

Kearney, Nebraska
May 12, 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 May 12, 2015, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle 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; 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: Terrence Wilhelm, Les Mock, Craig Bennett, Dan Schulte, Mitch Humphrey, Jacob Sertich, Jacque Haupt, Steve Altmaier from KGFW Radio, Ashley White from Kearney Hub, Brent Wiethorn from KKPR Radio.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

A Boy Scout from Troop 135 and a Boy Scout from Troop 158 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

Mayor Clouse announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted on the wall of the Council Chambers.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATE PORTION OF SPRUCE HOLLOW ESTATES FOURTH AND FIFTH AND REZONING EAST OF 11TH AVENUE BETWEEN WEST 57TH STREET PLACE AND WEST 58TH STREET

Public Hearings 1, 2 and 3 pertain to the same development.

Mayor Clouse stated the City received notice that the developer has requested to postpone until May 26, 2015 Public Hearing 1 on the applications submitted by Miller & Associates for DT Development and First Baptist Church of Kearney: (1) to vacate part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska; and vacate an easement being part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, part of Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska; (2) to rezone from District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as a tract of land being Lot 1, Spruce Hollow Estates Fourth Addition to the City of Kearney, Buffalo County, Nebraska.

Moved by Lammers seconded by Nikkila to postpone until May 26, 2015 Public Hearing 1 on the applications submitted by Miller & Associates for DT Development and First Baptist Church of Kearney: (1) to vacate part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska; and vacate an easement being part of Lot 1, Spruce Hollow Estates Fourth Addition, part of Outlot B, part of Lots 1 and 2 of Block Four, Spruce Hollow Estates Fifth Addition, additions to the City of Kearney, Buffalo County, Nebraska; (2) to rezone from District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as a tract of land being Lot 1, Spruce Hollow Estates Fourth Addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

FINAL PLAT FOR SPRUCE HOLLOW ESTATES SIXTH ADDITION

Public Hearings 1, 2 and 3 pertain to the same development.

Mayor Clouse stated the City received notice that the developer has requested to postpone until May 26, 2015 Public Hearing 2 on the Application submitted by Miller & Associates for DT Development, Inc. for the Final Plat and Subdivision Agreement for Spruce Hollow Estates Sixth 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 Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska

Moved by Lammers seconded by Nikkila to postpone until May 26, 2015 Public Hearing 2 on the Application submitted by Miller & Associates for DT Development, Inc. for the Final Plat and Subdivision Agreement for Spruce Hollow Estates Sixth 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 Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

DEVELOPMENT PLANS FOR 15 SINGLE FAMILY CONDOMINIUMS LOCATED EAST OF 11TH AVENUE BETWEEN WEST 57TH STREET PLACE AND WEST OF 58TH STREET

Public Hearings 1, 2 and 3 pertain to the same development.

Mayor Clouse stated the City received notice that the developer has requested to postpone until May 26, 2015 Public Hearing 3 on the Application submitted by Miller & Associates for DT Development, Inc. for Planned District Development Plan Approval to construct 15 single family condominium dwelling units on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land being part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska.

Moved by Lammers seconded by Nikkila to postpone until May 26, 2015 Public Hearing 3 on the Application submitted by Miller & Associates for DT Development, Inc. for Planned District Development Plan Approval to construct 15 single family condominium dwelling units on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land being part of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

AMEND CONDITIONAL USE PERMIT NO. 2014-07 TO WERNER CONSTRUCTION; EAST OF CHERRY AVENUE ¾ MILE NORTH OF THE BYPASS

Mayor Clouse opened the public hearing on the Application submitted by Kappas Enterprises and Werner Construction, Inc. to amend Conditional Use Permit No. 2014-07 to include the operation of a construction batch plant for the Cherry Avenue Bypass project (Phases 2 and 3) on property zoned District AG, Agricultural District and described as being part of Government Lots 1, 2, 3 and 4 in Section 9, Township 8 North, Range 15 West of the 6th P.M., all in Buffalo County, Nebraska (east of Cherry Avenue ¾ mile north of the bypass) and consider Ordinance No. 7964A. Planning Commission recommended approval.

On October 11, 2011 the City Council approved Werner Construction's request for a Conditional Use Permit (CUP) for a temporary construction batch plant associated with Phase 1 and 2 of the Cherry Avenue Bypass construction project. At the February 10, 2015 Council meeting, City Council approved Werner Construction's request to extract sand and gravel for the next two phases of the Cherry Avenue Bypass Project at the same location as the batch plant. Since Werner Construction has recently been

awarded Phase 3 of the Cherry Avenue project, and the concrete plant site is in the same location as what was approved by Council in 2011, they are requesting an amendment to Conditional Use Permit No. 2014-07 which would combine the gravel pit operations and temporarily locating a construction asphalt and/or concrete plant and materials for the Cherry Avenue Bypass project (Phases 2 and 3) and other road projects in and around Buffalo County.

Terrence Wilhelms from Werner Construction presented this matter to the Council. He stated as they got going on the project they originally got Phase 1 and a couple years later they got Phase 2 and in the last few months they were awarded Phase 3 so that is why they had to come back to City Council on this particular matter. When they were awarded Phase 3, they proposed to combine their CUPs into one and this is the reason for the amendment.

Council Member Lammers asked about the total time period. Mr. Wilhelms stated it is until the end of 2016 and at that point they would come back to propose a 3 year extension, he would prefer to do that now but that's the why Planning Commission proceeded.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Kappas Enterprises and Werner Construction, Inc. to amend Conditional Use Permit No. 2014-07 to include the operation of a construction batch plant for the Cherry Avenue Bypass project (Phases 2 and 3) on property zoned District AG, Agricultural District and described as being part of Government Lots 1, 2, 3 and 4 in Section 9, Township 8 North, Range 15 West of the 6th P.M., all in Buffalo County, Nebraska (east of Cherry Avenue ¾ mile north of the bypass) and introduced Ordinance No. 7964A and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 7964A. 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. 7964A by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7964A 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. 7964A 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.

HOPE EVANGELICAL FREE CHURCH PLANS; 907 AVENUE C

Mayor Clouse opened the public hearing on the Application submitted by Hope Evangelical Free Church for Planned District Development Plan Approval to construct a classroom and office addition on property zoned M-1/PD, Limited Industrial/Planned Development Overlay District and described as Lots 155, 156, 157 together with the vacated east 17 feet of Avenue C and together with the vacated north half of 9th Street, all in South Kearney Addition to the City of Kearney, Buffalo County, Nebraska (907 Avenue C) and consider Resolution No. 2015-91. Planning Commission recommended approval.

The applicant is requesting approval of Development Plans for Hope Evangelical Free Church located at 907 Avenue C. The project includes a 2,080 square foot one-story classroom and office addition to the west and south side of the existing church. The property is zoned M-1/PD, which requires development plan approval from the Planning Commission and City Council. Landscape improvements are not required as the proposed building enlargement is too small to trigger the requirement. M-1 zoning districts do not require street facing facades to have 35 percent masonry material or paved parking; however, there is approximately 6,400 square feet of hard surface parking on the site.

Jacob Sertich from Wilkins, Hinrichs, Stober Architects presented this matter to the Council. He stated the building was once a distribution facility and is located in an M-1 Limited Industrial Zone Planned Development District. Their development plan would consist of a small 2,080 square foot addition to the west and south elevations of the current facility. Their primary need is in children's' ministry; they are not looking to expand the church sanctuary or the worship space which is what the parking requirements are tied to. They are looking to add some classroom spaces and office space on the west side of the building and expand the classroom in the northwest corner.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2015-91** approving the Application submitted by Hope Evangelical Free Church for Planned District Development Plan Approval to construct a classroom and office addition on property zoned M-1/PD, Limited Industrial/Planned Development Overlay District and described as Lots 155, 156, 157 together with the vacated east 17 feet of Avenue C and together with the vacated north half of 9th Street, all in South Kearney Addition to the City of Kearney, Buffalo County, Nebraska (907 Avenue C). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2015-91

WHEREAS, Hope Evangelical Free Church have applied for Planned District

Development Plan Approval to construct a classroom and office addition on property to zoned M-1/PD, Limited Industrial/Planned Development Overlay District and described as Lots 155, 156, 157 together with the vacated east 17 feet of Avenue C and together with the vacated north half of 9th Street, all in South Kearney Addition to the City of Kearney, Buffalo County, Nebraska (907 Avenue C).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Hope Evangelical Free Church for Planned District Development Plan Approval to construct a classroom and office addition on property zoned M-1/PD, Limited Industrial/Planned Development Overlay District and described as Lots 155, 156, 157 together with the vacated east 17 feet of Avenue C and together with the vacated north half of 9th Street, all in South Kearney Addition to the City of Kearney, Buffalo County, Nebraska (907 Avenue C) be approved.

PASSED AND APPROVED THIS 12TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

AMEND LAND USE MAP EAST AND NORTH OF EASTBROOKE DRIVE AND 58TH STREET

Public Hearings 6, 7, 8 and 9 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for Camron, Inc. for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Use 1 and Medium Density Residential to Low Density Residential property described as a tract of land being part of the East Half of the Southwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east and north of Eastbrooke Drive and 58th Street) and consider Resolution No. 2015-92. Planning Commission recommended approval.

