

Kearney, Nebraska
April 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 April 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; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Some of the citizens present in the audience included: Brian Fitzgerald, Dee Schriener, Trenton Snowm, Mitch Humphrey, Craig Bennett, Darla Langenberg, Bart Langenberg, Jacque Haupt, Bruce Lefler, Andrew Rudersdorf, Ashley White from Kearney Hub, Steve Altmaier from KGFW Radio, Lauren Scharf from NTV, Brent Wiethorn from KKPR.

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 132 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 - PROCLAMATION

Mayor Clouse read and presented a Proclamation for Sexual Assault Awareness Month to Robyn, a representative with the SAFE Center.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

REZONING 102 AND 108 WEST 30TH STREET

Mayor Clouse opened the public hearing on the Application submitted by Calvin Hinz Architects for Kearney Federal Credit Union to rezone from District R-2, Urban Residential Mixed-Density District to District U-C, Mixed Use Urban Corridor District property described as Lots 490, 491 and the East 6 feet of Lot 492, Southwest Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (102 and 108 West 30th Street) and consider Ordinance No. 7977.

Kearney Federal Credit Union has purchased 102 and 108 West 30th Street and would like to rezone the property from R-2, Urban Residential Mixed-Density District to UC, Mixed Use Urban Corridor District in order to expand their business. The Future Land Use Map of the Comprehensive Development Plan shows the area from 2nd Avenue to 1st Avenue as "Mixed Use 1" which is in conformance with the rezoning request.

Urban Corridor zoning is intended to serve as a buffer between arterials and residential neighborhoods. This rezoning is a continuation of previous action by Planning Commission and City Council to allow redevelopment of older commercial and residential areas that abut 2nd Avenue in order to create commercial lots that are designed to lessen traffic congestion as well as protect residential blocks not adjacent to 2nd Avenue.

The intent of Kearney Federal Credit Union, as stated at Planning Commission, is to redevelop this area to allow construction of a new office building and additional parking.

The property is adjacent to UC zoning on the west and R-2 zoning on the south and on the east and north across the street.

Brian Fitzgerald presented this matter to the Council. He stated the plan is to utilize the additional zones for parking.

Dee Schriener from the Kearney Federal Credit Union stated they currently own the entire north side of the property and the front half is on 2nd Avenue and the yellow house will be removed and they want to build a larger building and use the back two lots for parking. The back two lots are currently zoned R-2.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Calvin Hinz Architects for Kearney Federal Credit Union to rezone from District R-2, Urban Residential Mixed-Density District to District U-C, Mixed Use Urban Corridor District property described as Lots 490, 491 and the East 6 feet of Lot 492, Southwest Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska and introduced Ordinance No. 7977 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. 7977. 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. 7977 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. 7977 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. 7977 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.

REZONING 300 WEST 98TH STREET

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

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for Sweetwater Properties, LLC to rezone from District AG, Agricultural District to District C-3, General Commercial District property described as a tract of land being part of the North Half of the Northeast Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (300 West 98th Street) and consider Ordinance No. 7978.

Trenton Snow presented this matter to the Council. He stated the land recently just came within the two mile jurisdiction of Kearney. Currently, there is a storage building on the property which is operating under a special use permit from the County. The property to the north, east and west of the property are already zoned commercial by the County. They are asking both the rezoning and making it a subdivision so that later there can be more development with storage facilities on the lot.

At this time, access to the lot is an ingress/egress easement, City Staff recommended that they keep the easement as it currently exists and if at such time the City ever needed to make it a street there is a subdivision agreement that has been signed that there will be no protests to make that a street. There were also some conditions in the subdivision agreement where they are waiving the façade on the existing building. It is a 2½ acre lot; there will be no City utilities to the property.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by Trenton Snow for Sweetwater Properties, LLC to rezone from District AG, Agricultural District to District C-3, General Commercial District property described as a tract of land being part of the North Half of the Northeast Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and introduced Ordinance No. 7978 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 7978. 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. 7978 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 Buschkoetter seconded by Clouse that Ordinance No. 7978 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. 7978 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

FINAL PLAT FOR AYRES PROPERTIES II

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

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for Sweetwater Properties, LLC for the Final Plat and Subdivision Agreement for Ayres Properties II of Buffalo County, Nebraska, for property described as a tract of land being part of the North Half of the Northeast Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (300 West 98th Street) and consider Resolution No. 2015-70.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2015-70** approving the Application submitted by Trenton Snow for Sweetwater Properties, LLC for the Final Plat and Subdivision Agreement for Ayres Properties II of Buffalo County, Nebraska, for property described as a tract of land being part of the North Half of the Northeast Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (300 West 98th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2015-70

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Ayres Properties II, a subdivision of Buffalo County, Nebraska for a tract of land being part of the North Half of the Northeast Quarter of Section 11, Township 9, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of the Northeast Quarter of said Section 11 and assuming the west line of said Northeast Quarter as bearing S 00°06'14" W and all bearings contained herein are relative thereto; thence S 00°06'14" W on the aforesaid west line a distance of 667.94 feet; thence N 89°38'05" E parallel with the north line of said Northeast Quarter a distance of 1952.6 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89°38'05" E on the aforesaid course a distance of 326.3 feet; thence S 00°43'37" W a distance of 335.55 feet; thence S 89°38'05" W parallel with the aforesaid north line a distance of 325.08 feet; thence N 00°31'14" E a distance of 335.53 feet to the place of beginning; containing 2.508 acres, more or less; SUBJECT TO HOWEVER AND TOGETHER WITH rights of ingress and egress over and across a strip of land being 60.0 feet in width and being located in the North Half of the Northeast Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with said 60.0 foot strip of land being more particularly described as follows: Referring to the Northwest Corner of the Northeast Quarter of said Section 11; thence S 00°06'14" W on the west line of said Northeast Quarter a distance of 667.94 feet; thence N 89°38'05" E parallel with the north line of said Northeast Quarter a distance of 1300.0 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89°38'05" E on the aforesaid course a distance of 1305.2 feet to a point on the west right-of-way line of Nebraska State Highway No. 10; thence S 00°56'21" W on the aforesaid west right-of-way line a distance of 60.02 feet; thence S 89°38'05" W parallel with the aforesaid north line a distance of 1304.3 feet to a point being 1300.0 feet easterly of, as measured at right angles to, the aforesaid west line, thence N 00°06'14" E parallel with and 1300.0 feet easterly of the aforesaid west line a distance of 60.0 feet to the place of beginning, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

