcs; Platte Valley Comm

\$3,079.54 smcs; Presto-X \$64.89 smcs; Pulliam,R \$40.00 smcs; R.C. Booth Enterprises \$28.50 smcs; Random House \$110.25 smcs; Recorded Books \$1,721.52 smcs; Rheome Tree \$355.00 smcs; Roesler,A \$569.77 smcs; RTI \$137.05 smcs; Sapp Bros \$13,414.32 smcs; School District #7 \$1,308.55 smcs; See Clear Cleaning \$8,500.00 smcs; Sherwin Williams \$46.89 smcs; Simco,B \$165.00 smcs; Snap-On Tools \$225.00 smcs; State of NE/AS Central \$3,918.67 smcs,co; Strategic Materials \$385.56 smcs; Sun Life Financial \$61,389.44 smcs; SunGard Public Sector \$195.00 smcs; Tacha,J \$50.00 smcs; Thompson Co. \$103.41 smcs; TransUnion Risk \$1,320.00 smcs; Tri-Cities Group \$1,088.00 smcs; Tye Law Firm \$11,866.45 smcs; Union Bank \$65,384.49 ps; UNL \$50.00 smcs; Van Diest \$4,228.39 smcs; Verizon Wireless \$1,392.75 smcs; Village Cleaners \$379.32 smcs; Wallace,T \$225.00 smcs; Wessels,W \$94.30 smcs; Wiederspan,R \$207.00 smcs; Payroll Ending 2-7-2015 -- \$373,811.38. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Adopt Resolution No. 2015-19 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Logan View Apartments for property described as the north 240 feet of Lots 2, 3 and 4 of Lincoln Way Villa Plots.

RESOLUTION NO. 2015-19

WHEREAS, on the 22nd day of July, 2014 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2014-141 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement for Logan View Apartments between the City of Kearney and Jean and Dan Wurtz, Trustees to construct the water and sanitary sewer for the north 240 feet of Lots 2, 3 and 4 of Lincoln Way Villa Plots, a subdivision of the City of Kearney located in Section 3, Township 8 North, Range 16 West of the 6th P.M., 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 water and sanitary sewer to serve the property described as the north 240 feet of Lots 2, 3 and 4 of Lincoln Way Villa Plots, a subdivision of the City of Kearney located in Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and that the said public improvements be and are hereby accepted.

PASSED AND APPROVED THIS 10TH DAY OF FEBRUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

- 4. Appointment of Randy Buschkoetter to serve on the Kearney Visitors Bureau, the appointment of Stanley Clouse and Bruce Lear to serve on the Buffalo County Economic Development Council, and the appointment of Jonathan Nikkila, Bob Lammers and Ron Hendrickson to serve on the Joint Airport Zoning Board.
- 5. Adopt **Resolution No. 2015-20** authorizing the Mayor to execute an Agreement between the City of Kearney and Conrad and Joan Smith allowing them to connect to Sanitary Sewer Connection District No. 2014-1 with regard to Lots 11 through 17, Riverside Addition.

RESOLUTION NO. 2015-20

WHEREAS, the City of Kearney is currently constructing Sanitary Sewer Connection District No. 2014-1 in Landon Street and within an easement; and

WHEREAS, Conrad and Joan Smith own Lots 11 through 17, Riverside Addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Smiths are requesting to connect to Sanitary Sewer Connection District No. 2014-1 as soon as possible for Lots 11 through 17, Riverside Addition; and

WHEREAS, an Agreement has been signed by Conrad and Joan Smith which would allow them to connect their developed property, Lots 11 through 17, to the sanitary sewer main and they have agreed to pay the connection fees for Lots 11 and 12 within sixty days of the connection fees being levied.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Agreement between the City of Kearney and Conrad I. Smith and Joan Smith. The said Agreement, marked Exhibit "A", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to file the Agreement at the Buffalo County Register of Deeds office.

