

*Kearney, Nebraska
November 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 November 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, Bob Lammers and Jonathan Nikkila. Absent: Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, 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: Jason Koettters, Bruce Lefler, Craig Bennett, Trenton Snow, Joe Sobotka, Eric Casper, Mike Koski, 4 UNK students, Steve Altmaier from KGFW Radio, Amanda Brandt 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.

OATH OF OFFICE TO POLICE OFFICER CHRISTOPHER HUGHES

City Clerk administered the oath of office to Police Officer Christopher Hughes. Other police officers and the officer's family were present to congratulate them.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

TECH ONE FIRST DEVELOPMENT PLANS

Mayor Clouse stated the public hearing on the Application submitted by Miller & Associates for City of Kearney, Nebraska for Planned District Development Plan Approval for the proposed construction of an office complex development on property located at the southeast corner of 56th Street and Antelope Avenue has been withdrawn. The plans have changed and will be going before the Planning Commission on November 20, 2015. Therefore, no action was taken.

DEVELOPMENT OF TIFFANY SQUARE THIRD ADDITION

Mayor Clouse opened the public hearing on the Applications submitted by Trenton Snow for City of Kearney, Nebraska for (1) petition to vacate Lot 15, Tiffany Square Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8040; and (2) the Final Plat for Tiffany Square Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 15, Tiffany Square Addition, an addition to the City of Kearney, (to be vacated) and part of Outlot A of Block 1, Tony H. Addition, an addition to the City of Kearney (now vacated), all in Buffalo County, Nebraska (east side of 30th Avenue, north of La Crosse Drive) and consider Resolution No. 2015-225. Planning Commission recommended approval.

Trenton Snow presented this matter to the Council. He stated this project is for the ballfields on the west side of the development that came before City Council, the Judy Meadows Addition, where the duplex are being planned. This was to take care of the small remnant of the outlot in the southeast corner of Lot 1 that they are creating now. They vacated Outlot A of Tony H. Addition and part of that Outlot went with Judy Meadows which left this remnant which is still the City of Kearney's property. They added that to what was originally in Tiffany Square Addition and replatting it to Tiffany Square Third Addition and is encompassed under one lot.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Applications submitted by Trenton Snow for City of Kearney, Nebraska for property located on the east side of 30th Avenue, north of La Crosse Drive and introduced Ordinance No. 8040 vacating Lot 15, Tiffany Square Addition, 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. 8040. 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. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8040 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. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Buschkoetter that Ordinance No. 8040 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8040 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 Buschkoetter seconded by Clouse to adopt **Resolution No. 2015-225** approving the Final Plat for Tiffany Square Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 15, Tiffany Square Addition, an addition to the City of Kearney, (to be vacated) and part of Outlot A of Block 1, Tony H. Addition, an addition to the City of Kearney (now vacated), all in Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2015-225

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Tiffany Square Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska for Lot 15, Tiffany Square Addition, an addition to the City of Kearney, Buffalo County, Nebraska, to be vacated, AND part of Outlot A, Block One (now vacated), Tony H. Addition, an addition to the City of Kearney, Buffalo County, Nebraska, all being part of the Southwest Quarter of the Northwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast corner of the Southwest Quarter of the Northwest Quarter of said Section 3 and assuming the North line of said Southwest Quarter of the Northwest Quarter as bearing S 87°50' W and all bearing contained herein are relative thereto; thence S 87°50' W on the aforesaid North line a distance of 924.8 feet to the ACTUAL PLACE OF BEGINNING, said point being the northeast corner of Lot 15 in said Tiffany Square Addition, to be vacated; thence continuing S 87°50' W on the aforesaid North line and on the north line of said Lot 15 a distance of 374.5 feet to the northwest corner of said Lot 15; thence S 00°12'20" E on the west line of said lot a distance of 233.99 feet to the southwest corner of said lot; thence S 89°56' E a distance of 322.9 feet to the northwest corner of said Outlot A, Block 1; thence S 27°31'04" E on the west line of said Outlot a distance of 93.39 feet to a point on the north line of LaCrosse Drive, a street in the City of Kearney and on a non-tangent curve; thence on the aforesaid north line on a 230.0 foot radius non-tangent curve, concave southeasterly, forming a central angle of 12°51'44" an arc

distance of 51.63 feet; thence N 34°19' W a distance of 48.78 feet to the southeast corner of said Lot 15; thence N 00°04' E on the east line of said lot a distance of 248.5 feet to the place of beginning, 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 NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING ON THE EAST OF 30TH AVENUE BETWEEN 11TH STREET AND 16TH STREET

Public Hearings 3, 4, 5, and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Central Community College to rezone from District AG, Agricultural District to District C-O/PD, Office/Planned Development Overlay District property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east of 30th Avenue between 11th Street and 16th Street) and consider Ordinance No. 8041. Planning Commission voiced concerns regarding no sidewalks were shown on the development plan north of 11th Street and the right-hand bypass (shoefly) at the intersection of 30th Avenue and 11th Street. Staff recommends approval as presented without the requirement of sidewalks on the south side of 11th Street. The City does not want to encourage pedestrian traffic to the east of the traffic signal at 30th Avenue as no pedestrian crossing will exist in this area until future campus development. Further, the City does not recommend any changes to the pedestrian crossing at 27th Avenue and 11th Street at this time. A 2014 traffic impact study recommended the proposed intersection and signal improvements. Furthermore, an ongoing evaluation of area development will occur and adjustments made as necessitated.

Craig Bennett from Miller & Associates presented this matter to the Council. He stated the property is a larger parcel that the Central Community College owns and the parcel is approximately 30 acres and they are platting a portion of the west side. They are asking for annexation, some of the land around is not within City limits.

The Land Use Map is Mixed Use 2 and they are not asking to change that. The zoning that they are asking for is currently agricultural and they are asking for it to be C-O/PD

which would be similar to what is seen at the high school on the south side of 11th Street. To the east is agricultural and will be a mixed use of agricultural and community commercial on the west until that gets developed.