The applicant is requesting approval of a 25-lot subdivision in the Eastbrooke development, north and south of 58th Street and east and west of Avenue "U". The aggregate size of the property is 10.46 acres and it is currently zoned AG, Agricultural District.

The rezoning request is from Agricultural to R-1, Urban Residential Single-Family District. Before the rezoning can be considered, the Land Use Map of the City of Kearney Comprehensive Development Plan must be amended from "Mixed Use 1" and "Medium Density Residential" to "Low Density Residential".

The Preliminary Plat for this development was approved by Planning Commission on May 19, 2006. The developer is making some minor changes to the size of some of the lots; staff does not believe the changes require a new Preliminary Plat to be prepared. The proposed subdivision, to be known as Eastbrooke Fifteenth, consists of 25 lots on 10.46 acres. This development does not require an Infrastructure Feasibility Plan. As the developer desires Developer Constructed Infrastructure, a Subdivision Agreement will be required. Once 58th Street is paved, the City will put up a barrier to prevent

traffic from continuing east and onto the neighboring property. A bulb cul-de-sac is not required for 58th Street.

Mitch Humphrey from Buffalo Surveying presented this matter to the Council. They would like to present essentially the final phase of platting the unplatted property that Camron, Inc. owns that is located in the general area. Camron previously owned an area that would be in the northwest corner of the quarter that has now been sold. There is 10.49 acres that is east of Eastbrooke Drive and will extend to Avenue U and Avenue T extending to the north. They will ask the unplatted ground that Camron owns be zoned to single family residential and will amend the land use map to accommodate the low density residential setting that they need to have to make it work. The 10 acres plus the detention cell they will maintain.

The utilities will be extended into the street, loop the water through into 57th Street, Avenue U and the storm water makes its way into the storm cell.

Council Member Buschkoetter asked where the detention cell will eventually drain to. Mr. Humphrey stated the northeast Kearney drainage project re-routed the drainage way when all of the work was done a good portion of the ground where the rail line was located has been leveled.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt **Resolution No. 2015-92** approving the Application submitted by Buffalo Surveying for Camron, Inc. for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Mixed Use 1 and Medium Density Residential to Low Density Residential property described as a tract of land being part of the East Half of the Southwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east and north of Eastbrooke Drive and 58th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2015-92

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 East Half of the Southwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of the Southwest Quarter of Section 19 and assuming the east line of the Southwest Quarter of Section 19 as bearing N 00°8'19" E and all bearings contained herein are relative thereto; thence N 00°08'19" E on the east line of the East Half of the Southwest Quarter of said Section 19 a distance of 50.0 feet to the Southeast Corner of Lot 1, Block 7, Eastbrooke Eighth, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing N 00°08'19" E on the east line of the Southwest Quarter of said Section 19 and on the east line of said Lot 1, Block 7, Eastbrooke Eighth a distance of 449.04 feet to the ACTUAL PLACE OF BEGINNING, said point being the Northeast Corner of said Lot 1, Block 7, Eastbrooke Eighth; thence continuing N 00°08'19" E on

the east line of the Southwest Quarter of said Section 19 a distance of 787.81 feet to the Southeast Corner of a tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, recorded June 25, 2009 in the Office of the Buffalo County Register of Deeds; thence continuing N 00°08'19" E and on the east line of the East Half of the Southwest Quarter of said Section 19 and on the East line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, a distance of 421.78 feet; thence leaving the East line of the East Half of the Southwest Quarter of said Section 19 and on the North line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, N 89°51'41" W a distance of 295.15 feet to a point of curvature; thence continuing on the North line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525 and on a 170.00 foot radius curve to the left forming a central angle of 51°11'20" an arc distance of 151.88 feet to a point of tangency; thence tangent S 38°56'58" W a distance of 9.97 feet to the Northwest Corner of Lot 2, Block 1, Eastbrooke Tenth, an addition to the City of Kearney, Buffalo County, Nebraska, said point also being the Northwesterly Corner of said tract of land as described on Corporation Warranty Deed filed at Instrument No. 2009-4525; thence on the Northeasterly line of said Block 1, Eastbrooke Tenth and on the Southwesterly line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, S 51°06'57" E a distance of 103.16 feet; thence continuing on the Northeasterly line of said Block 1, Eastbrooke Tenth and on the Southwesterly line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, S 51°00'49" E a distance of 69.84 feet to the Northeasterly Corner of Lot 1, Block 1, Eastbrooke Tenth; thence continuing on the Southwesterly line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525 and on the Northeasterly line of Lot 1, Block 6, Eastbrooke Fourteenth, an addition to the City of Kearney, Buffalo County, Nebraska, S 51°00'49" E a distance of 78.00 feet to the Northeasterly Corner of said Lot 1, Block 6, Eastbrooke Fourteenth; thence leaving the Southwesterly line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525 and on the Southeasterly line of said Lot 1, Block 6, Eastbrooke Fourteenth, if extended Southwesterly, S 38°56'58" W a distance of 198.12 feet to a point on the Southwesterly line of Avenue "U", a street in the City of Kearney, Buffalo County, Nebraska, said point also being on the Northeasterly line of Lot 1, Block 5, Eastbrooke Fourteenth, if extended Southeasterly; thence on the Southwesterly line of said Avenue "U" and on the Northeasterly line of said Lot 1, Block 5, Eastbrooke Fourteenth, if extended Southeasterly, N 51°03'02" W a distance of 8.00 feet to the Northeasterly Corner of Lot 1, Block 5, Eastbrooke Fourteenth; thence leaving the Southwesterly line of said Avenue "U" and on the Southeasterly line of said Lot 1, Block 5, Eastbrooke Fourteenth, S 38°56'58" W a distance of 135.00 feet to the Southeasterly Corner of said Lot 1, Block 5, Eastbrooke Fourteenth, said point being on the Northeasterly line of Lot 3, Block 5, Eastbrooke Fourteenth; thence on the Northeasterly line of said Block 5, Eastbrooke Fourteenth, S 51°03'02" E a distance of 80.00 feet; thence on the Northeasterly line of said Block 5, Eastbrooke Fourteenth, S 30°55'19" E a distance of 137.53 feet; thence on the East line of said Block 5, Eastbrooke Fourteenth, S 00°08'19" W a distance of 233.81 feet to the Southeast Corner of Lot 7, Block 5, Eastbrooke Fourteenth; thence on the South line of said Lot 7, Block 5, Eastbrooke Fourteenth, N 89°54'11" W a distance of 155.08 feet to the Southwest Corner of said Lot 7, Block 5, Eastbrooke Fourteenth, said point being on the East line of Eastbrooke Drive, a street in the City of Kearney, Buffalo County, Nebraska, said point also being on a non-tangent 383.00 foot radius curve, concave westerly; thence Southeasterly on

said non-tangent curve and on the East line of said Eastbrooke Drive forming a central angle of $14^{\circ}41'23''$ an arc distance of 98.20 feet to a point of tangency, said point bears $S 07^{\circ}14'53'' E$ a chord distance of 97.93 feet from the previously described point; thence continuing Southerly on the East line of said Eastbrooke Drive, tangent $S 00^{\circ}05'49'' W$ a distance of 32.88 feet to a point on the north line of 58th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence on the North line of said 58th Street $S 89^{\circ}54'11'' E$ a distance of 7.00 feet to a point on the East line of said Eastbrooke Drive; thence $S 00^{\circ}05'49'' W$ on the East line of said Eastbrooke Drive a distance of 195.00 feet to a point on the North line of said Lot 1, Block 7, Eastbrooke Eighth, if extended Westerly; thence continuing on the East line of said Eastbrooke Drive and on the North line of Lot 1, Block 7, Eastbrooke Eighth, if extended Westerly, $S 89^{\circ}54'11'' E$ a distance of 5.00 feet to the Northwest Corner of said Lot 1, Block 7, Eastbrooke Eighth; thence leaving the East line of said Eastbrooke Drive and on the North line of said Lot 1, Block 7, Eastbrooke Eighth, $S 89^{\circ}54'11'' E$ a distance of 450.33 feet to the place of beginning, containing 10.46 acres, more or less, Buffalo County, Nebraska (east and north of Eastbrooke Drive and 58th Street) from Mixed Use 1 and Medium Density Residential to Low Density Residential, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Mixed Use 1 and Medium Density Residential to Low Density Residential the use classification for a tract of land being part of the East Half of the Southwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of the Southwest Quarter of Section 19 and assuming the east line of the Southwest Quarter of Section 19 as bearing $N 00^{\circ}08'19'' E$ and all bearings contained herein are relative thereto; thence $N 00^{\circ}08'19'' E$ on the east line of the East Half of the Southwest Quarter of said Section 19 a distance of 50.0 feet to the Southeast Corner of Lot 1, Block 7, Eastbrooke Eighth, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing $N 00^{\circ}08'19'' E$ on the east line of the Southwest Quarter of said Section 19 and on the east line of said Lot 1, Block 7, Eastbrooke Eighth a distance of 449.04 feet to the ACTUAL PLACE OF BEGINNING, said point being the Northeast Corner of said Lot 1, Block 7, Eastbrooke Eighth; thence continuing $N 00^{\circ}08'19'' E$ on the east line of the Southwest Quarter of said Section 19 a distance of 787.81 feet to the Southeast Corner of a tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, recorded June 25, 2009 in the Office of the Buffalo County Register of Deeds; thence continuing $N 00^{\circ}08'19'' E$ and on the east line of the East Half of the Southwest Quarter of said Section 19 and on the East line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, a distance of 421.78 feet; thence leaving the East line of the East Half of the Southwest Quarter of said Section 19 and on the North line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, $N 89^{\circ}51'41'' W$ a distance of 295.15 feet to a point of curvature; thence continuing on the North line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525 and on a 170.00 foot radius curve

