

Kearney, Nebraska
June 12, 2018
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 June 12, 2018 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, 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; Eric Hellriegel, Assistant City Manager; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; Coelette Gruber, City Planner; Scott Hayden, Director of Park and Recreation; Shawna Erbsen, Administrative Services Director, and Peggy Eynetich, Deputy City Clerk, were also present. Members of the media present included: Mike Konz from the Kearney Hub and Andrew Mihm from KGFW.

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

Two Boy Scouts from Troop 158 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATE AND REZONE PROPERTY LOCATED NORTH OF ROLLING HILLS ROAD AND CLYDESDALE CIRCLE

Mayor Clouse opened the public hearing on the applications submitted by Miller & Associates for First Firefly, LLC and Equestrian Hills Homeowners Subdivision, Inc. to (1) vacate Lot 1 and Lot 2, Equestrian Hills Fifth of Crest Valley Ranch AND Lot 2, Lot 4, Lot 5 and Commons Area, Haflinger Estates, all in Equestrian Hills Third of Crest Valley Ranch and consider Ordinance No. 8248; and (2) rezone from District RR-2/PD, Rural Residential (Intermediate Standards)/Planned Development Overlay District to District AG, Agricultural District property described as Lot 1 and Lot 2, Equestrian Hills Fifth of Crest Valley Ranch, part of the West Half of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; AND Lot 2, Lot 4, Lot 5 and Commons Area, Haflinger Estates, all in Equestrian Hills Third of Crest Valley Ranch, a subdivision being Lot 1, Equestrian Hills of Crest Valley Ranch (now vacated) and part of the West Half of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Rolling Hills Road and Clydesdale Circle) and consider Ordinance No. 8249. Planning Commission recommended approval.

Craig Bennett from Miller and Associates presented this matter to the Council. Mr. Bennett demonstrated through a PowerPoint presentation where the property was located and which lots are being vacated and rezoned. The property consists of 21.77 acres.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Miller & Associates for First Firefly, LLC and Equestrian Hills Homeowners Subdivision, Inc. for property located North of Rolling Hills Road and Clydesdale Circle and introduced Ordinance No. 8248 vacating Lots 1 and Lot 2, Equestrian Hills Fifth of Crest Valley Ranch AND Lot 2, Lot 4, Lot 5 and Commons Area, Haflinger Estates, all in Equestrian Hills Third of Crest Valley Ranch and introduced Ordinance No. 8249 rezoning from District RR-2/PD, Rural Residential (Intermediate Standards)/Planned Development Overlay District to District AG, Agricultural District 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 ordinances on their first reading and then upon its final passage. Council Member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8248 and 8249. 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 Nos. 8248 and 8249 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance Nos. 8248 and 8249 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 Nos. 8248 and 8249 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.

REZONE PROPERTY LOCATED AT 715 AVENUE D

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Buffalo Properties, LLC, a Nebraska Limited Liability Company to rezone from District R-3, Urban Residential Multi-Family District (Medium Density) to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as the West 84.25 feet of Lot 2, Marianne Hunt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; TOGETHER WITH the North 125.0 feet of Lot 1, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, AND Lot 1, EXCEPTING HOWEVER, the North 125.0 feet of said Lot, and ALL of Lot 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska (715 Avenue D) and consider Ordinance No. 8250. Planning Commission recommended approval.

Craig Bennett from Miller and Associates presented this matter to the Council. The property was rezoned earlier this year from M-1 to R-3. Because the density of the units in the apartment building is a half a unit over what is allowed, a Planned Development Overlay District will be required. The property consists of 1.06 acres. Access will come off of Avenue D into a multi drive parking lot on the north side of the property with an additional secondary parking lot on site to provide required parking for the property. Landscaping will be located around the perimeter of the facility as well as the interior area. The apartment building will be two stories with eight units per floor. Ingress/egress into the apartment building will be on the east and west sides of the property. The west elevation facing Avenue D as well as the north side that is visible from 8th Street will both have 35 percent brick coverage on the exterior.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by Miller & Associates for Buffalo Properties, LLC, a Nebraska Limited Liability Company and introduced Ordinance No. 8250 rezoning from District R-3, Urban Residential Multi-Family District (Medium Density) to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District property described as the West 84.25 feet of Lot 2, Marianne Hunt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; TOGETHER WITH the North 125.0 feet of Lot 1, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, AND Lot 1, EXCEPTING HOWEVER, the North 125.0 feet of said Lot, and ALL of Lot 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska

(715 Avenue D) 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. 8250. 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. 8250 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. 8250 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8250 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.