Before City Council tonight is a small portion consisting of approximately 13 acres for rezoning. The property boundary that they have represents 11th Street being on the south and 30th Avenue on the west. It is approximately 32 acres that they own.

There are many utilities around the site both on 11th Street as well as gas easements and 16th Street on the north. The City does have a pie shaped area for the shoe fly drive-by at the curve for the right hand turn for westbound traffic that will turn north on 30th Avenue. That has been accounted for in the plat as well.

Existing infrastructure is around the entire site, they have a 16-inch water main on all three sides of the property. There is an 8-inch water main on the north by the Buckle Distribution Center, a 15-inch sanitary sewer on the west, and a 21-inch sanitary sewer on the south. There are storm water infrastructure inlets and pipe all around the site.

Kali Eklund from Wilkins Architects stated it is a 65,000 square foot building. In the far north part of the building will have approximately 12,000 square feet dedicated to skills and technical training. Ms. Eklund discusses the layout of the college.

Mr. Bennett stated the grading and drainage will be done in phases. The grading and drainage for the area will have a detention cell that will be located on the northern portion of the property as well as one located on the southwestern portion, both will connect to the existing infrastructure on 16th Street, 11th Street and 30th Avenue.

The grading that will happen and will remain unchanged with circulation for sidewalks and pedestrian activity around the site. As a requirement for PD because of the size, Mr. Bennett discussed the landscaping.

Council Member Lammers asked about not having sidewalks on the south side of the facility that was discussed at Planning Commission. He would like the City to talk about that.

City Manager Michael Morgan stated the challenge with the project is the first phase does not go far enough to connect to 27th Street so if you put a sidewalk along the front it would go nowhere. It is all in the timing, once they complete the next phase that is their intent to put the sidewalk in. All the sidewalks go to the intersection from the north and the south and also a new sidewalk in front of the school back the other direction to the east.

The Community College was not suggesting not placing them when it was complete. The intent is later on when it is developed to put in the sidewalks.

City Manager stated there are two traffic signals going in, one at 27th Avenue and one at 30th Avenue. The area of the shoe fly, Planning Commission wanted to change the intersection to make it a stop at that point but he believes it makes sense to first determine the traffic patterns in the area; they can always make the adjustments once

the school opens. The engineering plans they are developed for the entire intersection that the signals are based on.

Director of Public Works Rod Wiederspan stated currently they believe the shoefly or merge right lane would be adequate to handle the traffic. They have designed it so that the signals when they are going in will not have to be moved or relocated in the future if they do decide to take the shoefly out, they can just take it out and add another lane. Currently, with the traffic that is there today and projected future traffic they would like to try it the way it is.

The majority of the traffic going out that way once to make the turn, beltway around the community so they want to continue to make that free flowing right.

City Manager stated there are significant improvements occurring in that intersection with the widening of the lane and the changing of traffic signals.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Application submitted by Miller & Associates for Central Community College to rezone from District AG, Agricultural District to District C-O/PD, Office/Planned Development Overlay District property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east of 30th Avenue between 11th Street and 16th Street) and introduced Ordinance No. 8041 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to close the hearing and suspend the rules for Ordinance No. 8041. 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. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8041 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. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 8041 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8041 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 CENTRAL COMMUNITY COLLEGE FIRST ADDITION

Public Hearings 3, 4, 5, and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Central Community College for the Final Plat for Central Community College First Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east of 30th Avenue between 11th Street and 16th Street) and consider Resolution No. 2015-226.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2015-226** approving the Application submitted by Miller & Associates for Central Community College for the Final Plat for Central Community College First Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east of 30th Avenue between 11th Street and 16th Street). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2015-226

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Central Community College First Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Southwest Quarter of the Southwest Quarter, of Section 3, 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at a chiseled X at the Southwest corner of the Southwest Quarter of Section 3 and assuming the West line of said Southwest Quarter as bearing N 01°21'35" E and all bearings contained herein are relative thereto; thence N 01°21'35" E on said West line of the Southwest Quarter a distance of 951.03 feet to a mag nail and I.D. washer at the intersection of the South line of 16th Street as platted in Lot 1, Buckle Second Addition to the City of Kearney, Buffalo County, Nebraska; thence S 88°39'19" E on said South line of 16th Street a distance of 250.33 feet to a 5/8" rebar; thence Easterly continuing on said South line of 16th Street and on a non tangent curve left, having a central angle of 01°25'16", a radius of 2033.00 feet, an arc length of 50.42 feet, and a chord bearing of S 89°15'13" E distance of 50.42 feet to a 5/8" rebar; thence N 89°55'55" E continuing on said South line of 16th Street a distance of 259.25 feet; thence S 00°00'00" E a distance of 943.88 feet to the South line of said Southwest Quarter of Section 3; thence S 89°56'05" W on said South line of the Southwest Quarter a distance of 582.49 feet to the Point of Beginning, containing 12.40 acres more or less. EXCEPT a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to a chiseled X at the Southwest corner of the Southwest Quarter of Section 3 and assuming the West line of said Southwest Quarter as bearing N 01°21'35" E and all bearings contained herein are

relative thereto; thence N 01°21'35" E on said West line of the Southwest Quarter a distance of 33.01 feet; thence N 89°56'05" E parallel with the South line of said Southwest Quarter a distance of 33.01 feet to the POINT OF BEGINNING; thence continuing N 89°56'05" E a distance of 201.03 feet; thence N 00°03'55" W perpendicular to said South line of the Southwest Quarter a distance of 3.00 feet: thence Northwesterly on a non-tangent curve right, having a central angle of 91°28'50", a radius of 193.00 feet, an arc length of 308.15 feet, and a chord bearing of N 44°21'10" W a distance of 276.45 feet: thence N 88°38'25" W perpendicular to said West line of the Southwest Quarter a distance of 3.00 feet; thence S 01°21'35" W parallel to said West line of the Southwest Quarter a distance of 201.03 feet to the Point of Beginning, containing 0.22 acres more or less, leaving a balance of 12.18 acres more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the 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 NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF CENTRAL COMMUNITY COLLEGE FIRST ADDITION