to the left forming a central angle of $51^{\circ}11'20''$ an arc distance of 151.88 feet to a point of tangency; thence tangent $S 38^{\circ}56'58'' W$ a distance of 9.97 feet to the Northwest Corner of Lot 2, Block 1, Eastbrooke Tenth, an addition to the City of Kearney, Buffalo County, Nebraska, said point also being the Northwesterly Corner of said tract of land as described on Corporation Warranty Deed filed at Instrument No. 2009-4525; thence on the Northeasterly line of said Block 1, Eastbrooke Tenth and on the Southwesterly line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, $S 51^{\circ}06'57'' E$ a distance of 103.16 feet; thence continuing on the Northeasterly line of said Block 1, Eastbrooke Tenth and on the Southwesterly line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, $S 51^{\circ}00'49'' E$ a distance of 69.84 feet to the Northeasterly Corner of Lot 1, Block 1, Eastbrooke Tenth; thence continuing on the Southwesterly line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525 and on the Northeasterly line of Lot 1, Block 6, Eastbrooke Fourteenth, an addition to the City of Kearney, Buffalo County, Nebraska, $S 51^{\circ}00'49'' E$ a distance of 78.00 feet to the Northeasterly Corner of said Lot 1, Block 6, Eastbrooke Fourteenth; thence leaving the Southwesterly line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525 and on the Southeasterly line of said Lot 1, Block 6, Eastbrooke Fourteenth, if extended Southwesterly, $S 38^{\circ}56'58'' W$ a distance of 198.12 feet to a point on the Southwesterly line of Avenue "U", a street in the City of Kearney, Buffalo County, Nebraska, said point also being on the Northeasterly line of Lot 1, Block 5, Eastbrooke Fourteenth, if extended Southeasterly; thence on the Southwesterly line of said Avenue "U" and on the Northeasterly line of said Lot 1, Block 5, Eastbrooke Fourteenth, if extended Southeasterly, $N 51^{\circ}03'02'' W$ a distance of 8.00 feet to the Northeasterly Corner of Lot 1, Block 5, Eastbrooke Fourteenth; thence leaving the Southwesterly line of said Avenue "U" and on the Southeasterly line of said Lot 1, Block 5, Eastbrooke Fourteenth, $S 38^{\circ}56'58'' W$ a distance of 135.00 feet to the Southeasterly Corner of said Lot 1, Block 5, Eastbrooke Fourteenth, said point being on the Northeasterly line of Lot 3, Block 5, Eastbrooke Fourteenth; thence on the Northeasterly line of said Block 5, Eastbrooke Fourteenth, $S 51^{\circ}03'02'' E$ a distance of 80.00 feet; thence on the Northeasterly line of said Block 5, Eastbrooke Fourteenth, $S 30^{\circ}55'19'' E$ a distance of 137.53 feet; thence on the East line of said Block 5, Eastbrooke Fourteenth, $S 00^{\circ}08'19'' W$ a distance of 233.81 feet to the Southeast Corner of Lot 7, Block 5, Eastbrooke Fourteenth; thence on the South line of said Lot 7, Block 5, Eastbrooke Fourteenth, $N 89^{\circ}54'11'' W$ a distance of 155.08 feet to the Southwest Corner of said Lot 7, Block 5, Eastbrooke Fourteenth, said point being on the East line of Eastbrooke Drive, a street in the City of Kearney, Buffalo County, Nebraska, said point also being on a non-tangent 383.00 foot radius curve, concave westerly; thence Southeasterly on said non-tangent curve and on the East line of said Eastbrooke Drive forming a central angle of $14^{\circ}41'23''$ an arc distance of 98.20 feet to a point of tangency, said point bears $S 07^{\circ}14'53'' E$ a chord distance of 97.93 feet from the previously described point; thence continuing Southerly on the East line of said Eastbrooke Drive, tangent $S 00^{\circ}05'49'' W$ a distance of 32.88 feet to a point on the north line of 58th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence on the North line of said 58th Street $S 89^{\circ}54'11'' E$ a distance of 7.00 feet to a point on the East line of said Eastbrooke Drive; thence $S 00^{\circ}05'49'' W$ on the East line of said Eastbrooke Drive a distance of 195.00 feet to a point on the North line of said Lot 1, Block 7, Eastbrooke Eighth, if extended Westerly; thence continuing on the East line of said Eastbrooke Drive and on the North line of Lot 1, Block 7, Eastbrooke Eighth, if extended Westerly, $S 89^{\circ}54'11'' E$ a distance

of 5.00 feet to the Northwest Corner of said Lot 1, Block 7, Eastbrooke Eighth; thence leaving the East line of said Eastbrooke Drive and on the North line of said Lot 1, Block 7, Eastbrooke Eighth, S 89°54'11 E a distance of 450.33 feet to the place of beginning, containing 10.46 acres, more or less, Buffalo County, Nebraska (east and north of Eastbrooke Drive and 58th Street).

PASSED AND APPROVED THIS 12TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

REZONING EAST AND NORTH OF EASTBROOKE DRIVE AND 58TH STREET

Public Hearings 6, 7, 8 and 9 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for Camron, Inc. to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) property described as a tract of land being part of the East Half of the Southwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east and north of Eastbrooke Drive and 58th Street) and consider Ordinance No. 7993. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Buffalo Surveying for Camron, Inc. to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) property described as a tract of land being part of the East Half of the Southwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and introduced Ordinance No. 7993 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. 7993. 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. 7993 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. 7993 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. 7993 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 EASTBROOKE FIFTEENTH

Public Hearings 6, 7, 8 and 9 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for Camron, Inc. for the Final Plat and Subdivision Agreement for Eastbrooke Fifteenth, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the East Half of the Southwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east and north of Eastbrooke Drive and 58th Street) and consider Resolution No. 2015-93. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2015-93** approving the Application submitted by Buffalo Surveying for Camron, Inc. for the Final Plat and Subdivision Agreement for Eastbrooke Fifteenth, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the East Half of the Southwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2015-93

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Eastbrooke Fifteenth, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the East Half of the Southwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of the Southwest Quarter of Section 19 and assuming the east line of the Southwest Quarter of Section 19 as bearing N 00°8'19" E and all bearings contained herein are relative thereto; thence N 00°08'19" E on the east line of the East Half of the Southwest Quarter of said Section 19 a distance of 50.0 feet to the Southeast Corner of Lot 1, Block 7, Eastbrooke Eighth, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing N 00°08'19" E on the east line of the Southwest Quarter of said Section 19 and on the east line of said Lot 1, Block 7, Eastbrooke Eighth a distance of 449.04 feet to the ACTUAL PLACE OF BEGINNING, said point being the Northeast Corner of said Lot 1, Block 7, Eastbrooke Eighth; thence continuing N 00°08'19" E on the east line of the Southwest Quarter of said Section 19 a distance of 787.81 feet to the Southeast Corner of a tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, recorded June 25, 2009 in the Office of the Buffalo County Register of Deeds; thence continuing N 00°08'19" E and on the east line of the East Half of the Southwest Quarter of said Section 19 and on the East line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, a distance of