BE IT FURTHER RESOLVED that the 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 APRIL, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

VACATE LOT 2 OF BLOCK 2, INGALLS CROSSING AND FINAL PLAT FOR INGALLS CROSSING NINTH ADDITION

Public Hearings 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Applications submitted by Buffalo Surveying for Roberta Corrigan, Trustee, Roberta Corrigan Farm and GSGC Leasing, LLC: (1) to vacate Lot 2, Block 2, Ingalls Crossing, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 7979; and (2) the Final Plat for Ingalls Crossing Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being Lot 2 (to be vacated) of Block Two, Ingalls Crossing, an addition to the City of Kearney, Buffalo County, Nebraska and a part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5609 1st Avenue) and consider Resolution No. 2015-71.

Mitch Humphrey presented this matter to the Council. He stated there is a piece of property that is outlined as Lot 2, Block 2 of Ingalls Crossing. There are three business offices located on the complex. What they are doing is taking some of the unplatted land to the north which is not very wide and adding it to the property that they already have. They would like to vacate Lot 2 and take the unplatted land to the north which is already zoned add it to the land that GSGC will purchase and come up with a single one lot subdivision. This is a piece of property that is zoned C-2/PD but what they are doing is adding parking to the existing parking lot so that the owner has a little more parking for tenants or users of the two-story building.

Council Member Lammers asked if Mr. Humphrey could talk about the width of the strip that is being added to the north. Mr. Humphrey stated basically it is 50 feet wide along 1st Avenue and runs parallel to the existing lot and the existing lot curves around so they are going to add approximately 20 feet to it.

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 Roberta Corrigan, Trustee, Roberta Corrigan Farm and GSGC Leasing, LLC for (1) the vacation of Lot 2, Block 2, Ingalls Crossing, an addition to the City of Kearney, Buffalo County, Nebraska and (2) the Final Plat for Ingalls Crossing Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and introduced Ordinance No. 7979 vacating Lot 2, Block 2, Ingalls Crossing, an addition to the City of Kearney, 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. 7979. 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. 7979 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. 7979 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. 7979 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. 2015-71** approving the Final Plat for Ingalls Crossing Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2015-71

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Ingalls Crossing Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being Lot 2, Block 2, Ingalls Crossing, an addition to the City of Kearney, Buffalo County, Nebraska to be vacated, and a part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of the Southwest Quarter of Section 24 and assuming the West line of the Southwest Quarter of Section 24 as bearing N00°14'59"E and all bearings contained herein are relative thereto; thence on the West line of the Southwest Quarter of Section 24, N00°14'59"E a distance of 59.68 feet; thence leaving the West line of said Southwest Quarter of Section 24, S89°45'01"E a distance of 59.05 feet to a point on the East right-of-way line of Nebr. State Highway No. 10, said point also being on the North right-of-way line of 56th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence on the North right-of-way line of said 56th Street, N89°52'55"E a distance of 154.25 feet; thence continuing on the North right-of-way line of said 56th Street, S85°18'32"E a distance of 106.61 feet; thence N89°49'05"E a distance 501.33 feet to the Southeast Corner of Lot 1, Block 2, Ingalls Crossing, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving the North right-of-way line of said 56th Street and on the East line of said Lot 1, Block 2, Ingalls Crossing, N00°14'59"E a distance of 234.38 feet to the ACTUAL PLACE OF BEGINNING, said point being the Northeast Corner said Lot 1, Block 2, Ingalls Crossing; thence continuing N00°14'59"E a distance of 248.66 feet; thence N89°45'01"W a distance of 173.67 feet; thence S60°37'06"W a distance of 223.87 feet to a point on the Easterly line of 1st Avenue, a street in the City of Kearney, Buffalo County, Nebraska; thence on the Easterly line of said 1st Avenue; S30°08'13"E a distance of 160.32 feet to a point of curvature; thence continuing on the Easterly line of said 1st Avenue and on a 330.00 foot radius curve to the right forming a central angle of 12°30'19" an arc distance of 72.03 feet to the Northwest Corner of said

Lot 1, Block Two, Ingalls Crossing; thence leaving said curve and on the North line of Lot 1, Block Two of said Ingalls Crossing, N75°54'11"E a distance of 266.07 feet to the place of beginning, containing 1.94 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 13TH DAY OF APRIL, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF INGALLS CROSSING NINTH

Public Hearings 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for Roberta Corrigan, Trustee, Roberta Corrigan Farm and GSGC Leasing, LLC for the annexation of Ingalls Crossing Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being Lot 2 (to be vacated) of Block Two, Ingalls Crossing, an addition to the City of Kearney, Buffalo County, Nebraska and a part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5609 1st Avenue) and consider Resolution No. 2015-72.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2015-72** approving the Application submitted by Buffalo Surveying for Roberta Corrigan, Trustee, Roberta Corrigan Farm and GSGC Leasing, LLC for the annexation of Ingalls Crossing Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being Lot 2 (to be vacated) of Block Two, Ingalls Crossing, an addition to the City of Kearney, Buffalo County, Nebraska and a part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5609 1st Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2015-72

WHEREAS, an Application has been submitted by Buffalo Surveying for Roberta Corrigan, Trustee, Roberta Corrigan Farm and GSGC Leasing, LLC for the inclusion of