Public Hearings 3, 4, 5, and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Central Community College for the annexation of Central Community College First Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east of 30th Avenue between 11th Street and 16th Street) and consider Resolution No. 2015-227.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2015-227** approving the Application submitted by Miller & Associates for Central Community College for the annexation of Central Community College First Addition, an addition to the City of Kearney, Buffalo County Nebraska, for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east of 30th Avenue between 11th Street and 16th Street). Roll call resulted as follows: Aye:

Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2015-227

WHEREAS, an Application has been submitted by Miller & Associates for Central Community College for the inclusion of Central Community College First Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter, of Section 3, 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at a chiseled X at the Southwest corner of the Southwest Quarter of Section 3 and assuming the West line of said Southwest Quarter as bearing N 01°21'35" E and all bearings contained herein are relative thereto; thence N 01°21'35" E on said West line of the Southwest Quarter a distance of 951.03 feet to a mag nail and I.D. washer at the intersection of the South line of 16th Street as platted in Lot 1, Buckle Second Addition to the City of Kearney, Buffalo County, Nebraska; thence S 88°39'19" E on said South line of 16th Street a distance of 250.33 feet to a 5/8" rebar; thence Easterly continuing on said South line of 16th Street and on a non tangent curve left, having a central angle of 01°25'16", a radius of 2033.00 feet, an arc length of 50.42 feet, and a chord bearing of S 89°15'13" E distance of 50.42 feet to a 5/8" rebar; thence N 89°55'55" E continuing on said South line of 16th Street a distance of 259.25 feet; thence S 00°00'00" E a distance of 943.88 feet to the South line of said Southwest Quarter of Section 3; thence S 89°56'05" W on said South line of the Southwest Quarter a distance of 582.49 feet to the Point of Beginning, containing 12.40 acres more or less. EXCEPT a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to a chiseled X at the Southwest corner of the Southwest Quarter of Section 3 and assuming the West line of said Southwest Quarter as bearing N 01°21'35" E and all bearings contained herein are relative thereto; thence N 01°21'35" E on said West line of the Southwest Quarter a distance of 33.01 feet; thence N 89°56'05" E parallel with the South line of said Southwest Quarter a distance of 33.01 feet to the POINT OF BEGINNING; thence continuing N 89°56'05" E a distance of 201.03 feet; thence N 00°03'55" W perpendicular to said South line of the Southwest Quarter a distance of 3.00 feet: thence Northwesterly on a non-tangent curve right, having a central angle of 91°28'50", a radius of 193.00 feet, an arc length of 308.15 feet, and a chord bearing of N 44°21'10" W a distance of 276.45 feet: thence N 88°38'25" W perpendicular to said West line of the Southwest Quarter a distance of 3.00 feet; thence S 01°21'35" W parallel to said West line of the Southwest Quarter a distance of 201.03 feet to the Point of Beginning, containing 0.22 acres more or less, leaving a balance of 12.18 acres more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on October 16, 2015 on the inclusion of Central Community College First 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 Central Community College First 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 November 10, 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 Central Community College First 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 Central Community College First 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 10TH DAY OF NOVEMBER, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

DEVELOPMENT PLANS FOR CENTRAL COMMUNITY COLLEGE FIRST ADDITION

Public Hearings 3, 4, 5, and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Central Community College for Planned District Development Plan Approval for the construction of a new college facility on property to be zoned District C-O/PD, Office/Planned Development Overlay District and described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east of 30th Avenue between 11th Street and 16th Street) and consider Resolution No. 2015-228.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2015-228** approving the Application submitted by Miller & Associates for Central Community College for Planned District Development Plan Approval for the construction of a new college facility on property to be zoned District C-O/PD, Office/Planned Development Overlay District and described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (east of 30th Avenue between 11th Street and 16th Street) as presented by staff. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2015-228

WHEREAS, Miller & Associates for Central Community College have applied for Planned District Development Plan Approval for the construction of a new college facility on property to zoned District C-O/PD, Office/Planned Development Overlay District and described as a tract of land being part of the Southwest Quarter of the Southwest Quarter, of Section 3, 8 North, Range 16 West of the 6th P.M., Buffalo

County, Nebraska, and more particularly described as follows: BEGINNING at a chiseled X at the Southwest corner of the Southwest Quarter of Section 3 and assuming the West line of said Southwest Quarter as bearing N 01°21'35" E and all bearings contained herein are relative thereto; thence N 01°21'35" E on said West line of the Southwest Quarter a distance of 951.03 feet to a mag nail and I.D. washer at the intersection of the South line of 16th Street as platted in Lot 1, Buckle Second Addition to the City of Kearney, Buffalo County, Nebraska; thence S 88°39'19" E on said South line of 16th Street a distance of 250.33 feet to a 5/8" rebar; thence Easterly continuing on said South line of 16th Street and on a non tangent curve left, having a central angle of 01°25'16", a radius of 2033.00 feet, an arc length of 50.42 feet, and a chord bearing of S 89°15'13" E distance of 50.42 feet to a 5/8" rebar; thence N 89°55'55" E continuing on said South line of 16th Street a distance of 259.25 feet; thence S 00°00'00" E a distance of 943.88 feet to the South line of said Southwest Quarter of Section 3; thence S 89°56'05" W on said South line of the Southwest Quarter a distance of 582.49 feet to the Point of Beginning, containing 12.40 acres more or less. EXCEPT a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to a chiseled X at the Southwest corner of the Southwest Quarter of Section 3 and assuming the West line of said Southwest Quarter as bearing N 01°21'35" E and all bearings contained herein are relative thereto; thence N 01°21'35" E on said West line of the Southwest Quarter a distance of 33.01 feet; thence N 89°56'05" E parallel with the South line of said Southwest Quarter a distance of 33.01 feet to the POINT OF BEGINNING; thence continuing N 89°56'05" E a distance of 201.03 feet; thence N 00°03'55" W perpendicular to said South line of the Southwest Quarter a distance of 3.00 feet: thence Northwesterly on a non-tangent curve right, having a central angle of 91°28'50", a radius of 193.00 feet, an arc length of 308.15 feet, and a chord bearing of N 44°21'10" W a distance of 276.45 feet: thence N 88°38'25" W perpendicular to said West line of the Southwest Quarter a distance of 3.00 feet; thence S 01°21'35" W parallel to said West line of the Southwest Quarter a distance of 201.03 feet to the Point of Beginning, containing 0.22 acres more or less, leaving a balance of 12.18 acres more or less, all in Buffalo County, Nebraska (east of 30th Avenue between 11th Street and 16th Street).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates for Central Community College for Planned District Development Plan Approval for the construction of a new college facility on property zoned District C-O/PD, Office/Planned Development Overlay District and described as a tract of land being part of the Southwest Quarter of the Southwest Quarter, of Section 3, 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at a chiseled X at the Southwest corner of the Southwest Quarter of Section 3 and assuming the West line of said Southwest Quarter as bearing N 01°21'35" E and all bearings contained herein are relative thereto; thence N 01°21'35" E on said West line of the Southwest Quarter a distance of 951.03 feet to a mag nail and I.D. washer at the intersection of the South line of 16th Street as platted in Lot 1, Buckle Second Addition to the City of Kearney, Buffalo County, Nebraska; thence S 88°39'19" E on said South line of 16th Street a distance of 250.33 feet to a 5/8" rebar; thence Easterly continuing on said South line of 16th Street and on a non tangent curve left, having a central angle of 01°25'16", a radius of 2033.00 feet, an arc length of 50.42 feet, and a chord bearing of S 89°15'13" E distance of 50.42 feet to a 5/8" rebar; thence N