421.78 feet; thence leaving the East line of the East Half of the Southwest Quarter of said Section 19 and on the North line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, N 89°51'41" W a distance of 295.15 feet to a point of curvature; thence continuing on the North line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525 and on a 170.00 foot radius curve to the left forming a central angle of 51°11'20" an arc distance of 151.88 feet to a point of tangency; thence tangent S 38°56'58" W a distance of 9.97 feet to the Northwest Corner of Lot 2, Block 1, Eastbrooke Tenth, an addition to the City of Kearney, Buffalo County, Nebraska, said point also being the Northwesterly Corner of said tract of land as described on Corporation Warranty Deed filed at Instrument No. 2009-4525; thence on the Northeasterly line of said Block 1, Eastbrooke Tenth and on the Southwesterly line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, S 51°06'57" E a distance of 103.16 feet; thence continuing on the Northeasterly line of said Block 1, Eastbrooke Tenth and on the Southwesterly line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, S 51°00'49" E a distance of 69.84 feet to the Northeasterly Corner of Lot 1, Block 1, Eastbrooke Tenth; thence continuing on the Southwesterly line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525 and on the Northeasterly line of Lot 1, Block 6, Eastbrooke Fourteenth, an addition to the City of Kearney, Buffalo County, Nebraska, S 51°00'49" E a distance of 78.00 feet to the Northeasterly Corner of said Lot 1, Block 6, Eastbrooke Fourteenth; thence leaving the Southwesterly line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525 and on the Southeasterly line of said Lot 1, Block 6, Eastbrooke Fourteenth, if extended Southwesterly, S 38°56'58" W a distance of 198.12 feet to a point on the Southwesterly line of Avenue "U", a street in the City of Kearney, Buffalo County, Nebraska, said point also being on the Northeasterly line of Lot 1, Block 5, Eastbrooke Fourteenth, if extended Southeasterly; thence on the Southwesterly line of said Avenue "U" and on the Northeasterly line of said Lot 1, Block 5, Eastbrooke Fourteenth, if extended Southeasterly, N 51°03'02" W a distance of 8.00 feet to the Northeasterly Corner of Lot 1, Block 5, Eastbrooke Fourteenth; thence leaving the Southwesterly line of said Avenue "U" and on the Southeasterly line of said Lot 1, Block 5, Eastbrooke Fourteenth, S 38°56'58" W a distance of 135.00 feet to the Southeasterly Corner of said Lot 1, Block 5, Eastbrooke Fourteenth, said point being on the Northeasterly line of Lot 3, Block 5, Eastbrooke Fourteenth; thence on the Northeasterly line of said Block 5, Eastbrooke Fourteenth, S 51°03'02" E a distance of 80.00 feet; thence on the Northeasterly line of said Block 5, Eastbrooke Fourteenth, S 30°55'19" E a distance of 137.53 feet; thence on the East line of said Block 5, Eastbrooke Fourteenth, S 00°08'19" W a distance of 233.81 feet to the Southeast Corner of Lot 7, Block 5, Eastbrooke Fourteenth; thence on the South line of said Lot 7, Block 5, Eastbrooke Fourteenth, N 89°54'11" W a distance of 155.08 feet to the Southwest Corner of said Lot 7, Block 5, Eastbrooke Fourteenth, said point being on the East line of Eastbrooke Drive, a street in the City of Kearney, Buffalo County, Nebraska, said point also being on a non-tangent 383.00 foot radius curve, concave westerly; thence Southeasterly on said non-tangent curve and on the East line of said Eastbrooke Drive forming a central angle of 14°41'23" an arc distance of 98.20 feet to a point of tangency, said point bears S 07°14'53" E a chord distance of 97.93 feet from the previously described point; thence continuing Southerly on the East line of said Eastbrooke Drive, tangent S 00°05'49" W a distance of 32.88 feet to a point on the north line of 58th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence on the North line of said 58th Street S

89°54'11" E a distance of 7.00 feet to a point on the East line of said Eastbrooke Drive; thence S 00°05'49" W on the East line of said Eastbrooke Drive a distance of 195.00 feet to a point on the North line of said Lot 1, Block 7, Eastbrooke Eighth, if extended Westerly; thence continuing on the East line of said Eastbrooke Drive and on the North line of Lot 1, Block 7, Eastbrooke Eighth, if extended Westerly, S 89°54'11" E a distance of 5.00 feet to the Northwest Corner of said Lot 1, Block 7, Eastbrooke Eighth; thence leaving the East line of said Eastbrooke Drive and on the North line of said Lot 1, Block 7, Eastbrooke Eighth, S 89°54'11" E a distance of 450.33 feet to the place of beginning, containing 10.46 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 12TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF EASTBROOKE FIFTEENTH

Public Hearings 6, 7, 8 and 9 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for Camron, Inc. for the annexation of Eastbrooke Fifteenth, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the East Half of the Southwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east and north of Eastbrooke Drive and 58th Street) and consider Resolution No. 2015-94. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt **Resolution No. 2015-94** approving the Application submitted by Buffalo Surveying for Camron, Inc. for the annexation of Eastbrooke Fifteenth, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the East Half of the Southwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th

P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2015-94

WHEREAS, an Application has been submitted by Buffalo Surveying for Camron, Inc. for the inclusion of Eastbrooke Fifteenth, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the East Half of the Southwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of the Southwest Quarter of Section 19 and assuming the east line of the Southwest Quarter of Section 19 as bearing N 00°8'19" E and all bearings contained herein are relative thereto; thence N 00°08'19" E on the east line of the East Half of the Southwest Quarter of said Section 19 a distance of 50.0 feet to the Southeast Corner of Lot 1, Block 7, Eastbrooke Eighth, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing N 00°08'19" E on the east line of the Southwest Quarter of said Section 19 and on the east line of said Lot 1, Block 7, Eastbrooke Eighth a distance of 449.04 feet to the ACTUAL PLACE OF BEGINNING, said point being the Northeast Corner of said Lot 1, Block 7, Eastbrooke Eighth; thence continuing N 00°08'19" E on the east line of the Southwest Quarter of said Section 19 a distance of 787.81 feet to the Southeast Corner of a tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, recorded June 25, 2009 in the Office of the Buffalo County Register of Deeds; thence continuing N 00°08'19" E and on the east line of the East Half of the Southwest Quarter of said Section 19 and on the East line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, a distance of 421.78 feet; thence leaving the East line of the East Half of the Southwest Quarter of said Section 19 and on the North line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, N 89°51'41" W a distance of 295.15 feet to a point of curvature; thence continuing on the North line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525 and on a 170.00 foot radius curve to the left forming a central angle of 51°11'20" an arc distance of 151.88 feet to a point of tangency; thence tangent S 38°56'58" W a distance of 9.97 feet to the Northwest Corner of Lot 2, Block 1, Eastbrooke Tenth, an addition to the City of Kearney, Buffalo County, Nebraska, said point also being the Northwesterly Corner of said tract of land as described on Corporation Warranty Deed filed at Instrument No. 2009-4525; thence on the Northeasterly line of said Block 1, Eastbrooke Tenth and on the Southwesterly line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, S 51°06'57" E a distance of 103.16 feet; thence continuing on the Northeasterly line of said Block 1, Eastbrooke Tenth and on the Southwesterly line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525, S 51°00'49" E a distance of 69.84 feet to the Northeasterly Corner of Lot 1, Block 1, Eastbrooke Tenth; thence continuing on the Southwesterly line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525 and on the Northeasterly line of Lot 1, Block 6, Eastbrooke Fourteenth, an addition to the City of Kearney, Buffalo County, Nebraska, S 51°00'49" E a distance of 78.00 feet to the Northeasterly Corner of said Lot 1, Block 6, Eastbrooke Fourteenth: thence leaving the Southwesterly line of said tract of land as described on Warranty Deed filed at Instrument No. 2009-4525 and on the Southeasterly line of said Lot 1, Block 6, Eastbrooke Fourteenth, if extended Southwesterly, S 38°56'58" W a distance of 198.12

feet to a point on the Southwesterly line of Avenue "U", a street in the City of Kearney, Buffalo County, Nebraska, said point also being on the Northeasterly line of Lot 1, Block 5, Eastbrooke Fourteenth, if extended Southeasterly; thence on the Southwesterly line of said Avenue "U" and on the Northeasterly line of said Lot 1, Block 5, Eastbrooke Fourteenth, if extended Southeasterly, N 51°03'02" W a distance of 8.00 feet to the Northeasterly Corner of Lot 1, Block 5, Eastbrooke Fourteenth; thence leaving the Southwesterly line of said Avenue "U" and on the Southeasterly line of said Lot 1, Block 5, Eastbrooke Fourteenth, S 38°56'58" W a distance of 135.00 feet to the Southeasterly Corner of said Lot 1, Block 5, Eastbrooke Fourteenth, said point being on the Northeasterly line of Lot 3, Block 5, Eastbrooke Fourteenth; thence on the Northeasterly line of said Block 5, Eastbrooke Fourteenth, S 51°03'02" E a distance of 80.00 feet; thence on the Northeasterly line of said Block 5, Eastbrooke Fourteenth, S 30°55'19" E a distance of 137.53 feet; thence on the East line of said Block 5, Eastbrooke Fourteenth, S 00°08'19" W a distance of 233.81 feet to the Southeast Corner of Lot 7, Block 5, Eastbrooke Fourteenth; thence on the South line of said Lot 7, Block 5, Eastbrooke Fourteenth, N 89°54'11" W a distance of 155.08 feet to the Southwest Corner of said Lot 7, Block 5, Eastbrooke Fourteenth, said point being on the East line of Eastbrooke Drive, a street in the City of Kearney, Buffalo County, Nebraska, said point also being on a non-tangent 383.00 foot radius curve, concave westerly; thence Southeasterly on said non-tangent curve and on the East line of said Eastbrooke Drive forming a central angle of 14°41'23" an arc distance of 98.20 feet to a point of tangency, said point bears S 07°14'53" E a chord distance of 97.93 feet from the previously described point; thence continuing Southerly on the East line of said Eastbrooke Drive, tangent S 00°05'49" W a distance of 32.88 feet to a point on the north line of 58th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence on the North line of said 58th Street S 89°54'11" E a distance of 7.00 feet to a point on the East line of said Eastbrooke Drive; thence S 00°05'49" W on the East line of said Eastbrooke Drive a distance of 195.00 feet to a point on the North line of said Lot 1, Block 7, Eastbrooke Eighth, if extended Westerly; thence continuing on the East line of said Eastbrooke Drive and on the North line of Lot 1, Block 7, Eastbrooke Eighth, if extended Westerly, S 89°54'11" E a distance of 5.00 feet to the Northwest Corner of said Lot 1, Block 7, Eastbrooke Eighth; thence leaving the East line of said Eastbrooke Drive and on the North line of said Lot 1, Block 7, Eastbrooke Eighth, S 89°54'11" E a distance of 450.33 feet to the place of beginning, containing 10.46 acres, more or less, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on April 17, 2015 on the inclusion of Eastbrooke Fifteenth 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 Eastbrooke Fifteenth, 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 May 12, 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 Eastbrooke Fifteenth 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 Eastbrooke Fifteenth 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 12TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

MARLATT SECOND ADDITION; EAST OF AVENUE M AND SOUTH OF 17TH STREET

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for Kearney Area Habitat for Humanity Inc. to (1) vacate Lots 1 through 10, Block Three, Marlatt Addition and consider Ordinance No. 7994; (2) vacate a utility easement as platted on the west 5 feet, except the south 10 feet of Lot 4, Block Three, Marlatt Addition and consider Ordinance No. 7995; and (3) the Final Plat for Marlatt Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, formerly known as Lots 1 through 10 inclusive, (now vacated) of Block Three, Marlatt Addition, an addition to the City of Kearney, Buffalo County, Nebraska (east of Avenue M and south of 17th Street) and consider Resolution No. 2015-95. Planning Commission recommended approval.