PASSED AND APPROVED THIS 10TH DAY OF FEBRUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

- 6. Approve setting February 24, 2015 at 5:30 p.m. as the time and date to meet as the Board of Equalization to assess costs in connection with Sanitary Sewer District No. 2014-510.
- 7. Approve setting February 24, 2015 at 5:30 p.m. as the time and date to meet as the Board of Equalization to determine a connection fee in the amount of special benefits accruing to the property in Sanitary Sewer Connection District Nos. 2013-1 and 2013-2.
- 8. Accept the bids received for the purchase on a 10-cubic yard dump truck, snow plow and snow plow hitch for the Public Works Department and award the bid to

Nebraska Truck Center in the amount of \$149,966.00.

9. Approve the application submitted by Rick Shoemaker, Owner of Huss Livestock Market, to extend the permit to locate a manufactured home for security purposes located at 1202 West 19th Street for a period of one year.

10. Approve the application submitted by Rick Shoemaker, Owner of Huss Livestock Market, to extend Conditional Use Permit No. 2006-03 to stockpile snow and manure at 1202 West 19th Street for a period of one year.

11. Adopt **Resolution No. 2015-21** approving the Agreement between the City of Kearney and The Clark Enersen Partners for design services for the construction of the Kearney Youth Sports Complex.

RESOLUTION NO. 2015-21

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Agreement between the City of Kearney and The Clark Enersen Partners for design services for the construction of the Kearney Youth Sports Complex.

PASSED AND APPROVED THIS 10TH DAY OF FEBRUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Approve the bids received 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 adopt **Resolution No. 2015-22** awarding the bid to Blessing Construction in the amount of \$1,814,396.00.

RESOLUTION NO. 2015-22

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on February 4, 2015 at 2:00 p.m. 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

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$1,889,399.00; and

WHEREAS, the City has recommended the bid offered by Blessing Construction of Kearney, Nebraska in the amount of \$1,814,396.00 be accepted as the lowest

responsible bid for the 2014 Part 11 Improvements; and

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted and approved, that Blessing Construction be and is the lowest responsible bidder for the 2014 Part 11 Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Blessing Construction in the amount of \$1,814,396.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer's Opinion of Probable Construction Cost for in the amount of \$1,889,399.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 10TH DAY OF FEBRUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

13. Adopt Resolution No. 2015-23 on the intent to issue tax exempt bonds of 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.

RESOLUTION NO. 2015-23

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska (the "City"), as follows:

Section 1. The President and Council of the City hereby find and determine that it is necessary and appropriate to declare their official intent to issue tax-exempt bonds on behalf of the City and in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below.

Section 2. This resolution shall stand as a statement of the City's official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is as follows:

2014 Part 11 Improvements – Bearcat Corner Project

Paving Improvement District No. 2014-969	\$653,000.00
Paving Improvement District No. 2014-970	\$436,000.00
Paving Improvement District No. 2014-971	\$968,000.00

2. The maximum principal amount of debt expected to be issued for such project is \$2,057,000.00.

PASSED AND APPROVED THIS 10TH DAY OF FEBRUARY, 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

REVIEW ONE AND SIX YEAR STREET IMPROVEMENT PLAN

Mayor Clouse opened for review the One & Six Year Street Improvement Plan and set the public hearing for February 24, 2015 to adopt the One & Six Year Street Improvement Plan.

City Engineer Bruce Grupe presented this matter to the Council. He stated

The following is the proposed One Year Street Plan:

Location	Est. State Cost	Est. City Cost	Est. Total Cost
Cherry Avenue Phase II - 11th Street to 56th Street	\$22,200,000	\$322,084	\$22,522,084
Cherry Avenue Phase III - 56th Street to Glenwood Corners	\$11,760,000	\$240,000	\$12,000,000
Central Avenue from 26th Street to 31st Street		\$1,420,000	\$1,420,000
8th Street from 2nd Avenue to 3rd Avenue		\$606,000	\$606,000
Talmadge from 2nd Avenue to 150' West of 3rd Avenue		\$320,000	\$320,000
29th Street from 6th Avenue to 8th Avenue		\$417,000	\$417,000
Avenue N from 25th Street to 28th Street		\$1,100,000	\$1,100,000
4th Street from 3rd Avenue to 6th Avenue and from 2nd Avenue to Central Avenue 1960'		\$765,000	\$765,000
30th Avenue from 11th Street, South 1200'		\$1,200,000	\$1,200,000
Remington Drive, from L Avenue northwest 1500' to City Limits		\$375,000	\$375,000
East 69th Street, from L Avenue West to Remington Drive, 715'		\$179,000	\$179,000
K Avenue, from Remington Drive North to City Limits, 710'		\$177,500	\$177,500
I Avenue Place, from East 69th Street North to end of cul de sac, 200'		\$68,000	\$68,000
27th Avenue from 11th Street, South 850'		\$1,000,000	\$1,000,000
36th Street Place, from 29th Avenue East to End of cul de sac, 767'		\$460,200	\$460,200
11th Avenue, from 56th Street South to end of pavement 640'		\$384,000	\$384,000
55th Street Place, from 11th Avenue East to End of cul de sac, 422'		\$253,200	\$253,200
50th Street, from 125' West of 22nd Avenue West to 49th Street Place, 1388'		\$832,944	\$832,944
49th Street, 49th Street Place to Country Club Lane, 265'		\$159,234	\$159,234

49th Street Place, from 50th Street Southeast to End of cul de sac, 350'		\$225,000	\$225,000
49th Street, from Country Club Lane West to end of pavement, 345'		\$207,000	\$207,000
Country Club Lane, from 200' North of 48th Street North 750' to end of pavement		\$450,000	\$450,000
1st Avenue, from 560' North of 56th Street to 60th Street, 975'		\$585,000	\$585,000
17th Street, from M Avenue East 518'		\$310,800	\$310,800
19th Street, form D Avenue to E Avenue, 300'		\$108,000	\$108,000
	\$33,960,000	\$12,164,962	\$46,124,962

The following is the proposed Six Year Street Plan:

Location	Est. State Cost	Est. City Cost	Est. Total Cost
Central Avenue from 12th Street to 16th Street - Storm		\$2,600,000	\$2,600,000
Central Avenue from 16th Street to 18th Street - Storm		\$1,400,000	\$1,400,000
18th Street from Central Avenue to 1st Avenue - Storm		\$630,000	\$630,000
1st Avenue from 18th Street to South Railroad Street – Storm		\$1,400,000	\$1,400,000
30th Avenue from 39th Street North 2640'		\$2,700,000	\$2,700,000
Country Club Lane from 165' North of 37th Street to 39th Street - 410'		\$406,600	\$406,600
25th Street and 9th Avenue		\$350,000	\$350,000
39th Street from 30th Avenue West 5700'		\$2,300,000	\$2,300,000
31st Street and A Avenue intersection improvements		\$450,000	\$450,000
37th Street from Country Club Lane East to 38th Street, 421'		\$90,300	\$90,300
38th Street from Country Club Lane East to 37th Street, 504'		\$108,400	\$108,400
31st Street from Avenue E to Avenue I, 1300'		\$680,000	\$680,000
30th Avenue Bridge Expansion		\$2,000,000	\$2,000,000
56th Street, from 6th Avenue West 5600'		\$2,500,000	\$2,500,000
17th Avenue, from 1800' South of 56th Street to 56th Street		\$900,000	\$900,000
E Avenue, from 25th Street to 27th Street		\$340,000	\$340,000
46th Street Place, from R Avenue West to end of cul de sac, 310'		\$186,000	\$186,000
A Avenue, from 25th Street to 27th Street, 700'		\$462,000	\$462,000
	\$0.00	\$19,803,300	\$19,803,300

Council Member Lammers asked if the extension of 39th Street west would fall into a joint County/City road. City Manager Michael Morgan stated it does not; that is an unfunded project. The City has made some offers a few years ago to do some partnership with that but those funds have since been spent. With regard to Talmadge Road, the City is working with the County to at least do a gravel extension to Kea West. The Planning Commission has mentioned several times that they would like to see that pushed through as well as Public Safety, so the City is working with the County to determine if there can be some cost sharing and how they prioritize that and would like to get it at least graveled sooner than later.

Council Member Lear asked about the funding for some of the projects. City Manager stated several of them have been identified in the special sales tax. Council Member Lear asked if the map could have different color coding indicating which projects are using the special sales tax. City Manager stated staff could do that for them. It does say unfunded in the plan just not on a map so they can certainly identify those.