89°55'55" E continuing on said South line of 16th Street a distance of 259.25 feet; thence S 00°00'00" E a distance of 943.88 feet to the South line of said Southwest Quarter of Section 3; thence S 89°56'05" W on said South line of the Southwest Quarter a distance of 582.49 feet to the Point of Beginning, containing 12.40 acres more or less. EXCEPT a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to a chiseled X at the Southwest corner of the Southwest Quarter of Section 3 and assuming the West line of said Southwest Quarter as bearing N 01°21'35" E and all bearings contained herein are relative thereto; thence N 01°21'35" E on said West line of the Southwest Quarter a distance of 33.01 feet; thence N 89°56'05" E parallel with the South line of said Southwest Quarter a distance of 33.01 feet to the POINT OF BEGINNING; thence continuing N 89°56'05" E a distance of 201.03 feet; thence N 00°03'55" W perpendicular to said South line of the Southwest Quarter a distance of 3.00 feet: thence Northwesterly on a non-tangent curve right, having a central angle of 91°28'50", a radius of 193.00 feet, an arc length of 308.15 feet, and a chord bearing of N 44°21'10" W a distance of 276.45 feet: thence N 88°38'25" W perpendicular to said West line of the Southwest Quarter a distance of 3.00 feet; thence S 01°21'35" W parallel to said West line of the Southwest Quarter a distance of 201.03 feet to the Point of Beginning, containing 0.22 acres more or less, leaving a balance of 12.18 acres more or less, all in Buffalo County, Nebraska (east of 30th Avenue between 11th Street and 16th Street) be approved as presented by staff without the requirement of sidewalks on the south side of 11th Street as the City does not want to encourage pedestrian traffic to the east of the traffic signal at 30th Avenue as no pedestrian crossing will exist in this area until future campus development, and no changes to the pedestrian crossing at 27th Avenue and 11th Street at this time.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

AMENDMENT TO LAND USE MAP FOR WEST OF AVENUE U, BETWEEN 8TH STREET AND 11TH STREET

Public Hearings 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Brent Henderson for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from AG Preserve to Light Industrial property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (west of Avenue U, between 8th Street and 11th Street) and consider Resolution No. 2015-229. Planning Commission recommended approval.

Craig Bennett from Miller & Associates presented this matter to the Council. He stated the subdivision would be known as East 11th Industrial Park and the area would be 11th Street and Avenue M located on the west side. The zoning for the parcel is currently

agricultural and they are asking to rezone it to limited industrial which is what is currently along the north side of 11th Street.

A 30-inch sanitary sewer main does exist along the north side in 11th Street which they are using to serve this. There is a 30-inch water main as well along 11th Street along the north side. Located on the north was East Cook Subdivision along with a frontage road also on the north side of it to provide ingress/egress access to the lots.

The Preliminary Plat would provide an access in the northwest corner of the property to 11th Street and a frontage road that would go east/west across the north side to what would be known as U Avenue on the east side. The approaches would be paved and a gravel frontage road along the north side.

Before City Council tonight is a 6-lot subdivision; they are longer linear lots and 8th Street has been dedicated as right-of-way. It is dedicated as a collector street. They are also asking to be annexed into the City as they are contiguous to the City limits on the north side.

Council Member Lammers asked about a double power line that crosses the property on the right side, are there any of the poles that are actually on the property. Mr. Bennett confirmed there is an easement for that power line.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2015-229** approving the Application submitted by Miller & Associates for Brent Henderson for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from AG Preserve to Light Industrial property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (west of Avenue U, between 8th Street and 11th Street). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2015-229