Craig Bennett from Miller & Associates presented this matter to the Council. The property has already been platted and they are re-platting it to make some lots larger for the Habitat. Before City Council is a 2.63 acre parcel located east of Avenue M on the south side of 17th Street. The current subdivision that is effective now has 10 lots. Habitat started to evaluate the area after it was platted and believed they would like to take some lots off.

They are asking to vacate Lots 1 through 10, release an easement for street light because the lot line will shift and the new plat would have 11 lots. All of the lots would be 70-foot lots which gives them more room on the Habitat lot development. Before City Council is vacation, release of an easement and a Final Plat for the 11 lots.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Applications submitted by Miller & Associates for Kearney Area Habitat for Humanity Inc. and introduced Ordinance No. 7994 vacating Lots 1 through 10, Block Three, Marlatt Addition and Ordinance No. 7995 vacating a utility easement as platted on the west 5 feet, except the south 10 feet of Lot 4, Block Three, Marlatt Addition 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 Nos.

7994 and 7995. 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 Nos. 7994 and 7995 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 Lammers seconded by Nikkila that Ordinance Nos. 7994 and 7995 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 Nos. 7994 and 7995 are declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Nikkila seconded by Lear to adopt **Resolution No. 2015-95** approving the Final Plat for Marlatt Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, formerly known as Lots 1 through 10 inclusive, (now vacated) of Block Three, Marlatt 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. 2015-95

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Marlatt Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska formerly known as Lots 1 through 10 inclusive (now vacated), Block Three of Marlatt Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: Beginning at a 5/8 inch rebar at the northwest corner of Lot 1, New Cottage Addition to the City of Kearney, Buffalo County, Nebraska and assuming the east right-of-way line of Avenue M as platted in said City as bearing N 01°18'19" E and all other bearings shown herein are relative thereto; thence N 01°18'19" E on said east right-of-way line a distance of 197.18 feet to a 5/8 inch rebar with cap at the south line of 17th Street as platted in Marlatt Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 88°43'32" E on the south line of said 17th Street a distance of 50.12 feet to a 5/8 inch rebar with cap; thence southeasterly continuing on said south line along a tangent curve to the right having a central angle of 29°59'50", a radius of 156.62 feet, an arc length of 82.00 feet, and a chord bearing of S 73°43'37" E a distance of 81.07 feet to a 5/8 inch rebar with cap; thence S 58°43'41" E continuing on said south line a distance of 13.20 feet to a 5/8 inch rebar with cap; thence southeasterly continuing on said south line along a tangent curve to the left having a central angle of 32°29'50", a radius of 201.56

feet, an arc length of 114.32 feet, and a chord bearing of 74°58'37" E a distance of 112.79 feet to a 5/8 inch rebar with cap; thence N 88°46'28" E continuing on said south line a distance of 391.27 feet to a 5/8 inch rebar with cap; thence southeasterly continuing on said south line along a tangent curve to the right having a central angle of 67°21'06", a radius of 220.0 feet, an arc length of 258.61 feet, and a chord bearing of S 57°32'59" E a distance of 243.98 feet to a 5/8 inch rebar with cap at the northeast corner of Lot 11, Block Three of said Marlatt Addition; thence S 89°00'40" W on the north line of Lots 11 through 14 inclusive, Block Three of said Marlatt Addition and the north line of said New Cottage Addition a distance of 849.83 feet to the point of beginning, containing 2.63 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 12TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

KEARNEY REGIONAL MEDICAL CENTER PLANS, 950 FEET SOUTH OF 10TH STREET AND WEST OF 22ND AVENUE

Mayor Clouse opened the public hearing on the A Applications submitted by Kearney Properties, LLC to (1) vacate a utility easement as platted on the east 370 feet of the west 505 feet of the south 10 feet of Lot 1, Block Three AND a water easement as platted on the east 370 feet of the west 505 feet of the north 10 feet of the south 20 feet of Lot 1, Block Three, all in Western Nebraska Property Development Addition and consider Ordinance No. 7996; and (2) the Revised Planned District Development Plan Approval to construct a hospital expansion and maintenance building on property zoned C-O/PD, Office/Planned Development Overlay District and described as Lot 1, Block Three, Western Nebraska Property Development Addition, and Lot 1, Western Nebraska Property Development Second, both additions to the City of Kearney, Buffalo County, Nebraska (950 feet south of 10th Street and west of 22nd Avenue) and consider Resolution No. 2015-96. Planning Commission recommended approval.

Craig Bennett from Miller & Associates presented this matter to the Council. This has been before City Council about a year ago with the Development Plan and they have expanded that and since the project is zoned PD they have to come before Planning Commission and Council with any modifications. The area is south of 11th Street and west of 22nd is the area they are modifying.

The current zoning of the parcel is to remain the same which is C-O/PD and they are not asking for the same to be rezoned. As a part of this project they will be extending 22nd Avenue down to the south line and will be extending water and sewer which they are also looping around Lot 1. In addition, the water that currently goes through which is in an easement along the north side of Lot 1 and they are asking tonight for release of easement to vacate the waterline and relocating the easement along the south side basically because they will be building the hospital across the easement.

Les Mock, from WDM Architect stated the hospital put the development on pause and wanted to re-evaluate the future plans. Essentially, what the new development plan represents is an acceleration of those plans. There is not anything too dramatically different. The patient wing remains the same, the future patient services will happen at this time. To the west there was a future 2-story wing originally proposed. At this time they have elected to go ahead and do another patient wing to the south and it will still be connected to the hospital and that is where they are crossing over the easement that they are vacating.

To the east they are going to expand the intensive care unit into the space and add on further to the east for the emergency department and enclose the ambulance garage. The helipad that was originally planned for the location will be pushed a little further east but still will remain in the same location. That is what is causing them to re-route the ring road around the campus to maintain fire protection and then the remote maintenance facility will add some additional storage capacity for their needs.

They are still continuing to show and have availability of parking for a future addition whenever it may happen.

Council Member Buschkoetter asked how far north is the property line of where the parking lot and everything north. Mr. Bennett stated from the easement line that they are vacating it is 950 feet from there to 10th Street. 950 feet south of 10th Street is where the existing easement and another 250 feet south of that.

Mr. Mock stated what was requested previously and they agreed to is in lieu of masonry materials on the storage facility, they are planting a row of evergreens. It sits far back from 22nd Street so he thinks they would not see too much of it. It will be a metal panel building that matches the other metal panels structures on site, he thinks the Council last time requested that they add screening from the west from the development towards the high school.

It is simply an expansion of the existing precast concrete materials that are on the current hospital for that so it will look like it was always meant to be. The new patient wing that is going to the south in order to accelerate some of the construction of that they are changing it up a little bit. It will be more reflective of the medical office building which is north of the hospital to where they will have some of the same stone and accent materials that are on the hospital around the entrance and the same brick. Instead of doing a paratype roof they are going to put a sloping roof which will also do double duty as far as screening the roof mechanical units.

Council Member Lammers asked what their anticipation for completion of the project is. Mr. Mock stated it will be late 2016. They are hoping to get started with some site work in June of this year.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Applications submitted by Kearney Properties, LLC to (1) vacate a utility easement as platted on the east 370 feet of the west 505 feet of the south 10 feet of Lot 1, Block Three AND a water easement as platted on the east 370 feet of the west 505 feet of the north 10 feet of the south 20 feet of Lot 1, Block Three, all in Western Nebraska Property Development Addition and introduced Ordinance No. 7996 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. 7996. 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. 7996 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. 7996 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. 7996 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 Clouse seconded by Lammers to adopt **Resolution No. 2015-96** approving the Revised Planned District Development Plan Approval to construct a hospital expansion and maintenance building on property zoned C-O/PD, Office/Planned Development Overlay District and described as Lot 1, Block Three, Western Nebraska Property Development Addition, and Lot 1, Western Nebraska Property Development Second, both additions to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2015-96

WHEREAS, Kearney Properties, LLC has applied for Revised Planned District Development Plan Approval to construct a hospital expansion and maintenance building on property zoned District C-O/PD, Office/Planned Development Overlay District and

described as Lot 1 of Block Three, Western Nebraska Development Addition and Lot 1, Western Nebraska Property Development Second, both additions to the City of Kearney, Buffalo County, Nebraska (950 feet south of 10th Street and west of 22nd Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Kearney Properties, LLC for Revised Planned District Development Plan Approval for to construct a hospital expansion and maintenance building on property zoned District C-O/PD, Office/Planned Development Overlay District and described as Lot 1 of Block Three, Western Nebraska Development Addition and Lot 1, Western Nebraska Property Development Second, both additions to the City of Kearney, Buffalo County, Nebraska (950 feet south of 10th Street and west of 22nd Avenue) be approved.