Council Member Nikkila stated he thinks it is important because there are five projects on the list that costs \$2 million each if not more so at some point City Council will have to prioritize, that would be helpful knowing. City Manager stated when you look at the plan it does show the funding sources.

Mayor Clouse asked about the Cherry Avenue project, will it be a roundabout at Glenwood Corners. Mr. Grupe confirmed. Mayor Clouse asked about 39th Street. Mr. Grupe stated there will be one on the main Cherry Avenue and one on the bypass. Mayor Clouse stated no roundabout on Cherry Avenue and 56th Street. Council Member Nikkila asked Cherry Avenue and 56th Street is just an intersection. There was discussion about roundabouts.

City Manager stated they will be able to get more serious in 3-4 years as they close in on the surface transportation funding returning back to the City which is \$600,000-\$700,000 a year and they can start looking at some of the large projects.

Council Member Lammers asked about 11th Street, he knows there are a lot of projects going on by the high school and that area but as they have added quite a bit of work and traffic has picked up over time that is starting to take a beating on 11th Street and it is showing the wear. Where does that fall into the City's projections down the road. Mr. Grupe stated they have an eye on it both sides east and west of 2nd Avenue.

City Manager stated when you look at these dollars; it is a long ways down the road. Some of the projects that they were so excited about when the City started received sales tax fund that they got accomplished; now they need repairs. 11th Street certainly needs repairs, that is one of the drivers for the Talmadge extension to determine if they can work it out with Buffalo County and they will have to look at the future paving of that for the same reason to reduce traffic on 11th Street because that area will have a lot more growth then what the City is aware. There will be a lot of cut through traffic they will learn about traffic patterns pretty quick.

There was discussion about residential streets being worked on in the future.

Moved by Clouse seconded by Lammers to set the public hearing for the One & Six Year Street Improvement Plan for February 24, 2015. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

ORDERING IN SIDEWALK AT 1320 5TH AVENUE

Mayor Clouse opened for discussion the ordering in sidewalk along 5th Avenue where sidewalk was removed and not replaced on property described as Lot 1 and the north 40 feet of Lot 2 of Block 28, Kearney Land and Investment Company's First Addition.

City Engineer Bruce Grupe presented this matter to the Council. He stated during the course 5th Avenue paving project a resident removed some sidewalk with the hopes of getting it put back himself and he has had phone conversations late last summer, sent a letter in October, another certified letter in January trying to encourage him to come talk to the City and set up a plan to get the sidewalk paved.

The final step is to bring this before City Council and ask you to order the construction of the sidewalk. They sent him a certified letter on January 2nd saying if he did not respond to the City with a plan they will come to the February 10th City Council meeting to discuss it. He did sign and receive that letter.

Council Member Nikkila asked if the sidewalk was taken out because of the construction or he chose to take it out at the same time that 5th Avenue was being worked on. Mr. Grupe confirmed. Council Member Nikkila asked it was not the cause of the construction that he had to take his sidewalk out. Mr. Grupe stated no, he wanted to improve his sidewalk at that time.

Moved by Lear seconded by Buschkoetter to adopt **Resolution No. 2015-24** ordering in sidewalk along 5th Avenue where sidewalk was removed and not replaced on property described as Lot 1 and the north 40 feet of Lot 2 of Block 28, Kearney Land and Investment Company's First Addition. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2015-24

WHEREAS, in the interest of public safety, the Kearney City Council hereby finds and determines that there is a necessity for certain sidewalks within the City of Kearney, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska that the owner of the following described property is hereby ordered to construct sidewalk along the abutting street where sidewalk does not already exist: Lot 1 and the north 40 feet of Lot 2 of Block 28, Kearney Land and Investment Company's First Addition to the City of Kearney, Buffalo County, Nebraska (1320 5th Avenue).

BE IT FURTHER RESOLVED that the Director of Public Works shall notify the said property owner that they have until May 1, 2015 to complete construction of the required walks. Should the owners not construct the sidewalk within the allotted period, the City shall then cause the construction of the sidewalk and the City Council will thereafter charge the cost of construction to the property owner as a special assessment.