Ingalls Crossing Ninth Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being Lot 2, Block 2, Ingalls Crossing, an addition to the City of Kearney, Buffalo County, Nebraska to be vacated, and a part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of the Southwest Quarter of Section 24 and assuming the West line of the Southwest Quarter of Section 24 as bearing N00°14'59"E and all bearings contained herein are relative thereto; thence on the West line of the Southwest Quarter of Section 24, N00°14'59"E a distance of 59.68 feet; thence leaving the West line of said Southwest Quarter of Section 24, S89°45'01"E a distance of 59.05 feet to a point on the East right-of-way line of Nebr. State Highway No. 10, said point also being on the North right-of-way line of 56th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence on the North right-of-way line of said 56th Street, N89°52'55"E a distance of 154.25 feet; thence continuing on the North right-of-way line of said 56th Street, S85°18'32"E a distance of 106.61 feet; thence N89°49'05"E a distance 501.33 feet to the Southeast Corner of Lot 1, Block 2, Ingalls Crossing, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving the North right-of-way line of said 56th Street and on the East line of said Lot 1, Block 2, Ingalls Crossing, N00°14'59"E a distance of 234.38 feet to the ACTUAL PLACE OF BEGINNING, said point being the Northeast Corner said Lot 1, Block 2, Ingalls Crossing; thence continuing N00°14'59"E a distance of 248.66 feet; thence N89°45'01"W a distance of 173.67 feet; thence S60°37'06"W a distance of 223.87 feet to a point on the Easterly line of 1st Avenue, a street in the City of Kearney, Buffalo County, Nebraska; thence on the Easterly line of said 1st Avenue; S30°08'13"E a distance of 160.32 feet to a point of curvature; thence continuing on the Easterly line of said 1st Avenue and on a 330.00 foot radius curve to the right forming a central angle of 12°30'19" an arc distance of 72.03 feet to the Northwest Corner of said Lot 1, Block Two, Ingalls Crossing; thence leaving said curve and on the North line of Lot 1, Block Two of said Ingalls Crossing, N75°54'11"E a distance of 266.07 feet to the place of beginning, containing 1.94 acres, more or less, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on March 20, 2015 on the inclusion of Ingalls Crossing Ninth 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 Ninth 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 April 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 Ninth 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 Ninth 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 APRIL, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

BOARD OF EQUALIZATION

Mayor Clouse stated the Board of Equalization will not be considering Paving Improvement District No. 2013-962, Water District No. 2013-570 and Sanitary Sewer District No. 2013-508. It was determined that proper notification was not given. Therefore, these three districts will be postponed until April 28, 2015.

Moved by Clouse seconded by Lammers to postpone until April 28, 2015 Paving Improvement District No. 2013-962, Water District No. 2013-570 and Sanitary Sewer District No. 2013-508. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

Mayor Clouse opened the public hearing for the Council to meet as a Board of Equalization to assess costs in connection with Paving Improvement District Nos. 2012-957, 2012-958, 2012-959, 2012-960; Water District No. 2012-568; Sanitary Sewer District No. 2012-507 and consider Resolution No. 2015-73.

These districts were created on November 13, 2012. They are public improvements for Emerald Drive, Ontario Road, Winnipeg Road and Tahoe Drive, all within the Lake Villa Estates subdivision.

After completion of the construction projects, the City hired a title company to complete property abstracts so that assessments could be levied. These districts have been completed and, in order to satisfy state law, when paving, water and sewer districts are completed, the City Council must act as a Board of Equalization to levy assessments on properties so benefited. Property owners will then be required to pay the first installment within 50 days (June 2) or they can pay the assessment over a 5-year period for water and sanitary sewer and 10 years for paving. Section 57-102 of the Kearney City Code requires the developer to deposit fifty percent of the total estimated costs of the districts. The remaining unpaid costs of the improvements shall be assessed against the property in said districts on a basis of special benefit to the property, if any, as provided by law.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing for the Council to meet as a Board of Equalization and adopt **Resolution No. 2015-73** assessing costs in connection with Paving Improvement District Nos. 2012-957, 2012-958, 2012-959, 2012-960; Water District No. 2012-568; Sanitary Sewer District No. 2012-507. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2015-73

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

Section 1. The President and Council find and determine that the streets in Paving Improvement District Nos. 2012-957, 2012-958, 2012-959, and 2012-960 have been improved by paving, curbing and guttering and incidental work, that none of the properties listed, which list is marked Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedules do not exceed the amounts which each of said lots and parcels of ground were specially benefited by said improvements and the total amount of said special assessments does not exceed the costs of said improvements exclusive of the cost of the intersections and areas formed by the crossing of streets, avenues and alleys as heretofore determined by the Mayor and City Council.

Section 2. The President and Council find and determine that the water main heretofore ordered installed in Water District No. 2012-568 has been installed, together with all incidental work thereto by the City Utilities Department, and that none of the properties listed, which is marked "Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedule does not exceed the amounts which each of said lots and parcels of ground were specially benefited by said water main and the total amount of said special assessments does not exceed the costs of said improvements as heretofore determined by the Mayor and City Council.

Section 3. The President and Council find and determine that the sanitary sewer main heretofore ordered installed in Sanitary Sewer District No. 2012-507 has been installed, together with all incidental work thereto by the City Utilities Department, and that none of the properties listed, which is marked "Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedule does not exceed the amounts which each of said lots and parcels of ground were specially benefited by said sanitary sewer main and the total amount of said special assessments does not exceed the costs of said improvements as heretofore determined by the Mayor and City Council.

Section 4. Notice of the time and purpose of hearing on special assessments for equalizing said special assessments has been published as provided by law in the Kearney Hub, and a copy of said notice mailed by certified mail to each party known to have a direct legal interest therein.

Section 5. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Paving Improvement District Nos. 2012-957, 2012-958, 2012-959, and 2012-960 shall become delinquent as follows:

- 1/10th fifty days after date of this Resolution
- 1/10th one year after date of this Resolution
- 1/10th two years after date of this Resolution
- 1/10th three years after date of this Resolution
- 1/10th four years after date of this Resolution
- 1/10th five years after date of this Resolution
- 1/10th six years after date of this Resolution
- 1/10th seven years after date of this Resolution
- 1/10th eight years after date of this Resolution

1/10th nine years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of 5.0 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of 14.0 per centum per annum until paid.

Section 6. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Water District No. 2012-568 shall become delinquent as follows:

1/5th fifty days after date of this Resolution

1/5th one year after date of this Resolution

1/5th two years after date of this Resolution

1/5th three years after date of this Resolution

1/5th four years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of 5.0 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of 14.0 per centum per annum until paid.

Section 7. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Sanitary Sewer District No. 2012-507 shall become delinquent as follows:

1/5th fifty days after date of this Resolution

1/5th one year after date of this Resolution

1/5th two years after date of this Resolution

1/5th three years after date of this Resolution

1/5th four years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of 5.0 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of fourteen per centum per annum until paid.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated the Consent Agenda was amended on Friday, April 10, 2015 by adding Subsections 17, 18 and 19.