PASSED AND APPROVED THIS 12TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

**COMMUNITY DEVELOPMENT BLOCK GRANT FOR DOWNTOWN
REVITALIZATION PLANNING ACTIVITIES**

Mayor Clouse opened the public hearing concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant for downtown revitalization planning activities and consider Resolution No. 2015-97.

Jacque Haupt from Miller & Associates presented this matter to the Council. The City has applied for such funds historically in 2011. They applied for a grant such as this and was awarded and from that downtown improvements were implemented. This is simply another round of the same type of funds.

The first phase is a study and that would be done by a planner. If the State approves the grant application and the plan after that, they go ahead and award construction dollars and then proceed with construction improvements.

Council Member Lammers asked about the matching funds. Ms. Haupt stated the City is required to match a portion of the study funds that are being applying for. The CDBG funds the City will be requesting is \$14,500 and the City would match \$7,000 from local funds for a total project cost of \$21,500.

Council Member Lammers asked if the project does move forward then the City would match the \$350,000 with \$117,000. Ms. Haupt stated that is correct. The State looks at these applications that will be submitted at the end of May and then they do site visits of all the communities to see what the need is and from there they will select communities. The planning process is a 9-month process and after that point in time project funds are awarded to implement the construction.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2015-97** concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant for downtown revitalization planning activities. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2015-97

WHEREAS, the City of Kearney, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program; and

WHEREAS, the City of Kearney, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$14,500 for downtown revitalization planning.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Kearney and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 12TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Nikkila seconded by Lear that Subsections 1 through 16 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held April 28, 2015.

2. Approve the following Claims:

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

Ace Irrigation \$675.00 smcs; Acushnet \$687.93 smcs; Alamar Uniforms \$2,161.16 smcs; Amazon \$2,053.92 smcs; Amer Backflow Assn \$75.00 smcs; Amer First Aid \$228.91 smcs; Anderson Ford \$202,732.00 co; Anderson,B \$40.00 smcs; Arnett,C \$16.65 smcs; Ask Supply \$1,791.92 smcs; Aurora Coop \$25.04 smcs; Baird Holm \$5,681.25 smcs; Baker & Taylor \$2,942.24 smcs; Berke,N \$90.00 smcs; Big Dally's Deli \$39.19 smcs; Blackstone Audio Books \$398.95 smcs; Blessing \$232,532.09 co; Bosselman \$10,900.10 smcs; Buffalo Co Reg Deeds \$96.00 smcs; Builders \$413.31

smcs,co; Capital Business Systems \$746.72 smcs; Cash-Wa \$3,718.98 smcs; Cellar \$1,877.87 smcs; Charter \$93.06 smcs; ChemSearch \$307.27 smcs; Chesterman \$1,657.52 smcs; City of Ky \$360,573.37 smcs,co,ps; CMH Interiors \$6,557.89 smcs; Community Health Charities \$10.00 ps; Conroy,B \$115.00 smcs; Cook,R \$1,200.00 smcs; Copycat \$573.54 smcs; Cummins \$426.99 smcs; Curbit \$1,260.00 co; Cutter & Buck \$1,096.54 smcs; Dan Roeder Concrete \$88,578.90 co; Dell \$3,552.00 smcs; Dish \$95.00 smcs; Donovan,E \$80.00 smcs; Dowhy Towing \$75.00 smcs; DPC Industries \$6,304.73 smcs; Dutton-Lainson \$343.21 smcs; Eakes \$1,501.81 smcs; Easy Picker Golf \$1,491.24 smcs; Ebke,V \$56.19 smcs; Elliott Equipment \$2,637.67 smcs; EMC Ins \$125.00 smcs; Evers,B \$438.75 smcs; Family Advocacy Network \$2,000.00 smcs; Felsburg,H \$1,081.05 smcs; Fireguard \$5,613.28 co; Fort Bend Services \$5,653.44 smcs; Frontier \$78.58 smcs; Gale \$279.63 smcs; Gametime \$486.00 smcs; Gear for Sports \$2,364.97 smcs; General Collection \$322.67 smcs; General Traffic Controls \$6,732.81 co; Goldberg,B \$41.03 smcs; Grant,K \$59.99 smcs; Great Plains Safety \$950.00 smcs; H&H Distributing \$1,557.65 smcs; Hall,K \$11.43 smcs; Hasbrouck,T \$80.00 smcs; HD Supply \$9,730.58 smcs; Hill,M \$15.00 smcs; HOA Solutions \$8,581.90 smcs; Hometown Leasing \$157.20 smcs; Huck,J \$39.69 smcs; Hueftle,S \$405.00 smcs; IA, NE, SD PRIMA Chapter \$40.00 smcs; ICMA RC \$4,129.97 ps; IDEXX Distribution \$7,258.59 smcs; IRS \$134,748.80 ps; Jack Lederman \$72.75 smcs; JCB Enterprises \$27.00 smcs; Jersey's Sports Bar \$647.28 smcs; Johnson Hardware \$294.00 smcs; Kart-Man \$998.73 smcs; Ky Area United Way \$569.00 ps; Ky Catholic High \$339.50 smcs; Ky Chamber Comm \$42,724.77 smcs; Ky Concrete \$418.00 smcs; Ky Crete & Block \$495.60 smcs; Ky Humane Soc \$7,166.25 smcs; Ky Visitors Bureau \$53,325.74 smcs; Kelly Supply \$174.64 smcs; Kirkwood,M \$917.84 smcs; Knispel,J \$33.72 smcs; Konica Minolta \$158.56 co; Kowalek,G \$7.84 smcs; Krull Ins \$2,194.75 smcs; Landmark Implement \$38,850.00 co; Larue Distributing \$88.92 smcs; Linda's Upholstery \$477.75 smcs; Lindner,S \$59.76 smcs; Luke,D \$275.89 smcs; Mac Tools \$192.74 smcs; Magic Cleaning \$4,740.00 smcs; Magnet Forensics USA \$1,599.00 smcs; Mail Express \$6,805.35 smcs; Matheson-Linweld \$21.70 smcs; McDowell,B \$165.00 smcs; Meents,T \$2.49 smcs; Menards \$6.88 co; Metlife \$8,344.78 ps; Metrix Instrument \$2,092.77 smcs; Mid American Signal \$5,209.41 smcs; Mid-Iowa Solid Waste \$2,674.50 co; Midlands Contracting \$796,448.79 co; Miller & Associates \$161,289.30 smcs,co; Miller Signs \$350.00 smcs; Mindmixer.com \$250.00 smcs; Minitex \$2,266.00 smcs; Moonlight Embroidery \$510.50 smcs; Morris Press \$222.25 smcs; MPH Industries \$58.07 co; Mulder,J \$16.02 smcs; Municipal Supply \$3,869.74 smcs; Murphy Tractor \$823.50 smcs; Musinger,C \$99.00 smcs; NE Child Support \$2,951.35 ps; NE Dept of Revenue \$78,957.74 ps; NE Dept Environmental \$150.00 smcs; NE Library Assn \$36.80 smcs; NE Machinery \$793.75 smcs; NE Safety & Fire \$290.00 smcs; NE Sec of State \$30.00 smcs; NEland Distributing \$1,711.24 smcs; Northwestern Energy \$2,367.56 smcs; NRG Media \$67.50 smcs; O'Brien,E \$100.00 smcs; Olive Software \$15,089.80 smcs; Oliver,C \$22.26 smcs; O'Neill Wood Resources \$11,890.00 smcs; Outdoor Recreation \$397.00 co; Pacific Bow Butts \$1,888.00 co; Paramount \$258.92 smcs; Payflex Systems \$573.75 smcs, ps; Penworthy \$195.82 smcs; Pep Co \$86.34 smcs; Pioneer Mfg \$746.25 smcs; Pitney Bowes \$1,017.47 smcs; Placke,H \$23.96 smcs; Platte Valley Comm \$121.50 smcs; Platte Valley Labs \$100.00 smcs; Portable Computer Sys \$8,494.00 smcs; Presto-X \$180.48 smcs; Pukka \$286.00 smcs; Pulliam,R \$40.00 smcs; Random House \$397.50 smcs; Rawlwhigh,R \$13.09 smcs; Ready Mixed Concrete \$911.44 smcs; Recorded Books \$1,675.90 smcs; Recreonics \$16,221.30 co; Remmeck,S \$99.00 smcs; Rheome Tree \$605.00 smcs;