PLANNED DISTRICT DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 715 AVENUE D

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

Mayor Clouse opened the public hearing on the by Miller & Associates for Buffalo Properties, LLC, a Nebraska Limited Liability Company for Planned District Development Plan Approval for the construction of a two-story apartment building on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as the West 84.25 feet of Lot 2, Marianne Hunt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; TOGETHER WITH the North 125.0 feet of Lot 1, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, AND Lot 1, EXCEPTING HOWEVER, the North 125.0 feet of said Lot, and ALL of Lot 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska (715 Avenue D) and consider Resolution No. 2018-78.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt Resolution No. 2018-78 approving the Application submitted by Miller & Associates for Buffalo Properties, LLC, a Nebraska Limited Liability Company for Planned District Development Plan Approval for the construction of a two-story apartment building on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as the West 84.25 feet of

Lot 2, Marianne Hunt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; TOGETHER WITH the North 125.0 feet of Lot 1, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, AND Lot 1, EXCEPTING HOWEVER, the North 125.0 feet of said Lot, and ALL of Lot 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska (715 Avenue D). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2018-78

WHEREAS, Miller & Associates for Buffalo Properties, LLC, a Nebraska Limited Liability Company have applied for Planned District Development Plan Approval for the construction of a two-story apartment building on property to be zoned R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as the West 84.25 feet of Lot 2, Marianne Hunt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; TOGETHER WITH the North 125.0 feet of Lot 1, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, AND Lot 1, EXCEPTING HOWEVER, the North 125.0 feet of said Lot, and ALL of Lot 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, containing 1.06 acres more or less, Buffalo County, Nebraska (715 Avenue D).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates for Buffalo Properties, LLC, a Nebraska Limited Liability Company for Planned District Development Plan Approval for the construction of a two-story apartment building on property zoned R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as the West 84.25 feet of Lot 2, Marianne Hunt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; TOGETHER WITH the North 125.0 feet of Lot 1, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, AND Lot 1, EXCEPTING HOWEVER, the North 125.0 feet of said Lot, and ALL of Lot 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, containing 1.06 acres more or less, Buffalo County, Nebraska (715 Avenue D) be approved.

PASSED AND APPROVED THIS 12TH DAY OF JUNE, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

VACATE LOTS 1 THROUGH 5, INCLUSIVE, BLOCK FIVE, FOX CREEK AND FINAL PLAT FOR FOX CREEK SECOND ADDITION

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

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for Fred E. Hammer, Trustee of the Fred E. Hammer Living Trust and Fox Creek Development, LLC. for (1) the vacation of Lots 1 through 5, inclusive, Block Five, Fox Creek and consider Ordinance No. 8251; and (2) the Final Plat for Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska, for property

described as a tract of land being part of Government Lot 3 and accretions abutting said Lot 3, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 4th Street at 8th Avenue and 9th Avenue intersection) and consider Resolution No. 2018-79. Planning Commission recommended approval.

Craig Bennett from Miller and Associates presented this matter to the Council. Mr. Bennett discussed how the property is currently zoned, how some of the lot lines will be shifted, the addition of a lot and rezoning parts of the property from M-U to R-2, R-2 to M-U, R-1 to R-2, R-1 to M-U, and M-1 to R-2. Block 5 which consists of 9.88 acres will be vacated. The Developer is proposing construction of 30 x 150 mini storage units on the property. A 50 foot access has been shifted for flow from the street; the buildings would have paved flow around them. There will be a buffer yard and screened yard on the residential lots and along the detention cell. A floodway boundary goes through the lot however the storage units will be north of this boundary.