Moved by Nikkila seconded by Lear that Subsections 1 through 19 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held March 24, 2015.
2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental

CO	Capital Outlay
DS	Debt Service

Alamar Uniforms \$1,715.16 smcs,ps; Alberts,K \$536.00 smcs; Ally B Designs \$30.00 smcs; Amazon \$2,297.85 smcs; Amer First Aid \$565.52 smcs; Anderson Bros \$1,167.39 smcs; Anderson,K \$46.12 smcs; Arctic Refrigeration \$173.42 smcs; Armstrong,H \$16.18 smcs; Ask Supply \$254.34 smcs; Aurora Coop \$25.68 smcs; Baker & Taylor \$4,192.51 smcs; Beacon Ballfields \$2,907.60 smcs; Bellevue Public Library \$25.00 smcs; Bells Curb Grinding \$270.00 co; Bike Shed \$3,999.00 smcs; Blackstone Audio Books \$270.00 smcs; Bluecross Blueshield \$297,700.53 smcs; Boersma,K \$34.40 smcs; Bosselman \$2,291.60 smcs; Botello,U \$18.11 smcs; Broadfoot's \$1,050.00 smcs; Bruha,S \$200.00 smcs; Buffalo Co Attorney \$18,750.00 smcs; Buffalo Co Reg of Deeds \$114.00 smcs; Buffalo Co Sheriff \$154,833.75 smcs; Buffalo Outdoor Power \$133.06 smcs; Builders \$1,271.39 smcs,co; Capital Business Systems \$169.93 smcs; Cash Wa \$1,111.07 smcs; Central NE Bobcat \$399.12 smcs; Charter \$320.62 smcs; Checkley,K \$50.00 smcs; ChemSearch \$597.89 smcs; Chief Supply \$759.90 smcs; Christensen,R \$10.61 smcs; Circle D Boot & Saddle \$85.00 smcs; City of Ky \$365,513.90 smcs,co,ps; City of Norfolk \$100.00 smcs; Clark Enersen \$4,161.10 co; Cleveland,E \$606.00 smcs; Colorado Golf & Turf \$2,695.00 co; Community Health \$10.00 ps; Complete Music \$375.00 smcs; Copycat Printing \$1,705.54 smcs; Crime Reports \$1,188.00 smcs; Crouch Recreational \$430.00 co; Culligan \$18.50 smcs; Cummins Central Power \$498.33 smcs; D&M Security \$64.50 smcs; Dahl,B \$66.71 smcs; Danko Emergency \$5,300.12 smcs,co; Davis,D \$4.17 smcs; Dawson PPD \$2,158.95 smcs; Degy Booking Int'l \$1,750.00 smcs; Depository Trust \$349,851.25 ds; Dish \$174.00 smcs; Dmilaco \$1,266.00 smcs; Dutton-Lainson \$204.20 smcs; Eakes \$3,039.00 smcs,co; Ed Broadfoot & Sons \$458.70 smcs; Elliott Equipment \$21,200.00 co; Ellmers,R \$100.00 smcs; EMC Ins \$23,910.42 smcs; Emerson Network Power \$5,346.50 smcs; Emerson,H \$26.68 smcs; Farmers Union Coop \$253.00 smcs; Faz,A \$1,507.04 smcs; Fearnley,M \$55.63 smcs; Fireguard \$14,219.25 co; Flaherty,T \$583.00 smcs; Flohr,J \$70.00 smcs; Gale \$5,496.64 smcs; Ganz Title \$250.00 smcs; Grey House Publishing \$233.05 smcs; H&H Distributing \$509.90 smcs; Hawthorne Jewelry \$6,603.00 smcs; HD Supply \$14,043.49 smcs; Heartland Electric Co \$759.54 smcs; Heggemeyer,L \$13.37 smcs; Hill,M \$192.00 smcs; Hobbs,B \$198.00 smcs; Hometown Leasing \$157.20 smcs; Hummel,K \$66.00 smcs; Hy-Vee \$50.00 smcs; ICMA \$4,275.63 ps; IRS \$139,030.00 ps; Jack Lederman \$31.24 smcs; James,D \$290.00 smcs; Johnson Service \$27,212.00 smcs; Josjor,J \$19.61 smcs; K&K Parts \$451.45 smcs; Kart-Man \$998.73 smcs; Kealy,M \$14.86 smcs; Ky Area United Way \$569.00 ps; Ky Crete & Block \$180.00 smcs; Ky Hub \$2,429.34 smcs; Ky Humane Soc \$14,332.50 smcs; Ky Visitors Bureau \$37,222.96 smcs; KVFD \$900.00 ps; Kearney,C \$23.12 smcs; Koettters,J \$30.00 smcs; Konica Minolta \$279.64 smcs; Krueger,A \$20.38 smcs; Krull Ins \$2,194.75 smcs; LCL Truck Equipment \$6,138.00 co; League of NE Municipalities \$1,136.00 smcs; Lerner Publications \$12.74 smcs; LIPS Printing Service \$151.97 smcs; Mac Tools \$13.25 smcs; Magic Cleaning \$5,130.00 smcs; Mail Express \$7,032.67 smcs; Maintenance Engineering \$587.28 smcs; McCarty,D \$227.90 smcs; Menards \$34.99 smcs; Merryman Performing Arts \$153.00 smcs; MetLife \$8,464.51 ps; Michel,T \$32.36 smcs; Midlands Contracting \$850,781.70 co; Mid-NE Garage Doors \$2,140.00 smcs; Midnight Cleaning \$275.00 smcs; Midwest Breathing \$11,586.64 smcs; Miller & Associates \$6,794.70 co; Miller Signs \$100.00 smcs; Miller,R \$2,126.25 smcs; Milliman