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at an aluminum cap at the Northwest Corner of the Northeast Quarter of Section 7 and assuming the North line of said Northeast Quarter as bearing N 89°56'44" E and all bearings contained herein are relative thereto; thence N 89°56'44" E on said North line a distance of 93.89 feet to a Mag Nail; thence S 00°20'19" E parallel to and 93.89 feet Easterly, as measured at right angles, of the West line of said Northeast Quarter a distance of 1160.63 feet to a 5/8" rebar with cap; thence S 89°56'03" W parallel to the North line of the Northwest Quarter of said Section 7 a distance of 1438.63 feet to a 5/8" rebar with

cap; thence N 00°38'44" W parallel to and 17.00 feet Easterly, as measured at right angles, of the West line of the Northeast Quarter of said Northwest Quarter a distance of 1160.70 feet to a Mag Nail on the North line of said Northwest Quarter; thence N 89°56'03" E on said North line of the Northwest Quarter a distance of 1350.96 feet to the point of Beginning, containing 38.41 acres more or less, Buffalo County, Nebraska from AG Preserve to Light Industrial, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from AG Preserve to Light Industrial the use classification for a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at an aluminum cap at the Northwest Corner of the Northeast Quarter of Section 7 and assuming the North line of said Northeast Quarter as bearing N 89°56'44" E and all bearings contained herein are relative thereto; thence N 89°56'44" E on said North line a distance of 93.89 feet to a Mag Nail; thence S 00°20'19" E parallel to and 93.89 feet Easterly, as measured at right angles, of the West line of said Northeast Quarter a distance of 1160.63 feet to a 5/8" rebar with cap; thence S 89°56'03" W parallel to the North line of the Northwest Quarter of said Section 7 a distance of 1438.63 feet to a 5/8" rebar with cap; thence N 00°38'44" W parallel to and 17.00 feet Easterly, as measured at right angles, of the West line of the Northeast Quarter of said Northwest Quarter a distance of 1160.70 feet to a Mag Nail on the North line of said Northwest Quarter; thence N 89°56'03" E on said North line of the Northwest Quarter a distance of 1350.96 feet to the point of Beginning, containing 38.41 acres more or less, Buffalo County, Nebraska.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING WEST OF AVENUE U, BETWEEN 8TH STREET AND 11TH STREET

Public Hearings 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Brent Henderson to rezone from District AG, Agricultural District to District M-1, Limited Industrial District property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (west of Avenue U, between 8th Street and 11th Street) and consider Ordinance No. 8042.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Miller & Associates for Brent Henderson to rezone from District AG, Agricultural District to District M-1, Limited Industrial District property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and introduced Ordinance No. 8042 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. 8042. 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, Nikkila. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8042 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, Nikkila. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8042 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8042 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 EAST 11TH INDUSTRIAL PARK

Public Hearings 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Brent Henderson for the Final Plat and Subdivision Agreement for East 11th Industrial Park, 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 Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (west of Avenue U, between 8th Street and 11th Street) and consider Resolution No. 2015-230.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2015-230** approving the Application submitted by Miller & Associates for Brent

Henderson for the Final Plat and Subdivision Agreement for East 11th Industrial Park, 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 Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (west of Avenue U, between 8th Street and 11th Street). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2015-230

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of East 11th Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at an aluminum cap at the Northwest Corner of the Northeast Quarter of Section 7 and assuming the North line of said Northeast Quarter as bearing N 89°56'44" E and all bearings contained herein are relative thereto; thence N 89°56'44" E on said North line a distance of 93.89 feet to a Mag Nail; thence S 00°20'19" E parallel to and 93.89 feet Easterly, as measured at right angles, of the West line of said Northeast Quarter a distance of 1160.63 feet to a 5/8" rebar with cap; thence S 89°56'03" W parallel to the North line of the Northwest Quarter of said Section 7 a distance of 1438.63 feet to a 5/8" rebar with cap; thence N 00°38'44" W parallel to and 17.00 feet Easterly, as measured at right angles, of the West line of the Northeast Quarter of said Northwest Quarter a distance of 1160.70 feet to a Mag Nail on the North line of said Northwest Quarter; thence N 89°56'03" E on said North line of the Northwest Quarter a distance of 1350.96 feet to the point of Beginning, containing 38.41 acres more or less, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

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

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF EAST 11TH INDUSTRIAL PARK

Public Hearings 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Brent Henderson for the annexation of East 11th Industrial Park, 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 Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (west of Avenue U, between 8th Street and 11th Street) and consider Resolution No. 2015-231.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2015-231** approving the Application submitted by Miller & Associates for Brent Henderson for the annexation of East 11th Industrial Park, 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 Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (west of Avenue U, between 8th Street and 11th Street). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2015-231

WHEREAS, an Application has been submitted by Miller & Associates for Brent Henderson for the inclusion of East 11th Industrial Park, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at an aluminum cap at the Northwest Corner of the Northeast Quarter of Section 7 and assuming the North line of said Northeast Quarter as bearing N 89°56'44" E and all bearings contained herein are relative thereto; thence N 89°56'44" E on said North line a distance of 93.89 feet to a Mag Nail; thence S 00°20'19" E parallel to and 93.89 feet Easterly, as measured at right angles, of the West line of said Northeast Quarter a distance of 1160.63 feet to a 5/8" rebar with cap; thence S 89°56'03" W parallel to the North line of the Northwest Quarter of said Section 7 a distance of 1438.63 feet to a 5/8" rebar with cap; thence N 00°38'44" W parallel to and 17.00 feet Easterly, as measured at right angles, of the West line of the Northeast Quarter of said Northwest Quarter a distance of 1160.70 feet to a Mag Nail on the North line of said Northwest Quarter; thence N 89°56'03" E on said North line of the Northwest Quarter a distance of 1350.96 feet to the point of Beginning, containing 38.41 acres more or less, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on October 16, 2015 on the inclusion of East 11th Industrial Park within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as East 11th Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on November 10, 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 East 11th Industrial Park shall be included within the corporate limits of the City of Kearney, Buffalo County, Nebraska, that the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules and regulations of the City of Kearney.

BE IT FURTHER RESOLVED that the inclusion of East 11th Industrial Park within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

DEVELOPMENT PLANS FOR ONE HALF BLOCK NORTH OF 16TH STREET, EAST OF 17TH AVENUE

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Sun Development Inc. for Planned District Development Plan Approval for the construction of new storage units on property zoned District M-1/PD, Limited Industrial/Planned Development Overlay District and described as Lot 2, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (one half block north of 16th Street, east of 17th Avenue) and consider Resolution No. 2015-232.