Mayor Clouse questioned if the storage units are being built on a raised elevation in the flood plain to prevent flooding as this has happened on another site? Mr. Bennett stated a Letter of Map Revision will be sent to FEMA requesting modification to the current map since the current elevation is almost 2 feet above the 100 year floodplain map.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Applications submitted by Miller & Associates for Fred E. Hammer, Trustee of the Fred E. Hammer Living Trust and Fox Creek Development, LLC to vacate Lots 1 through 5, inclusive, Block Five, Fox Creek and consider Ordinance No. 8251 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. 8251. 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. 8251 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. 8251 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. 8251 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Lear seconded by Buschkoetter to adopt Resolution No. 2018-79 approving the Final Plat for Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 3 and accretions abutting said Lot 3, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 4th Street at 8th Avenue and 9th Avenue intersection). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2018-79

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of Government Lot 3 and accretions abutting said Lot 3, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to a chiseled X at the Northwest Corner of the Northeast Quarter of said Section 11 and assuming the West line of the Northeast Quarter as bearing of S 00°25'46" W and all bearings contained herein are relative thereto; thence S 00°25'46" W on said West line of the Northeast Quarter a distance of 1314.56 feet to the Northwest corner of Government Lot 3 of said Section 11; thence continuing S 00°25'46" W on the West line of said Government Lot 3 a distance of 810.50 feet to the Easterly extension of the South line of 4th Street as shown on Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska: thence S 89°46'05" E on said Easterly extension of the South line of 4th Street a distance of 45.52 feet to a 5/8" rebar with cap on the South line of said 4th Street and the ACTUAL POINT OF BEGINNING; thence S 00°37'41" E a distance of 505.90 feet to a 5/8" rebar with cap on the existing North high bank of the North Channel of the Platte River as shown on a survey by Mitchell W. Humphrey, dated March 17, 2003; thence S 41°29'54" W on said existing North high bank a distance of 83.50 feet to a 5/8" rebar on the West line of said Government Lot 3: thence S 00°25'46" W on said West line of Government Lot 3 a distance of 191.40 feet to the existing centerline of the North Channel of the Platte River, as surveyed January 15, 2015; thence N 74°25'03" E on said existing centerline of North Channel of the Platte River a distance of 47.63 feet; thence N 16°17'11" E continuing on said centerline, and all courses following are along said centerline until otherwise described, a distance of 122.73 feet; thence N 05°10'25" W a distance of 90.52 feet; thence N 46°54'03" E a distance of 121.54 feet; thence N 67°33'29" E a distance of 86.36 feet; thence S 88°01'35" E a distance of 61.76 feet; thence S 68°08'28" E a distance of 104.73 feet; thence S 42°59'49" E a distance of 99.03 feet; thence S 06°52'39" E a distance of 179.14 feet; thence S 26°05'24" W a distance of 126.49 feet; thence S 54°55'27" W a distance of 76.94 feet; thence N 69°34'52" W a distance of 61.74 feet; thence N 45°17'25" W a distance of 85.41 feet; thence N 69°38'23" W a distance of 73.66 feet; thence S 03°04'44" W a distance of 97.76 feet; thence S 38°24'39" E a distance of 94.04 feet; thence S 79°51'11" E a distance of 231.66 feet; thence N 89°04'00" E a distance of 104.39 feet; thence S 70°16'48" E a distance of 99.55 feet; thence N 21°23'42" E a distance of 67.05 feet; thence N 13°53'26" W a distance of 262.30 feet; thence N 14°36'42" E a distance of 69.71 feet; thence N 57°22'29" E a distance of 42.28 feet to the West line of Lot 2, Block Two, Cash-Wa Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving said existing centerline N 38°49'44" W on said West line of Cash-Wa Second Addition a

distance of 17.78 feet; thence N 00°13'13" E continuing on said West line of Cash-Wa Second Addition a distance of 585.37 feet to a 5/8" rebar w/cap on said South line of 4th Street; thence N 89°46'05" W on said South line of 4th Street a distance of 616.27 feet to the Point of Beginning, containing 9.88 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 JUNE, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONE PROPERTY LOCATED SOUTH OF 4TH STREET AT 8TH AVENUE AND 9TH AVENUE INTERSECTION

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Fred E. Hammer, Trustee of the Fred E. Hammer Living Trust and Fox Creek Development, LLC to rezone from District R-1, Urban Residential Single-Family District (Low Density), District R-2, Urban Residential Mixed-Density District and District MU, Mixed Use District to District R-2, Urban Residential Mixed-Density District and District MU, Mixed Use District property described as Lots 1, 2, 3, 4, 5 and 6, Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska (South of 4th Street at 8th Avenue and 9th Avenue intersection) and consider Ordinance No. 8252. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by Miller & Associates for Fred E. Hammer, Trustee of the Fred E. Hammer Living Trust and Fox Creek Development, LLC and introduced Ordinance No. 8252 rezoning from District R-1, Urban Residential Single-Family District (Low Density), District R-2, Urban Residential Mixed-Density District and District MU, Mixed Use District to District R-2, Urban Residential Mixed-Density District and District MU, Mixed Use District property described as Lots 1, 2, 3, 4, 5 and 6, Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska (South of 4th Street at 8th Avenue and 9th Avenue intersection) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and

that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 8252. 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. 8252 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8252 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. 8252 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.