\$1,800.00 smcs; Mindmixer.com \$250.00 smcs; Mirror Image \$302.80 smcs; MONA \$100.00 smcs; Moonlight Embroidery \$261.00 smcs; Municipal Emergency \$151.37 smcs; Municipal Supply \$16,110.00 smcs; Navigator Motorcoaches \$2,085.00 smcs; NE Child Support \$2,776.42 ps; NE Dept of Rev \$72,797.04 smcs,ps; NE Dept of Roads \$41,652.63 co; NE Environmental Products \$150.00 smcs; NE Public Health \$1,297.00 smcs; NE Rural Water Assn \$375.00 smcs; NE Sec of State \$30.00 smcs; NE Soc of CPA's \$140.00 smcs; NEland Distributors \$865.94 smcs; New Directions \$500.00 smcs; NMC Exchange \$5,694.06 smcs; Northwest Electric \$1,091.50 smcs; Northwestern \$11,535.61 smcs; Norton,N \$11.08 smcs; Nova Health Equipment \$310.50 ps; Oak Park Development \$9,998.10 co; O'Brien,C \$94.00 smcs; Office Depot \$91.09 smcs; One Call Concepts \$513.25 smcs; Overhead Door \$5,531.55 smcs; Paramount \$238.15 smcs; Payflex \$578.00 smcs,ps; Penworthy \$209.31 smcs; Petersen,A \$15.00 smcs; Pitney Bowes \$972.02 smcs; Platte Valley Comm \$1,117.45 smcs; Platte Valley Labs \$62.50 smcs; Presto-X \$660.16 smcs; Prime Communications \$1,489.16 smcs; Prusia,B \$28.14 smcs; Quill \$175.96 smcs; Random House \$213.75 smcs; Ready Mixed Concrete \$2,125.75 smcs; Recorded Books \$1,360.78 smcs; Resource Management \$696.96 smcs; RockIT \$200.00 smcs; Rodehorst,R \$74.98 smcs; Roesler,A \$183.56 smcs; S&S Worldwide \$1,248.49 smcs; S&B Heating \$431.90 smcs; Saltzgaber,S \$13.37 smcs; Sapp Bros \$33,759.98 smcs; School District #7 \$1,388.80 smcs; Schrock Buggy Works \$1,000.00 smcs; See Clear Cleaning \$2,050.00 smcs; Self,A \$16.94 smcs; Sheldon,S \$44.58 smcs; Sig Ep Fraternity \$50.00 smcs; Sign Center \$450.00 smcs; Snap-On Tools \$549.01 smcs; Sorensen Group \$19,339.05 co; Starostka Group \$22,397.33 co; St of NE/AS Central \$6,265.10 smcs; Steinbrinks \$731.25 smcs; Sun Life Financial \$61,360.48 smcs; Sutphen \$750.46 smcs; Thompson Co \$112.30 smcs; Tielke's Sandwiches \$86.48 smcs; Titan Machinery \$105.35 smcs; Titleist \$4,912.52 smcs; Tye Law Firm \$11,846.11 smcs; Underground Construction \$1,600.00 smcs; Union Bank \$67,106.01 ps; UNK \$3,000.00 smcs; Van Diest Co \$10,501.21 smcs; Verizon \$1,379.98 smcs; Vermeer Equipment \$358.50 smcs; Vermont Systems \$18,353.00 co; Village Cleaners \$330.31 smcs; Walter's Electric \$500.00 smcs; Watchguard Video \$588.00 smcs; Weller,B \$812.25 smcs; Payroll Ending 4-4-2015 -- \$ 378,251.50. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Approve the application for a Special Designated License submitted by Earn & Return Investments, Inc., dba Cellar Bar & Grill in connection with their Class IK-064728 liquor license to dispense beer, wine and distilled spirits in the Airport Hangar at the Kearney Regional Airport located at 4845 Airport Road on April 28, 2015 from 3:00 p.m. until 10:00 p.m. for a reception.
4. Approve the application for a Special Designated License submitted by Earn & Return Investments, Inc., dba Cellar Bar & Grill in connection with their Class IK-064728 liquor license to dispense beer, wine and distilled spirits in The Archway located at 3060 East 1st Street on April 30, 2015 from 4:00 p.m. until 11:30 p.m. for a reception.
5. Approve the application for a Special Designated License submitted by Chug-A-Lug Sports Bar Inc., dba Chug A Lug Sports Bar in connection with their Class C-042049 liquor license to dispense beer and distilled spirits in a 32'x54' fenced area located south of their licensed beer garden located at 1115 East 25th Street on May 8,

2015 from 8:00 a.m. until 12:00 a.m. (alternate date is May 9, 2015) for a fish fry.

6. Adopt **Resolution No. 2015-74** approving the revised Kearney Public Library Policy Manual as recommended by the Library Advisory Board.

RESOLUTION NO. 2015-74

WHEREAS, the "Policy Manual for the Kearney Public Library and Information Center" of the Kearney Public Library and Information Center was adopted on September 12, 2006 by Resolution No. 2006-156; and

WHEREAS, in 2008 the Library Advisory Board determined it was necessary to revamp the entire policy and brought forward a new policy which was adopted by the City Council by Resolution No. 2008-57 on April 8, 2008; and

WHEREAS, on April 10, 2012 the Council approved the revised policy by Resolution No. 2012-59; and

WHEREAS, the Library Advisory Board has made some changes and is recommending the City Council approve the changes and adopt the revised policy.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the recommendation from the Library Advisory Board, on adopting a revised Kearney Public Library Policy Manual, a copy marked as Exhibit "A", attached hereto and made a part hereof, be and is hereby adopted.

BE IT FURTHER RESOLVED that the revised policy adopted in 2012 by Resolution No. 2012-59 be and is hereby repealed in its entirety.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Approve the Agreement submitted by the Central Nebraska Auto Club to temporarily block off Central Avenue from 25th Street to North Railroad Street, 24th Street from 1st Avenue to Avenue A, 23rd Street from 1st Avenue to Avenue A, 21st Street from 1st Avenue to Avenue A, the parking lot located west of Cunningham's Journal, the parking lot located behind City Hall, and the parking lot located north of MONA in conjunction with Cruise Nite 2015 on July 18, 2015. Parking on these public properties will be prohibited on July 18, 2015 beginning at 2:00 a.m.

8. Adopt **Resolution No. 2015-75** approving the Cruise Nite parade scheduled for July 18, 2015 at 4:30 p.m. beginning at Railroad Street and Central Avenue, north on Central Avenue and dispersing at the intersection of 28th Street and Central Avenue.