PASSED AND APPROVED THIS 10TH DAY OF FEBRUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REDEVELOPMENT PROJECT FOR WILLIS STORAGE FACILITY; WEST 16TH STREET WEST OF 11TH AVENUE

Mayor Clouse opened for discussion the redevelopment project (Willis Storage Facility) for Redevelopment Area #5 for an area described as proposed Lot 1, Fuller and Daley First Addition to the City of Kearney, Buffalo County, Nebraska and to consider Resolution No. 2015-25. For the record, the agenda states proposed Lot 1 and it should be proposed Lot 3.

Assistant City Manager/Development Services Director Suzanne Brodine presented this matter to the Council. She stated the property that is being considered was also Public Hearing No. 5 on the agenda this evening for Fuller and Daley Addition. They are talking about the central lot. Marc Willis is proposing to construct storage units on the site. He has exceeded the requirements for M-1 District. It is a proposed 110' x 200' parcel and it's approximately 6,700 square foot building that they will be putting up. The CRA recommended approval for \$35,496 in tax increment financing.

Council Member Nikkila asked what period of time is it over. Ms. Brodine stated it would go up to the maximum time of 15 years or until that \$35,000 amount is reached. They estimate that \$35,000 would be reached in approximately 5-6 years at 100 percent.

Moved by Buschkoetter seconded by Clouse to adopt **Resolution No. 2015-25** finding that the redevelopment project set forth in the application submitted by Marc and Melissa Willis for Willis Storage Facility would not be economically feasible without the use of tax-increment financing, that the proposed redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing and, that the costs and benefits of the proposed redevelopment project are found to be in the long term best interests of the community; and further move that the redevelopment project be granted up to a maximum of \$35,496 payable until the 15-year TIF period expires be granted; and further move granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Marc and Melissa Willis for Willis Storage Facility. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2015-25

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1991, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area #5 pursuant to

Section 18-2111 of the Act (“Redevelopment Plan”), and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, if any, to the Authority, pursuant to Section 18-2114 of the Act; and

WHEREAS, in accordance with Section 18-2114 of the Act, the Authority submitted its recommendation, along with the recommendation from the Planning Commission to the City Council; and

WHEREAS, following consideration of the recommendations of the Planning Commission and the Authority, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as a tract of land described as proposed Lot 3, Fuller and Daley First Addition to the City of Kearney, Buffalo County, Nebraska and is currently designated as Parcel ID 600047200; and

WHEREAS, the City Council has determined that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project have been found to be in the long-term best interests of the community.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that:

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit “A”, including the Redevelopment Project legally described as a tract of land described as proposed Lot 3, Fuller and Daley First Addition to the City of Kearney, Buffalo County, Nebraska and is currently designated as Parcel ID 600047200 is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit “A”, is in conformity with the legislative declarations and determinations set forth in the Act.

2. The City Council hereby determines that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project are found to be in the long-term interests of the community.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as a tract of land described as proposed Lot 3, Fuller and Daley First Addition to the City of Kearney, Buffalo County, Nebraska and is currently designated as Parcel ID 600047200 shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

a. That portion of the ad valorem tax which is produced by the levy at the

rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, of loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

c. Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The President and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Buffalo County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project substantially in the form attached hereto as Exhibit "B" with appropriate insertions.

6. Recognizing that, after the date of this Resolution, circumstances may arise necessitating changes, additions or deletions to the specific legal description of the Redevelopment Project (described in Paragraphs 1 and 4 above and the attached Exhibit "B"), the City Manager is hereby authorized to make such changes, additions or deletions to the legal description as the City Manager deems reasonable or necessary, together with the authority to execute all documents, certificates or instruments necessary in connection therewith, specifically including the execution of an Amended Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project.

PASSED AND APPROVED THIS 10TH DAY OF FEBRUARY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

VII. REPORTS

CLOSED SESSION

Moved by Clouse seconded by Lammers that Council adjourn into closed session at 6:12 p.m. for the protection of the public interest to discuss possible litigation. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

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

Moved by Buschkoetter seconded by Lear that Council reconvene in regular session at 6:51 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 6:51 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**