Rich,T \$50.00 smcs; RTI \$657.20 smcs; S&J Construction \$7,425.00 co; Saalfeld,R \$20.90 smcs; Salter,J \$122.70 smcs; Sapp Bros \$19,000.76 smcs; Scanmix \$2,216.00 ps; Schindler Elevator \$1,342.43 smcs; Schroll,J \$12.46 smcs; See Clear Cleaning \$2,050.00 smcs; Shala,B \$32.85 smcs; Sikes,W \$198.00 smcs; Snap-On Tool \$949.01 smcs; Snygg,A \$31.45 smcs; Springer Roofing \$575.00 smcs; State of NE/AS Central \$1,396.80 smcs; State Troopers Assn NE \$65.00 smcs; Sun Life Financial \$60,555.20 smcs; Sungard Public Sector \$189,705.06 smcs,co; Superior Signals \$1,101.50 smcs; Sweet Enterprises \$180.00 smcs; Tacha,J \$50.00 smcs; Thome,B \$23.89 smcs; Thompson Co \$63.54 smcs; Thompson,K \$305.90 smcs; Thomsen Reuters-West \$564.00 smcs; Tielke's Sandwiches \$133.60 smcs; Trojan Technologies \$183,232.80 co; Triactive America \$17,790.00 co; Tri-County Glass \$70.00 smcs; TruGreen ChemLawn \$202.00 smcs; Turner Body Shop \$150.00 smcs; Tye Law Firm \$11,834.71 smcs; Underground Construction \$500.00 co; Union Bank & Trust \$64,250.51 ps; Unique Management \$277.45 smcs; Urbanek,G \$7.99 smcs; USA Communications \$150.95 smcs; Verizon \$1,307.21 smcs; Warren-T \$101.28 smcs; Warrington,D \$142.70 smcs; Waterlink \$668.73 smcs; Weiers,J \$80.00 smcs; Xpert Lawn Care \$395.00 smcs; Yant Equipment \$148.00 smcs; Young,J \$17.46 smcs; Young,M \$847.84 smcs; Zimmerman Printers \$175.00 smcs; Payroll Ending 5-2-2015 -- \$377,417.86. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Adopt **Resolution No. 2015-98** approving Change Order No. 1 showing an increase in the amount of \$36,900.00 and Change Order No. 2 showing an increase in the amount of \$4,814.00 submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue and Sanitary Sewer Connection District No. 2014-1 commencing at a point near the Kearney RV Park located at 315 Avenue M, northward and westward in an easement, Landon Street if extended, thence northward through Riverside Addition and Kreutz Addition to 4th Street, thence westward to Central Avenue.

RESOLUTION NO. 2015-98

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue and Sanitary Sewer Connection District No. 2014-1 commencing at a point near the Kearney RV Park located at 315 Avenue M, northward and westward in an easement, Landon Street if extended, thence northward through Riverside Addition and Kreutz Addition to 4th Street, thence westward to Central Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$36,900.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting and Miller & Associates have filed with the City Clerk Change Order No. 2 showing an increase to the contract sum in the amount of \$4,814.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$5,513,218.10
Change Order No. 1 (5-12-2015)	+ \$36,900.00
Change Order No. 2 (5-12-2015)	+ <u>\$4,814.00</u>
Contract Sum To Date	\$5,554,932.10

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order Nos. 1 and 2, as shown on Exhibits "A" and "B", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

4. Accept the bids received for the 2015 Part 3 Improvements; CDBG Sidewalks/Ramps (14-CR-004) and adopt **Resolution No. 2015-99** awarding the bid to GD Concrete Construction in the amount of \$215,620.00.

RESOLUTION NO. 2015-99

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on May 5, 2015 at 2:00 p.m. for the 2015 Part 3 Improvements; CDBG Sidewalks/Ramps (14-CR-004); and

WHEREAS, the Engineer's Estimate for the 2015 Part 3 Improvements; CDBG Sidewalks/Ramps (14-CR-004) was \$231,610.00; and

WHEREAS, the said engineers have recommended the bid offered by GD Concrete Construction of Overton, Nebraska in the amount of \$215,620.00 be accepted as the lowest responsible bid for the 2015 Part 3 Improvements; CDBG Sidewalks/Ramps (14-CR-004).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted and approved, that GD Concrete Construction be and is the lowest responsible bidder for the 2015 Part 3 Improvements; CDBG Sidewalks/Ramps (14-CR-004) to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of GD Concrete Construction in the amount of \$215,620.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Estimate for the 2015 Part 3 Improvements; CDBG Sidewalks/Ramps (14-CR-004) was \$231,610.00 be and is hereby accepted.

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

PASSED AND APPROVED THIS 12TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Adopt **Resolution No. 2015-100** approving a supplemental to the HTE Inc. Software License and Services Agreement between the City of Kearney and SunGard Public Sector Inc., formerly HTE, Inc. upgrading its software technology by obtaining a license to use certain SunGard Public Sector’s proprietary ONESolution brand software and certain related products, and further, to obtain from SunGard Public Sector certain services for the implementation and support of such software products.

RESOLUTION NO. 2015-100

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor of the City of Kearney, Nebraska be and is hereby authorized and directed to execute the supplemental to the HTE Inc. Software License and Services Agreement between City of Kearney, Nebraska and SunGard Public Sector Inc., formerly HTE, Inc. upgrading its software technology by obtaining a license to use certain SunGard Public Sector’s proprietary ONESolution brand software and certain related products, and further, to obtain from SunGard Public Sector certain services for the implementation and support of such software products. A copy of the supplemental to the HTE Inc. Software License and Services Agreement, marked as Exhibit A is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 12TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Adopt **Resolution No. 2015-101** approving the Buffalo County Mutual Aid Association Mutual Aid Agreement and By-Laws to extend the membership to include Buffalo County Sheriff, Buffalo County Emergency Management, Good Samaritan Hospital Emergency Medical Services and the Kearney Police Department for mutual cooperation in fighting fires and other emergencies and to actively promote fire prevention and public fire safety educational programs.

RESOLUTION NO. 2015-101

WHEREAS, the Kearney Volunteer Fire Department have advised and recommended to the Council that it is in the best interest of the citizens of the City of Kearney that the City should participate with other citizens, districts, and governments in our area in providing mutual fire assistance; and

WHEREAS, the Kearney Volunteer Fire Department has presented such a mutual aid agreement and by-laws to the Council for consideration as amended to extend the membership to Buffalo County Sheriff, Buffalo County Emergency Management, Good Samaritan Hospital Emergency Medical Services and the Kearney Police Department, a copy of which, marked Exhibit “A” is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that it is to the mutual advantage of this community to join with others for mutual emergency fire assistance.

BE IT FURTHER RESOLVED that we hereby delegate to the Chief of the Kearney Volunteer Fire Department the authority to direct such movement within the area of the

mutual aid agreement in accord with the terms and conditions of the plans for such mutual assistance.

BE IT FURTHER RESOLVED that the Constitution and By-Laws of the Buffalo County Mutual Aid Association be amended to extend the membership to Buffalo County Sheriff, Buffalo County Emergency Management, Good Samaritan Hospital Emergency Medical Services and the Kearney Police Department, a copy of which, marked Exhibit "B" is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the said Mutual Aid Agreement, as set forth in Exhibit "A".

PASSED AND APPROVED THIS 12TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

- 7. Approve the purchase of a 2004 Bookmobile for the Kearney Public Library.
- 8. Adopt **Resolution No. 2015-102** approving the selection of RDG Planning & Design as the consulting firm to prepare a Downtown Revitalization Study and Plan Amendment.

RESOLUTION NO. 2015-102

WHEREAS, the City of Kearney is applying for a Community Development Block Grant for Downtown Revitalization from the Nebraska Department of Economic Development for Downtown Revitalization Planning for 2015 to continue improvements in Off Street Parking District #1; and

WHEREAS, the City of Kearney requested proposals from firms for a Project Planner to assist in planning the activities conducted with grant funding and ensuring that proposed activities are in compliance with DED and Federal regulations; and

WHEREAS, City staff received two proposals and recommends pursuing a contract with RDG Planning & Design of Omaha, Nebraska to provide planning services.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, approving the selection of RDG Planning & Design to perform the duties as Project Planner of the CDBG Grant.

BE IT FURTHER RESOLVED that upon award of the grant application by the Nebraska Department of Economic Development, the City Manager be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Kearney and RDG Planning & Design.

PASSED AND APPROVED THIS 12TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

- 9. Adopt **Resolution No. 2015-103** approving the Developer Constructed Infrastructure Agreement for Eastbrooke Fifteenth, an addition to the City of Kearney for paving, water, sanitary sewer and storm sewer improvements.

RESOLUTION NO. 2015-103

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Eastbrooke Fifteenth" between the City of Kearney and Camron Inc., to build the public improvements for water mains, sanitary sewer mains, paving and storm sewer to serve Eastbrooke Fifteenth, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 12TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. 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 and wine in the Xpanxion Building located at the 1810 East 56th Street on May 28, 2015 from 3:00 p.m. until 10:00 p.m. for a Chamber event.

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 and wine in the Extension Building located at the Buffalo County Fairgrounds, 1400 East 34th Street on May 29, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

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 and wine in the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on May 30, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

13. 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 and wine in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on May 30, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

14. 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 June 5, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

15. 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 June 6, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

16. 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 June 6, 2015 from 3:00 p.m. until 1:00 a.m. for a reception.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7992 AMENDING CHAPTER 4 "FIREWORKS" OF CITY CODE PERTAINING TO FIREWORKS

First reading of this ordinance was on April 28, 2015.