RESOLUTION NO. 2015-75

WHEREAS, the City of Kearney has received and approved an application to conduct a parade on July 18, 2015 beginning at 4:30 p.m. and ending at 6:30 p.m.; and

WHEREAS, the route for the parade will begin at Central Avenue and Railroad Street, go north on Central Avenue and dispersing at the intersection of 27th Street and Central Avenue; and

WHEREAS, with the passage of LB 589, the City of Kearney accepts the duties of protecting the public from damage, injury, or death on July 18, 2015 beginning at 4:30 p.m. and ending at 6:30 p.m.; and

WHEREAS, the City of Kearney will assume control of the state highway property, more specifically the intersection of Central Avenue and 25th Street (Highway 30) on July 18, 2015 from 4:30 p.m. until 6:30 p.m. and relinquish control of such state highway property to the state; and

WHEREAS, the City is not closing Highway 30; law enforcement stops the parade and allows traffic on Highway 30 to proceed and does not allow long waits for the Highway 30 traffic; and

WHEREAS, the City of Kearney accepts the duty to protect the State from damage to its property that may occur arising out of the said parade.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, to approve the parade scheduled for July 18, 2015 beginning at 4:30 p.m. and ending at 6:30 p.m. and that the City accepts the duties of protecting the public from damage, injury, or death associated with said parade.

BE IT FURTHER RESOLVED that the City of Kearney will assume control of the state highway property, more specifically the intersection of Central Avenue and 25th Street (Highway 30), on July 18, 2015 from 4:30 p.m. until 6:30 p.m. and that after such time the City will relinquish control of such state highway property to the state.

BE IT FURTHER RESOLVED that the City of Kearney accepts the duty to protect the State from damage to its property that may occur arising out of the said parade.

BE IT FURTHER RESOLVED that the City of Kearney agrees to indemnify, defend, and hold harmless the State of Nebraska Department of Roads from all claims, demands, actions, damages, and liability, including reasonable attorney's fees that may arise as a result of the said parade.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Accept the proposal received from Outdoor Recreation Products for the new splash pad equipment, surfacing and installation at Dryden Park in the amount of \$87,981.00.

10. Adopt **Resolution No. 2015-76** approving the Professional Service Consultant Agreement between the City of Kearney and Miller & Associates for the 2015 Part 1 Improvements consisting of survey, design and construction observation services for 19th Street from Avenue D to Avenue E and sidewalk ramps within the same 2-block area.

RESOLUTION NO. 2015-76

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Professional Service Consultant Agreement; Community Revitalization for the 2015 Part 1 Improvements consisting of survey, design and construction observation services for 19th Street from Avenue D to Avenue E and sidewalk ramps within the same 2-block

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

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropic in connection with their Class IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building (alternate location is Exposition Building) located at the Buffalo County Fairgrounds, 3807 Avenue N, on May 16, 2015 from 6:00 p.m. until 1:00 a.m. for a dance.

12. Adopt **Resolution No. 2015-77** approving the Agreement between the City of Kearney and Nebraska Department of Roads replacing the wiring in the existing street light located along Highway N-44 (2nd Avenue) between the Platte River Bridge and the Kearney interchange.

RESOLUTION NO. 2015-77

WHEREAS, the existing street light wiring along Highway N-44 (2nd Avenue) between the Platte River Bridge and the Kearney I-80 Interchange is the old aluminum wiring and has deteriorated to the point that it needs replaced; and

WHEREAS, the City is willing to replace the aluminum wiring in the existing street lighting circuit with copper wiring and invoice the State upon approval of the work.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement between the City of Kearney and the Nebraska Department of Roads for the South 2nd Avenue, Kearney-Street Light Rewiring Project be and is hereby approved. A copy of said Agreement, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Agreement on behalf of the City of Kearney.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

13. Adopt **Resolution No. 2015-78** approving the Goods and Services Agreement between the City of Kearney and Hydro Optimization and Automation Solutions, Inc. for the Wastewater Treatment Division Wastewater Pumping Station Electrical and Controls Upgrade.

RESOLUTION NO. 2015-78

WHEREAS, the City of Kearney Wastewater Treatment Plant Division utilizes 15 sanitary sewer pumping or lift stations in the City; many of these pumping stations are

20 years old or older and built at different times and use different designs and equipment; and

WHEREAS, the purpose of the upgrade is to eliminate old and deteriorated electrical equipment like electrical panels and disconnect boxes as well as standardizing the pumping station controls so that they are all the same

WHEREAS, Hydro Optimization and Automation Solutions, Inc. was selected several years ago to upgrade the Supervisory Control and Data Acquisition (SCADA) system, the automated control system at the wastewater treatment plant, and for the sanitary sewer pumping stations; and

WHEREAS, Hydro Optimization and Automation Solutions, Inc. has knowledge of the City's system, the equipment, controls and software, it would in the City's best interest to select them as the sole source vendor for the equipment, installation and programming of the components for the sanitary sewer pumping station upgrade.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Goods and Services Agreement between the City of Kearney and Hydro Optimization and Automation Solutions, Inc. for the Wastewater Pumping Station Electrical and Controls Upgrade be and is hereby approved. A copy of said Agreement is attached hereby and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Agreement on behalf of the City of Kearney.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Approve the Plans and Specifications for the 2015 Part 3 Improvements; CDBG Sidewalks/Ramps (14-CR-004) and set the bid opening date for May 5, 2015 at 2:00 p.m.

15. Approve the Plans and Specifications for the construction of the Household Hazardous Waste Facility and set the bid opening date for May 19, 2015 at 2:00 p.m.

16. Adopt **Resolution No. 2015-79** approving T-Hangar B-2 Lease Agreement at the Kearney Regional Airport between the City of Kearney and Paul Van Vuuren.

RESOLUTION NO. 2015-79

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the T-Hangar B-2 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Paul Van Vuuren. The Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

17. 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 located at the Buffalo County Fairgrounds, 3807 Avenue N on May 2, 2015 from 3:00 p.m. until 12:00 a.m. for a car show.

18. 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 Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N on May 9, 2015 from 12:00 p.m. until 12:00 a.m. for a graduation party.