Craig Bennett from Miller & Associates presented this matter to the Council. He stated this property was recently replatted and rezoned to M-1/PD, Limited Industrial/Planned Development Overlay District. Tonight they are asking for approval of the development plan for the lot. It is known as Lot 2, Sun Development. Its access would be on 17th Avenue which they have an ingress/egress easement that goes across to access Lots 1, 2 and 3. There would be four storage units. The developer will maintain the same look and façade that are currently out there.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2015-232** approving the Application submitted by Miller & Associates for Sun Development Inc. for Planned District Development Plan Approval for the construction of new storage units on property zoned District M-1/PD, Limited Industrial/Planned Development Overlay District and described as Lot 2, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (one half block north of 16th Street, east of 17th Avenue). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2015-232

WHEREAS, Miller & Associates for Sun Development Inc. have applied for Planned District Development Plan Approval for the construction of new storage units on property zoned District M-1/PD, Limited Industrial/Planned Development Overlay District and described as Lot 2, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (one half block north of 16th Street, east of 17th Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates for Sun Development Inc. for Planned District Development Plan Approval for the construction of new storage units on property zoned District M-1/PD, Limited Industrial/Planned Development Overlay District and described as Lot 2, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (one half block north of 16th Street, east of 17th Avenue) be approved.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

BOARD OF EQUALIZATION

Mayor Clouse opened the public hearing for the Council to meet as the Board of Equalization to assess costs in connection with Water District Nos. 2014-574, 2014-575 and Sanitary Sewer District Nos. 2014-512 and 2014-513 and consider Resolution No. 2015-233.

Mayor Clouse opened the public hearing for the Council to meet as the Board of Equalization to assess costs in connection with Water District Nos. 2014-574, 2014-575 and Sanitary Sewer District Nos. 2014-512 and 2014-513 are for improvements in 30th Avenue from 11th Street south. These districts were created on June 10, 2014 in conjunction with the construction of the new high school.

After completion of the construction projects, the City hired a title company to complete property abstracts so that assessments could be levied. Attached is the schedule showing the assessments for each parcel for each water and sanitary sewer districts. These districts have been completed and, in order to satisfy state law, when 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 (December 30) or they can pay the assessment over a 5-year period.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing for the Council to meet as the Board of Equalization and adopt **Resolution No. 2015-233** approving the assessment costs in connection with Water District Nos. 2014-574, 2014-575 and Sanitary Sewer District Nos. 2014-512 and 2014-513. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2015-233

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

Section 1. The President and Council find and determine that the water mains heretofore ordered installed in Water District Nos. 2014-574 and 2014-575 have been installed, together with all incidental work thereto by the City Utilities Department, and that none of the properties listed, which is marked "Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedules do not exceed the amounts which each of said lots and parcels of ground were specially benefited by said water mains and the total amount of said special assessments does not exceed the costs of said improvements as heretofore determined by the Mayor and City Council.

Section 2. The President and Council find and determine that the sanitary sewer mains heretofore ordered installed in Sanitary Sewer District Nos. 2014-512 and 2014-513 have been installed, together with all incidental work thereto by the City Utilities Department, and that none of the properties listed, which is marked "Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedules do not exceed the amounts which each of said lots and parcels of ground were specially benefited by said sanitary sewer mains and the total amount of said special assessments does not exceed the costs of said improvements as heretofore determined by the Mayor and City Council.

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

Section 4. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Water District Nos. 2014-574 and 2014-575 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 5. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Sanitary Sewer District Nos. 2014-512 and 2014-513 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.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Clouse seconded by Lammers that Subsections 1 through 12 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held October 27, 2015 and Minutes of Special Meeting held October 27, 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 \$1,645.27 ps, smcs; Albrecht,H \$1,495.00 smcs; Amazon \$1,516.83 smcs; Amer First Aid \$265.65 smcs; APWA \$100.00 smcs; Anderson Bros Electric \$154.00 smcs; Anderson,B \$40.00 smcs; Ask Supply \$450.02 smcs; Aurora Coop \$121.20 smcs; Auto Value Parts \$562.55 smcs; Baker & Taylor \$5,810.72 smcs; Barney Abstract \$180.00 smcs; Bishop,K \$56.97 smcs; Blackstone Audio \$90.00 smcs; Blessing \$478,057.63 co; BlueCross/BlueShield \$58,428.34 smcs; Books Galore \$12,091.18 smcs; Bosselman \$817.73 smcs; Bosselman Energy \$4,002.00 smcs; Bradley,R \$601.18 smcs; Brilliance Publishing \$86.96 smcs; Broadfoot's \$157.50 smcs; Buffalo Outdoor Power \$105.85 smcs; Builders \$206.93 smcs; Butler,J \$31.00 smcs; Butler,M \$16.59 smcs; Buysm Sod \$52.50 co; Cabela's \$13,884.75 smcs; Capital Business Systems \$245.50 smcs; Cash-Wa \$317.72 smcs; Center for Education & Empl \$254.95 smcs; ChemSearch \$305.00 smcs; Chesteman \$474.65 smcs; Chief Supply \$391.44 smcs; City of Ky \$362,519.55 ps,; smcs; Clark Enersen Partners \$45,084.53 co; Clean Air Concepts \$285.00 smcs; Coast to Coast \$255.16 smcs; Comm Health Charity \$10.00 ps; Community Action Partner \$4,464.02 smcs; Consolidatied Mgmt \$172.25 smcs; D&K Products \$2,620.60 smcs; Dan Roeder Concrete \$602,945.10 co; Danko Emergency \$847.50 ps; DeBoer,N \$100.00 smcs; Dish Network \$84.00 smcs; Dowhy Towing \$200.00 smcs; Dutton Lainson \$133.43 smcs; Eakes \$22.48 smcs; Ebsco Publishing \$1,575.00 smcs; Elliott Equipment \$62.17 smcs; Evers,B \$135.00 smcs; Farmers Union \$23.00 smcs; Fields,J \$27.50 smcs; Folko,K \$16.00 smcs; Gale \$857.08 smcs; Gametime \$1,898.48 co; Gangwish Turf \$210.00 smcs; Garcia-Diaz,R \$90.00 smcs; GD Concrete Const \$60,432.30 co; General Traffic Controls \$377.37 smcs; Goodner,D \$100.00 smcs; Gray,C \$202.50