Council Member Lear introduced Ordinance No. 7992 amending the following sections of Article 6 "Fireworks" of Chapter 4 "Fire Regulations" of the Code of the City of Kearney as follows: Section 4-601 "Fireworks; Definitions" to remove the definition of permissible fireworks and adopt the definition of consumer fireworks which would coincide with state law; Section 4-602 "Generally" to remove the outdated wording and adopt what is allowed by state law; and Section 4-603 "Permit to Sell Fireworks" to remove the reference of permissible fireworks and replace with consumer fireworks which would coincide with state law, 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, 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. 7992 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. 7992 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. 7992 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. 7997 VACATE UTILITY EASEMENT IN YOUNES CENTER ADDITION

The applicant is requesting vacation of an existing 10-foot utility easement described as the north 10 feet, except the west 5 feet of Lot 2, Younes Center Addition, an addition to the City of Kearney, Buffalo County, Nebraska. The easement location hinders the ability of the developer to construct buildings across the north property line of Lot 2, Younes Center Addition. There are no existing utilities in the easement to be vacated. All the utility companies have reviewed the vacation request and signed off for approval.

Council Member Lear introduced Ordinance No. 7997 vacating a utility easement as platted on the north ten feet, except the west five feet of Lot 2, Younes Center 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 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, 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. 7997 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. 7997 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. 7997 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. 7998 VACATING PORTION OF 1ST AVENUE FROM 14TH STREET TO 15TH STREET AND ALLEY BETWEEN 14TH STREET AND 15TH STREET AND 1ST AVENUE AND CENTRAL AVENUE

In order for Buffalo County to make full use of the properties they own, located on the east side of 1st Avenue between 14th Street and 15th Street, they are requesting the east 15 feet of 1st Avenue from the north line of 14th Street to the north line of 15th Street and the 20-foot wide north-south alley abutting Lots 1510, 1511, 1512 and 1513, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska be vacated. Portions of 1st Avenue were previously vacated in 1971 and 1990 and a portion of the alley was vacated in 2008.

Council Member Lear introduced Ordinance No. 7998 vacating the east 15 feet of 1st Avenue from the north line of 14th Street to the north line of 15th Street abutting Lots 1512, 1513, 1514, 1515, 1516 and 1517 on the west and also the east 15 feet of 1st Avenue abutting that part of vacated 15th Street on the west between Lots 1464 and 1517 on the south, if extended westerly AND the alley abutting Lots 1510, 1511, 1512 and 1513, all in 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, 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. 7998 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. 7998 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. 7998 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

LEASE TERMINATION AGREEMENT WITH PRAMAC

Regular Agenda Items 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened for discussion the Lease Termination Agreement between the City of Kearney and Pramac America, c/k/a Powermate, LLC for land leased at the Kearney Regional Airport and to consider Resolution No. 2015-104.

City Attorney Michael Tye presented this matter to the Council. He stated the next two items deal with the Powermate building which is located on Airport Road. Powermate went through bankruptcy and they were able to secure the building and land as part of that process. The Pramac Company purchased Powermate's assets from the bankruptcy court and back in 2008 the City entered into a lease with them for the building so that they could continue the manufacturing at that facility. That lease had job requirements and manufacturing requirements in it that they were required to meet as part of the lease obligation. Since then, Pramac has been purchased by Generax which is another generator manufacturer and they have indicated to the City that they

are going to be moving or would like to move their manufacturing to Wisconsin. They did not need the building and wanted to terminate the lease.

One of the documents before City Council allows them to terminate the lease effective June 30, 2015. As that process was happening, Baldwins was in need of space and they actually started subleasing space of the building from Generax with the City's consent. Since then Baldwins have indicated that they would like to lease the building itself from the City once Generax is out of the building so they have worked with them and developed a lease that would start July 1, 2015.

The annual rent would be \$260,100 paid in equal monthly installments of \$21,675. Under both the leases the company also in addition to that amount will pay the real estate taxes on the building.

Baldwin is going to rent the large main building. The testing building, which is a smaller building adjacent to the large manufacturing building, is going to be retained by the City. The reason it is called a testing building is Powermate would take generators in rooms and adjust the temperature to test the generators. The City is keeping that building for City use and there is also a small additional storage building to the south that is going to be used for City use as well. The City will pick up a couple buildings that can be used for other purposes at the same time and Baldwin will use the main building as part of the lease.

The initial lease term is for three years and they have an option of extending it for an additional three years with an automatic increase in rent that happens annually at 1.5 percent rate which is something the City has done in other leases. They are also interested not only in the storage space but as you might recall there is office space in the Powermate building as well and was not used to his knowledge by Pramac.

Dan Schulte from Baldwin Filters was present to answer any specific questions about their plans.

Moved by Lammers seconded by Nikkila to adopt **Resolution No. 2015-104** approving the Lease Termination Agreement between the City of Kearney and Pramac America, c/k/a Powermate, LLC for land leased at the Kearney Regional Airport. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2015-104

WHEREAS, the City of Kearney and Pramac America LLC, cka Powermate LLC entered into a Lease dated August 5, 2008 and as amended on August 31, 2013; and

WHEREAS, the parties desire to terminate the Lease and return to leased premises to the City of Kearney prior to the current expiration date of the Lease.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Lease Termination Agreement between the City of Kearney and Pramac America LLC, cka Powermate LLC be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 12TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

LEASE AGREEMENT WITH BALDWIN FILTERS

Regular Agenda Items 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened for discussion the Lease Agreement between the City of Kearney and Baldwin Filters, Inc. to lease land at the Kearney Regional Airport for warehouse and office use and to consider Resolution No. 2015-105.

Moved by Lear seconded by Buschkoetter to adopt **Resolution No. 2015-105** approving the Lease Agreement between the City of Kearney and Baldwin Filters, Inc. to lease land at the Kearney Regional Airport for warehouse and office use. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2015-105

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 Lease Agreement between the City of Kearney and Baldwin Filters, Inc. to lease land at the Kearney Regional Airport for warehouse and office use. The Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 12TH DAY OF MAY, 2015.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

UPDATE ON ENPLANEMENTS WITH GREAT LAKES AIRLINES

City Manager Michael Morgan updated the Council on the enplanements with Great Lakes. As stated in the past it was the City's intention to provide the report each month. Unfortunately, what they have seen is a significant decline from the prior months. They have communicated their concerns to Great Lakes; some have been planned cancellations as well.

Mayor Clouse left the meeting at 6:10 p.m. for a prior commitment.

The total enplanement he believes is 370 which is a drop from the previous and a significant drop from last year. They continue to monitor it closely and as indicated they will continue to report to City Council monthly on the situation.

Council Member Buschkoetter asked about planned cancellations, why are they planning that. City Manager stated when the airline moves around their assets and makes a decision where to fly. If they cannot fly to all communities, he believes the aircraft that they have the pilots is not sufficient to serve all of the communities and so it is actually better to plan a cancellation than it is to cancel. They do put the City on notice to provide that information early and they have received some notification in May for several days.

Council member Lammers asked how early is that planned cancellation. City Manager stated usually 2-3 weeks, it depends on the circumstances. Normally, in the past they have not had planned cancellations so it is somewhat new to the City.

Council Member Lammers asked has there been any discussion on promotions for the airline. City Manager stated they have discussed the promotions and have had some events. They have certainly in both these months have had more seats available than what has been filled so that is good news although the seats available have declined from the prior month. The challenge is with the promotion committee.

Council Member Lear stated he would describe the promotion effort as tentatively moving forward. It is a balance between Great Lakes ability to provide a consistent flight plan for the City so they are not having cancellations and wanting to fill the seats as fully as they can. It is pretty hard to promote extensively when you do not have the reliability of the flight being available at the same time they still need to fill seats when those seats are available. Clearly not an ideal situation for anybody, Great Lakes or the City.

They certainly continue to be hamstrung by their ability to have a pilot base predominately that allows them to complete these flights. That is the number one issue – it does not seem to be an equipment issue as it is a pilot issue. He thinks what is currently happening to them is they get new pilots in place and then they have an existing part of their pilot base that is recruited away by another national airline. It is just happening faster than they can deal with. The City is stuck on that rung and they continue to evaluate all the options for promoting as well as options that can help improve the overall service level to Kearney.

The community wants very much to support Great Lakes Airlines and want them to be successful but in order for that to happen, you have to have a pilot in a plane. It does not make sense for the City to spend any excessive amounts promoting use of the airport if the pilots and planes are not going to be available.

Council member Lammers thanked Dan Schulte for appearing at the meeting to answer any questions. He thanked Baldwins for their contribution to the Community the new expansion is nice and to be leasing the additional facility.

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Lammers that the Open Account Claim in the amount of \$110,880.94 payable to Nebraska Public Power District be allowed. Roll call

resulted as follows: Aye: Buschkoetter, Lammers, Lear, Nikkila. Nay: None. Clouse absent. Motion carried.

VII. REPORTS

Council Member Nikkila wanted to congratulate Shawna Erbsen, Human Resources Director and her team on the fitness challenge that the City employees just did and how many people participated. The number of miles walked was 48,000. Applaud the employees for making fitness a priority because it's not only good for them personally but good for the City to have healthy employees.

VIII. ADJOURN

Moved by Lammers seconded by Nikkila that Council adjourn at 6:16 p.m. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Clouse absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**