PLANNED DISTRICT DEVELOPMENT PLAN FOR PROPERTY LOCATED SOUTH OF 4TH STREET AT 8TH AVENUE AND 9TH AVENUE INTERSECTION

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

Mayor Clouse opened the public hearing on the by Miller & Associates for Fox Creek Development, LLC for Planned District Development Plan Approval for construction of a storage unit building on property to be zoned District MU, Mixed Use District and described as Lot 2, Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska (South of 4th Street at 8th Avenue and 9th Avenue intersection) and consider Resolution No. 2018-80.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt Resolution No. 2018-80 approving the Application submitted by Miller & Associates for Fox Creek Development, LLC for Planned District Development Plan Approval for construction of a storage unit building on property to be zoned District MU, Mixed Use District and described as Lot 2, Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska (South of 4th Street at 8th Avenue and 9th Avenue intersection). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2018-80

WHEREAS, Miller & Associates for Fox Creek Development, LLC have applied for Planned District Development Plan Approval for the construction of a storage unit building on property to be zoned District R-2, Urban Residential Mixed-Density District

and District MU, Mixed Use District and described as Lot 2, Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska (South of 4th Street at 8th Avenue and 9th Avenue intersection).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates for Fox Creek Development, LLC for Planned District Development Plan Approval for the construction of a storage unit building on property zoned District R-2, Urban Residential Mixed-Density District and District MU, Mixed Use District and described as Lot 2, Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska (South of 4th Street at 8th Avenue and 9th Avenue intersection) be approved.

PASSED AND APPROVED THIS 12TH DAY OF JUNE, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ADOPTION OF FUTURE STREET MAP TO THE 2016 COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KEARNEY

Mayor Clouse opened the public hearing on the proposed adoption of Future Street Map to the 2016 Comprehensive Development Plan for the City of Kearney and consider Resolution No. 2018-81.

Rod Wiederspan, Director of Public Works presented this matter to the Council. Mr. Wiederspan stated a new traffic plan needs to be adopted to add to the 2016 Comprehensive Plan. This will help control where signals will go and assist contractors by showing where future access roads will be.

Council Member Nikkila stated the plan shows a road coming off of Yanney Avenue going west that appears to bisect the high school property. Mr. Wiederspan stated that Talmadge Street will eventually go south of the high school but he will look into Council Member Nikkila's concerns on the future street map.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt Resolution No. 2017-81 approving the adoption of the Future Street Map to the 2016 Comprehensive Development Plan for the City of Kearney. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2018-81

WHEREAS, the City of Kearney has been experiencing significant growth throughout recent years; and

WHEREAS, over the past several months, City staff has reviewed areas of development around the City of Kearney and determined a desired layout for future streets titled Future Streets Guide;

WHEREAS, the Future Streets Guide will be used to as a future planning and mapping tool as areas come forward with development proposals and allow City staff to maintain the desired connectivity throughout the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the "Future Streets Guide" dated June 2018 be and is hereby adopted as a companion document to the Kearney Comprehensive Plan. A copy of the Future Streets Guide, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 12TH DAY OF JUNE, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Lear seconded by Buschkoetter that Subsections 1 through 23 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 May 22, 2018.
2. Approve the following Claims:

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

All Makes Auto \$1,461.26 smcs; Account Serv. Exchange \$339.86 co; Achterman,A \$14.99 smcs; Amazon \$110.87 smcs; American Lift \$1,865.00 smcs; Anderson Bros. \$459.74 smcs; Ask Supply \$2,270.90 smcs; Aurora Cooperative \$54.00 smcs; Auto Value \$1,805.42 smcs; Baker & Taylor \$5,347.04 smcs; Bamford \$2,055.00 smcs; Baird Holm \$10,055.00 smcs; Bash,J \$59.00 smcs; Beehive \$5,773.00 smcs; Blackstone Publishing \$557.98 smcs; Blessing \$424,171.98 smcs,co; BlueCross/BlueShield \$127,574.01 smcs; Books Galore \$9,022.12 smcs; Bosselman \$202,296.83 smcs; Bridgett Lavene Consulting \$1,666.67 smcs; Broadfoot's \$1,147.00 smcs; BSN Sports \$1,650.00 smcs; Buffalo Co. Hwy Dept \$50,337.01 co; Buffalo Co. Register Deeds \$324.00 smcs; Buffalo Outdoor Power \$11,633.01 smcs,co; Builders \$54.42 smcs; Capital Business Systems \$584.86 smcs; Carquest \$124.77 smcs; Casey's General Store \$10.98 smcs; Cash Wa \$13,060.78 smcs; CDW Government \$9,860.01 smcs; Cellebrite USA \$3,000.00 smcs; Central Contracting \$13,488.00 smcs,co; Central Fire & Safety \$84.00 smcs; Chaffin,J \$84.00 smcs; Chesterman \$4,910.25 smcs; Christensen,C \$76.00 smcs; Cigna \$7,188.82 smcs; City of Ky \$417,337.49 smcs,ps; Colling,G \$1,250.00 smcs; Collins,L \$110.00 smcs; Community Health Charities \$18.00 ps; Compasscom \$157.50 smcs; Consolidated Management \$25.36 smcs; Cooperative Producers \$808.80 smcs; Core & Main \$83,322.50 smcs,co; Courtney,A \$44.73 smcs; Craig,C \$32.54 smcs; Credit Management Serv. \$343.01 ps; Cruz,O \$43.83 smcs;