19. 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 May 9, 2015 from 12:00 p.m. until 12:00 a.m. for a graduation party.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7980 VACATING ALLEY FROM 19TH STREET TO 20TH STREET BETWEEN AVENUE F AND AVENUE G

The applicant is requesting to vacate the 20-foot north/south alley in order to relocate his business. The alley can be vacated as long as a utility easement is retained over it for a sanitary sewer main and a water service line. All adjacent properties are zoned M-1, although current use is residential. The vacation of the alley allows for easier redevelopment of adjacent lots for industrial use. Reconfiguration of lots and alleys to allow for appropriate use and relocation of non-compatible uses, encouraging industrial and heavy commercial uses in this location, was recommended for this area in the Redevelopment Plan adopted in 1997 when the area was declared blighted.

Council Member Lear introduced Ordinance No. 7980 vacating the alley running north to south from 19th Street to 20th Street on the block between Avenue F and Avenue G said alley abutting the east side of Lot 5 and the west side of Lot 6, Scott's Subdivision and abutting the east side of Lots 598 and 599 and the west side of Lots 596 and 597, Original Town of Kearney Junction, now the City of Kearney, 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 suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7980 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 Buschkoetter seconded by Clouse that Ordinance No. 7980 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7980 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7981 RENAMING 1ST STREET TO 3RD STREET

With the recent development of the Younes Center Third Addition it was discovered that the previously named street between 3rd Avenue and 4th Avenue known as 1st Street should actually have been named 3rd Street to comply with the City's 911 response and addressing system. This 1-block street has never been improved and no addresses have ever been assigned to the property abutting the right-of-way. The current 1st Street located east of Central Avenue would be 1,400 feet south of the previously named 1st Street if it was extended west of 2nd Avenue. Leaving this 1-block street as 1st Street would make it difficult to name future streets between Interstate 80 and Talmadge Street in the future.

Council Member Lear introduced Ordinance No. 7981 renaming and redesignating "1st Street" from the west line of 3rd Avenue to the east line of 4th Avenue to "3rd Street", 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 suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7981 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 Buschkoetter seconded by Clouse that Ordinance No. 7981 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7981 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7982 CREATING PAVING DISTRICT NO. 2015-973

With regard to Items 3, 4, 5, 6, 7, Paul Younes is expanding the hospitality campus in south west Kearney, Redevelopment Area #8. The project encompasses three lots on 5.31 acres, and three distinct projects: a structure for multiple restaurants, an extended-stay hotel, and four four-plex residential units. As previous projects have been considered, the developer agreed with the City and CRA that a portion of TIF on any future approved projects should be designated for improvements of a road for traffic circulation to the west – up to 25% of TIF revenues. The City is creating improvement districts for paving, water and sewer improvements for 3rd Street and 4th Avenue.

Council Member Lear introduced Ordinance No. 7982 creating Paving Improvement District No. 2015-973 for 3rd Street from 3rd Avenue westerly to the west line of Lot 1, Block One, Younes Center Third Addition to the City of Kearney, 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 suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7982 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 Buschkoetter seconded by Clouse that Ordinance No. 7982 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7982 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7983 CREATING WATER DISTRICT NO. 2015-577

Council Member Lear introduced Ordinance No. 7983 creating Water District No. 2015-577 for 3rd Street from 3rd Avenue westerly to the west line of Lot 1, Block One, Younes Center Third Addition to the City of Kearney, 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 suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as

follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7983 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 Buschkoetter seconded by Clouse that Ordinance No. 7983 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7983 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7984 CREATING SANITARY SEWER DISTRICT NO. 2015-515

Council Member Lear introduced Ordinance No. 7984 creating Sanitary Sewer District No. 2015-515 for 3rd Street from 3rd Avenue westerly to the west line of Lot 1, Block One, Younes Center Third Addition to the City of Kearney, 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 suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7984 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 Buschkoetter seconded by Clouse that Ordinance No. 7984 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7984 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7985 CREATING PAVING DISTRICT NO. 2015-974

Council Member Lear introduced Ordinance No. 7985 creating Paving Improvement District No. 2015-974 for 4th Avenue from Talmadge Street to the 3rd Street as platted in Younes Center Third Addition to the City of Kearney, 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 suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7985 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 Buschkoetter seconded by Clouse that Ordinance No. 7985 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7985 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7986 CREATING WATER DISTRICT NO. 2015-578

Council Member Lear introduced Ordinance No. 7986 creating Water District No. 2015-578 for 4th Avenue from Talmadge Street to the 3rd Street as platted in Younes Center Third Addition to the City of Kearney, 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 suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7986 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 Buschkoetter seconded by Clouse that Ordinance No. 7986 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7986 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the

Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

ORDINANCE NO. 7987 ISSUING COMBINED UTILITIES REVENUES BONDS

On January 14, 2014, the City Council awarded a \$268,486.95 equipment bid to Trojan Industries for the Ultra Violet Disinfection Project. Additionally, on October 28, 2014, the City Council awarded a \$1,535,860.00 building bid to Midlands Contracting, Inc. for the Ultra Violet Disinfection Project. Finally, on March 10, 2015 the City Council awarded a \$308,336.00 water main bid to Midlands Contracting, Inc. for the Airport Water System Improvement Project. As indicated in the 2015-2016 budget, the intended funding source for these improvements is from proceeds received from the issuance of Series 2015 Combined Utilities Revenue Bonds.

The Series 2015 Combined Utilities Bonds will be dated May 19, 2015 and the final payment will be on December 15, 2035. The estimated interest rate for the Bonds will be 0.75% on the 1-year bonds to 3.75% on the 20-year bonds and the total principal amount of the Bonds is \$2,590,000.00.

Bruce Lefler from Ameritas stated the ordinance before City Council tonight is for the issuance of \$2,585,000 of Combined Utilities Revenues Bonds. They were able to gather a better interest rate in 2016 will go .65 percent out to 3.45 percent in 2035. Provides for an overall cost of borrowing of 3.08 percent for the 20-year term.