smcs; Haack,S \$200.92 smcs; HD Supply \$810.00 smcs; Hewlett-Packard \$10,889.21 co; Hometown Leasing \$157.20 smcs; Horst,R \$151.23 smcs; Humanities NE \$150.00 smcs; Hummel,K \$159.18 smcs; HWS, Inc \$195.00 smcs; ICMA \$4,369.11 ps; ICMA Membership \$1,400.00 smcs; IRS \$140,422.57 ps; Isaac,B \$31.93 smcs; Jack Lederman \$589.53 smcs; Jack's Uniforms \$785.04 smcs; Johnson Controls \$3,732.00 smcs; Kart-Man \$999.21 smcs; Ky Area United Way \$531.50 ps; Keough,J \$38.53 smcs; Krull Ins \$2,194.75 smcs; Lockmobile \$20.90 smcs; Magic Cleaning \$4,740.00 smcs; Matheson Tri-Gas \$23.33 smcs; Mead Lumber \$196.90 co; Metlife \$8,988.94 ps; Mial Express \$35.82 smcs; Midlands Contracting \$284,124.96 co; Midwest Mailing \$2,854.73 smcs; Miller & Associates \$33,704.89 co; Miller Signs \$400.00 smcs; Moonlight Embroidery \$5,307.00 smcs; Don's Hobby Guns \$2,739.98 smcs; Morgan,M \$101.75 smcs; Mueller,J \$576.00 smcs; Mullen Lawn \$500.00 co; Municipal Supply \$3,950.28 smcs; NE Child Support \$2,598.05 ps; NE Dept of Revenue \$42,650.50 ps; NE Planning & Zoning \$50.00 smcs; NE Safety & Fire \$125.00 smcs; NE Sec of State \$30.00 smcs; NLETC \$95.00 smcs; Northwestern \$395.30 smcs; Paramount \$226.45 smcs; Payflex Systems \$565.25 ps,; smcs; PCAN \$50.00 smcs; Penworthy Co \$112.41 smcs; Pitney Bowes \$122.53 smcs; Platte Valley Comm \$370.50 smcs; Platte Valley Labs \$62.50 smcs; Police Officers Assn \$900.00 smcs; Potter,B \$100.00 smcs; Power DMS \$8,356.00 smcs; Presto-X \$113.64 smcs; Pulliam,R \$40.00 smcs; Radocchia,N \$120.00 smcs; Railroad Controls \$231.06 smcs; Ramos Construction \$105,296.87 co; Random House \$191.25 smcs; Recorded Books \$1,617.05 smcs; Resource Management \$765.12 smcs; Rich,T \$50.00 smcs; RMV Construction \$67,635.80 co; Roesler,A \$53.50 smcs; Sapp Bros \$16,333.73 smcs; School District #7 \$10,044.30 smcs; Schriener,S \$100.00 smcs; Snap-On Tools \$3,892.14 smcs; SOS Portable \$175.00 smcs; State of NE/AS Central \$5,595.63 smcs; Tacha,J \$50.00 smcs; Theis,J \$80.00 smcs; Thomson Reuters \$185.00 smcs; Tokay Software \$790.00 smcs; Turner Body Shop \$100.00 smcs; Tye Law Firm \$12,665.08 smcs; Uline \$1,546.47 co; Union Bank \$68,659.83 ps; Van Diest \$1,977.63 smcs; Vargas,J \$16.92 smcs; Village Cleaners \$383.61 smcs; Walsh,C \$264.90 smcs; Watchguard Video \$195.00 co; Williams,M \$238.90 smcs; WPCI \$250.00 ps; Yant Equipment \$204.00 smcs; Payroll Ending 10-18-2015 -- \$394,587.46. 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. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Application for Reconstruction submitted by Casey's Retail Company dba Casey's General Store #1735 in connection with their Class B-028852 liquor license and located at 1308 East 39th Street.

4. Adopt Resolution No. 2015-234 authorizing the Finance Director to execute the Application to Amend Irrevocable Standby Letter of Credit pertaining to the City's workers compensation insurance.

RESOLUTION NO. 2015-234

WHEREAS, the City of Kearney currently purchases workers compensation insurance from Employers Mutual Casualty (EMC) insurance; and

WHEREAS, since the City is partially self-funded, EMC Insurance requires a \$234,000 irrevocable letter of credit to cover the self-insured portion of any potential insurance claims.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Finance Director be and is hereby authorized and directed to execute the Application to Amend Irrevocable Standby Letter of Credit between the City of Kearney and Wells Fargo. A copy of said Application, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Finance Director be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Kearney and Wells Fargo.

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Approve the Plans and Specifications for the construction of fixed base radio read system and 3,000 meters and set the bid opening date for December 22, 2015 at 2:00 p.m.

6. Adopt Resolution No. 2015-235 approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Micah Kremer and Mathew Begnoche.

RESOLUTION NO. 2015-235

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

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

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

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

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

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

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Approve the purchase of a 2016 Elgin Eagle Sweeper on a 2016 Freightliner M2 Chassis submitted by Nebraska Environmental Products under the National Joint Powers Alliance in the amount of \$234,258.34 to be used in Public Works/Transportation.

8. 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 and wine at The Archway located at 3060 East 1st Street on Friday, December 4, 2015 from 4:00 p.m. until 10:00 p.m. for a Holiday Party.

9. 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 and wine at The Archway located at 3060 East 1st Street on Thursday, December 10, 2015 from 3:00 p.m. until 10:00 p.m. for a Holiday Party.

10. Approve the application for a Special Designated License submitted by Kearney Investment Corp., dba Holiday Inn in connection with their Class CK-17964 catering liquor license to dispense beer, wine and distilled spirits in The Archway located at 3060 East 1st Street on Tuesday, December 1, 2015 from 5:00 p.m. until 10:00 p.m. for a reception.

11. 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 Thursday, December 3, 2015 from 3:00 p.m. until 1:00 a.m. for a fund raiser.