Council Member Clouse introduced Ordinance No. 7987 authorizing the issuance of Combined Utilities Revenues Bonds, Series 2015, of the City of Kearney, Nebraska in the aggregate principal amount of \$2,585,000 for the purpose of paying the cost of maintaining, extending, enlarging and improving the waterworks plant and water system and the sewage disposal plant and sanitary sewer system of the city; directing the application of the proceeds of said bonds; prescribing the form, terms and details of said bonds; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said City for the payment of said bonds and interest thereon; providing for the collection, segregation and application of the revenues of said waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system; entering into a contract on behalf of the City with the holders of said bonds, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, 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. 7987 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter,

Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 7987 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. 7987 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 7988 CONVEYING LAND TO THE STATE FOR THE VETERANS HOME

City Attorney Michael Tye presented this matter. He stated City staff has been working with the State of Nebraska to coordinate the transfer of the real estate which has been designated as the location for the new Central Nebraska Veteran's Home. The Department of Administrative Services/State Building Division has requested that the City of Kearney deed the Veterans Home site to the State as part of the continuing process to construct the new Veteran's Home in Kearney. The Veteran's home site consists of approximately 67.72 acres will be used by the State as the location for the new Veteran's Home.

Council Member Lear introduced Ordinance No. 7988 conveying a tract of land located in part of the South Half of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter of Section 21, and part of the North Half of the Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 28, all in Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska to the State of 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 suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7988 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 Buschkoetter seconded by Clouse that Ordinance No. 7988 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. 7988 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.

UPDATE ON ENPLANEMENTS WITH GREAT LAKES AIRLINES

Mayor Clouse opened for discussion the enplanements with Great Lakes Airlines.

City Manager Michael Morgan presented this matter to the Council. As they discussed a few months ago they were going to update the Council the enplanement numbers for the months as reported from Great Lake Airlines. They are pleased with the numbers they had a significant amount of seats available the next go will be to fill the seats. Council member Lear is working with the marketing committee, as well as Council member Nikkila and others as they move forward and developing some marketing efforts to assist Great Lakes.

If you look at 90 percent completion rate for schedules, service essentially as proposed, they are meeting the intent as described in the agreement with the Federal Government. It is the City's understanding that that agreement has been agreed to in principal and they should be getting the final order from Department of Transportation any day.

GROUND LEASE FOR SOLAR ENERGY SYSTEM

Mayor Clouse had a conflict of interest and abstained from discussion and voting on this matter.

Vice-President Buschkoetter opened for discussion the Option Agreement for Ground Lease for Solar Energy System and the Ground Lease for Solar Energy System between the City of Kearney and Infigen Energy US Development LLC for 53 acres located to the south of the Tech Park with a proposal to build a solar energy production facility and consider Resolution No. 2015-80.

City Attorney Michael Tye presented this matter to the Council. The City has been approached by a company that is exploring the possibility of developing a solar power generation facility which would be located at the 53 acres that is south of the main Tech Park property. Representatives from the company were also present at the meeting.

They have an option agreement which would last up to three years where the company would do their due diligence and determine whether or not they have a viable site for a solar energy production facility. Also connected with that is a lease that if they were to exercise their option would last for 25 years, would involve \$300 per acre for rent plus payment of any real or personal property taxes that are associated with the property and the project. The rent would increase during the term of the lease by 1.5 percent annually and they estimate the project is approximately a \$20 million project.

Andrew Rudersdorf from Infigen stated they are looking at this as a win win for the City of Kearney. Their goal is to build a facility but at the same time help the City attract commercial and industrial customers to the site. What they have seen is a lot of large industrial customers who like to procure renewable energy and they saw this as a

perfect fit and they are very interested in the piece of land.

Council Member Buschkoetter asked the proposal that they have in front of them says it is contingent on whether or not this works for the company and that is what the first three years are about. What are some of the factors that they are looking at.

Mr. Rudersdorf stated the most important one is working with NPPD among other utilities to try to come to terms on a price. Typical things they look at fish and wildlife service, Nebraska Game and Parks Commission and working with them that there is no impact to wildlife in the area. High level building permits are also involved; zoning however he understands that the zoning is currently set for solar. They expect this to be a quick process. Their goal is to have the project on-line by the end of next year. The reason they like to have the three years, things come up and they want to make sure that they have adequate time to complete the project. They have had a lot of high level discussions with the entities but until they have a piece of land it is difficult to be taken seriously. Once this is approved they can take it and put it in their back pocket and really start to go shop this and make it a reality for the community.

Council Member Nikkila asked how many different places around the country do they have similar solar facilities. Mr. Rudersdorf stated they have a lot of development pipelines so they have about a gigawatt of developments from California to New Mexico to North Carolina to South Carolina. They were recently successful in California where they sold some projects to Duke Energy who is now owning and operating them so they have done work in California and looking to make this their first project in Nebraska and hopefully many more.

Moved by Lammers seconded by Nikkila to adopt **Resolution No. 2015-80** approving the Option Agreement for Ground Lease for Solar Energy System and the Ground Lease for Solar Energy System between the City of Kearney and Infigen Energy US Development LLC for 53 acres located to the south of the Tech Park with a proposal to build a solar energy production facility. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse abstained. Motion carried.

RESOLUTION NO. 2015-80

WHEREAS, the City of Kearney has been approached by Infigen Energy US Development LLC (Infigen) who builds solar energy production facilities throughout the United States with a proposal to build such a facility on City property; and

WHEREAS, the site that they have chosen consists of approximately 53 acres located to the south of the Tech Park; and

WHEREAS, it has been found and determined to be in the best interests of the City to enter into an Option Agreement for Ground Lease for Solar Energy System and the Ground Lease for Solar Energy System between the City of Kearney and Infigen Energy US Development LLC for 53 acres located to the south of the Tech Park with a proposal to build a solar energy production facility.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, to approve the Option Agreement for Ground Lease for Solar Energy System and the Ground Lease for Solar Energy System between the City of Kearney and Infigen Energy US Development LLC for 53 acres located to the south

of the Tech Park with a proposal to build a solar energy production facility. A copy of said Option Agreement and Ground Lease, marked as Exhibit A, is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Vice-President be and is hereby authorized and directed to execute the Option Agreement for Ground Lease for Solar Energy System and the Ground Lease for Solar Energy System between the City of Kearney and Infigen Energy US Development LLC.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

OPEN ACCOUNT CLAIM

Moved by Clouse seconded by Lammers that the Open Account Claim in the amount of \$199.00 payable to Jonathan Nikkila be allowed. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila abstained. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Lammers seconded by Nikkila that Council adjourn at 6:00 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

ATTEST:

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

MICHAELLE E. TREMBLY
CITY CLERK