12. 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 Harvest Room located at the Buffalo County Fairgrounds, 3807 Avenue N on Wednesday, December 9, 2015 from 3:00 p.m. until 1:00 a.m. for a fund raiser.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8043 AMENDING SALARY ORDINANCE

After a careful evaluation of the duties and workload associated with engineering, inspections, and storm water management, the following are the pay plan revisions to better serve the needs of the community:

- Adjust the pay grade and title of vacant Assistant City Engineer position from pay grade (29) to (27) changing the title to Engineering Assistant II.

- Adjust the pay grade and title of current Engineering Technician position from pay grade (21) to (23) and the title to Engineering Assistant I. Position will assist with commercial storm water/erosion control management and assist with engineering projects.
- Create part-time Code Inspector position, pay grade (22) to provide residential storm water/management inspections and assist with code enforcement.

Council Member Lammers introduced Ordinance No. 8043 repealing Ordinance No. 8036 and amend the Salary Ordinance reflecting changes in certain positions, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8043 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, Nikkila. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Buschkoetter that Ordinance No. 8043 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lammers, Nikkila. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8043 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. 8044 PROVIDING FOR THE ACQUISITION AND OPERATION OF A RECREATIONAL FACILITY COMPLEX LOCATED AT PATRIOT PARK

Mayor Clouse opened for discussion Ordinance No. 8044 providing for the acquisition and operation of a recreational facility complex located at Patriot Park; conveyance of the same to the City of Kearney Facilities Corporation and authorizing a Lease-Purchase Agreement with City of Kearney Facilities Corporation relating to the acquisition and construction of said facility for use by the City; approving the execution of said Lease-Purchase Agreement and related documents; approving the form of Trust Indenture and Security Agreement between the Facilities Corporation and a trustee relating to the issuance of Recreational Facility Bonds, Series 2015 in the amount of \$3,500,000; authorizing officers of the City to designate final terms within certain parameters; approving the Preliminary Official Statement relating to the bonds and ordering the ordinance published in pamphlet form.

Bruce Lefler from Ameritas presented this matter to the Council. He stated this particular ordinance will put in place the vehicle for the financing of the Patriot Park recreational facility project. The Facilities Corporation met earlier passing their authorization for the bonds not to exceed \$3.5 million and they are part of the lease agreement and the indenture.

The ordinance before City Council tonight authorizes once they get the final terms in place for the bonds, the Mayor to sign on behalf of the Council for the final terms of the lease agreement and indenture. They have gathered indications of interest for the purchase of the bonds to be amortized over a 8-year period of time and anticipate that the all in interest rate of 2.05% for the financing.

He would point out that this is a project that was approved by voters at \$7.5 million; this \$3.5 million takes place in 2015. They are trying to maintain the \$10 million exemption for 2015. The anticipation of the completion of the project will be done with bonds in 2016.

Council Member Lammers asked the rationale for 7½-year bond is that the anticipated length of time to pay off the whole project. Mr. Lefler stated yes, working with Wendell and the projections that have been made on the occupation tax coming in and providing some cushion, they anticipate rather than ten years that it could be redone over an 8-year period of time.

Council Member Buschkoetter introduced Ordinance No. 8044 providing for the acquisition and operation of a recreational facility complex located at Patriot Park; conveyance of the same to the City of Kearney Facilities Corporation and authorizing a Lease-Purchase Agreement with City of Kearney Facilities Corporation relating to the acquisition and construction of said facility for use by the City; approving the execution of said Lease-Purchase Agreement and related documents; approving the form of Trust Indenture and Security Agreement between the Facilities Corporation and a trustee relating to the issuance of Recreational Facility Bonds, Series 2015 in the amount of \$3,500,000; authorizing officers of the City to designate final terms within certain parameters; approving the Preliminary Official Statement relating to the bonds and ordering the ordinance published in pamphlet form, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8044 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. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8044 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lammers. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8044 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.

PRESENTATION OF PLANS FOR PATRIOT PARK

Staff provided and presented pictures of the preliminary plans for Patriot Park. Council Member Nikkila asked what is a Challenger Field. Eric Casper, Project Manager from The Clark Enersen Partners stated it is for children with accessibility needs, it is called Miracle Field. Anybody can go out whether you are in a wheelchair or have a disability. The field is completely accessible to all age groups and all people. They have graded it in this location to take into consideration for that in the future. Hopefully that can become part of the project at some point. Director of Park & Recreation, Scott Hayden stated the Challenger program is currently part of the Little League Program and they have approximately 50-60 kids currently playing at Lincoln Way.

Council Member Nikkila asked how many people can bat at one time in the cage. Mr. Casper stated there are three indoor cages for baseball and three indoor cages for softball.

Council Member Buschkoetter stated he is excited about the Challenger Field down the road. With all the compromises he thinks this is the best bang for the buck that they can get and will be exactly what the mission statement says.

Council Member Nikkila asked the difference between a regular field and the championship field. Director of Park & Recreation, Scott Hayden stated the difference would be the amount of spectator seating, inning by inning scoreboard, announcing capabilities and berm seating.

City Manager stated the Patriot Park project will back before City Council to formally approve the bids and specs to move forward.

VII. REPORTS

City Manager stated next Thursday, the Department of Roads will be meeting at the Library from 4:00 p.m. until 6:00 p.m. to present plans for what the City calls the College curves. He invites citizens to attend and provide their input about the project.

Council Member Nikkila stated he wanted to congratulate Brady Bonsall and the men's UNK cross country team, they are the MIAA champions and going to the National meet. They also had a woman qualify as well. Brady was also Coach of the Year for MIAA.

Council Member Lammers stated he thinks it is important that citizens take time to thank a veteran; they have committed so much to our country. Without them, we would not have the freedoms that we appreciate.

Mayor Clouse stated one of the projects that were postponed tonight which is the building at TechOne Crossing will be coming back to Council. He noted at the back of the Council Chambers were the drawings of the Veterans Home and the project is moving forward and out for bids. He appreciates all the work that everybody has put forth.

VIII. ADJOURN

Moved by Lammers seconded by Nikkila that Council adjourn at 6:34 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**