Custom Products \$533.25 smcs; Danhauer,R \$30.04 smcs; Danull,K \$125.00 smcs; DAS State Accounting \$111.14 smcs; Dawson Public Power \$19,927.16 smcs; Day,D \$1,530.00 smcs; Depository Trust \$737,528.88 ds, co; Deterding's \$5,112.71 smcs; Dirty Solutions \$415.00 smcs; Doty,C \$97.19 smcs; Dowhy Towing \$1,100.00 smcs; Duane's Towing \$200.00 smcs; Dugan \$603.96 smcs; Dutton Lainson \$71.24 smcs; Eagle Distributing \$1,324.55 smcs; Eakes \$4,208.36 smcs; Elliott Equipment \$6,937.60 smcs; Emergency Services \$3,137.00 smcs; Eustis Body Shop \$200.00 smcs; Fiddelke's \$133.00 smcs; Fleharty,A \$41.10 smcs; Flinn Paving \$4,087.66 smcs; Fread,D \$37.38 smcs; Frontier \$6,187.76 smcs; Gadeken,H \$100.00 smcs; Gale Research \$45.75 smcs; Garrett Tires \$8,028.75 smcs; GD Concrete \$116,797.50 co; Gear for Sports \$2,290.29 smcs; Gonzales,L \$11.76 smcs; Gordon,M \$25.10 smcs; Gray,K \$30.00 smcs; Greater NE Cities \$2,000.00 smcs; HM Life Insurance \$49,143.40 smcs; Hogeland, Gillian \$11.91 smcs; Hometown Leasing \$316.28 smcs; ICMA \$10,582.28 ps; IGS \$4,000.00 smcs; Ikeda,Y \$22.00 smcs; IRS \$310,193.93 ps; Jack Lederman \$410.92 smcs; Jacobi Carpet One \$1,540.66 co; Jones,B \$15.00 smcs; Ky Animal Shelter \$7,381.25 smcs; Ky Area United Way \$696.88 ps; Ky Crete & Block \$1,010.38 co; Ky Hub \$8,450.42 smcs; Ky Powersports \$28,209.00 smcs; Ky Towing \$1,052.00 smcs; Ky Visitors Bureau \$137,791.18 smcs; Kirkwood,M \$1,420.00 smcs; Konica Minolta \$630.25 smcs; Kreutzer,B \$100.00 smcs; Larue Distributing \$38.78 smcs; Lewandowski,L \$45.00 smcs; Lindner,S \$103.55 smcs; Local Pulse \$2,412.26 smcs; Lockmobile \$259.00 smcs; Logan Contractors \$1,750.00 co; Loper Athletic Club \$1,968.75 smcs; Magic Cleaning \$6,940.00 smcs; Malleck,J \$64.50 smcs; Marshall Land Brokers \$5,000.00 co; Matheson \$225.05 smcs; Mead Lumber \$953.49 smcs,co; Meier,T \$24.00 smcs; Menards \$945.26 smcs,co; Mid American Signal \$20,675.00 smcs; Mid-NE Garage Doors \$1,215.00 smcs; Midwest Connect \$8,607.21 smcs; Midwest Laboratories \$4,422.00 smcs; Midwest Restaurant \$2,775.00 smcs; Miller & Associates \$47,395.80 co; Miller Signs \$70.00 smcs; Miller,A \$30.52 smcs; Miller,T \$38.49 smcs; Milliman \$1,800.00 smcs; Milner,D \$31.46 smcs; Minitix \$2,062.00 smcs; Mirror Image \$545.40 smcs; Morpho Trak \$11,756.00 smcs; Most Dependable Fountains \$3,620.00 smcs; Municipal Supply \$12,690.00 smcs; Murphy Tractor \$1,367.42 smcs; Nakamura, Momoko \$45.78 smcs; NE Child Support \$4,640.26 ps; NE Dept of Revenue \$96,856.59 ps; NE Dept of Transportation \$14,442.90 co; NE Dept Veterans' Affairs \$4,150,000.00 co, smcs; NE Environmental \$221,315.10 co; NE Library Commission \$900.00 smcs; NE Public Health \$462.00 smcs; NE Safety & Fire \$385.00 smcs; NE Secretary of State \$30.00 smcs; NE Truck Center \$2,095.90 smcs; Nebraskaland Distributors \$4,585.75 smcs; NELTC \$100.00 smcs; Nielsen,G \$7.43 smcs; Niemeier,C \$40.83 smcs; Noetzelman,J \$109.67 smcs; North Platte Telegraph \$288.50 smcs; Northwestern Energy \$4,139.71 smcs; O'Connor,R \$77.50 smcs; Odeys \$11,315.94 smcs; Office Depot \$433.24 smcs; O'Keefe Elevator \$430.44 smcs; One Call Concepts \$594.63 smcs; O'Reilly Auto \$1,491.28 smcs; Otto Environmental \$25,016.00 smcs; Overhead Door \$80.00 smcs; Paramount \$369.55 smcs; Parr,J \$41.00 smcs; Paulsen \$1,029,545.82 co; Payflex \$531.25 ps; Peerless Machine \$34,952.58 smcs; Penguin Random House \$10.00 smcs; Pep Co. \$86.34 smcs; Platte River Harley \$111.04 smcs; Pouk,C \$71.00 smcs; Presto-X \$279.00 smcs; Provantage \$3,912.92 co; Quest Software \$4,668.75 smcs; Randall,J \$1.38 smcs; Ready Mixed Concrete \$860.06 co; Recorded Books \$92.81 smcs; Reinke's \$85.00 smcs; Roesler,A \$93.74 smcs; Rowse,A \$60.00 smcs; Roy,J \$51.36 smcs; Rundman,J \$375.00 smcs; Rutan,L \$11.91 smcs; Salazar,C \$57.18 smcs; Sandell,M \$80.00 smcs; Scaffidi,M \$95.00 smcs; Schanou,J \$975.90 smcs; School District #7 \$3,364.90 smcs; Schwarz,Z

\$975.90 smcs; Seals,B \$29.86 smcs; See Clear Cleaning \$2,050.00 smcs; Shannon's Mowing \$200.00 smcs; Sign Center \$456.80 smcs; Silverstone Group \$4,860.00 smcs; Skeeter Barnes \$4,850.40 smcs; Smith,D \$3.13 smcs; Snap-on Tools \$245.20 smcs; SOS Portable Toilets \$305.00 smcs; Splittgerber,R \$37.34 smcs; Steinbrink's \$5,110.00 smcs; Stewart,N \$12.69 smcs; Strategic Insights \$700.00 smcs; Strategic Materials \$483.50 smcs; Sudbeck,M \$23.55 smcs; Syring,A \$46.33 smcs; Systems Undercover \$27.10 smcs; Thompson Co. \$40.95 smcs; Tielke's Sandwiches \$76.29 smcs; Turner Body Shop \$200.00 smcs; Tye & Rowling \$13,432.29 smcs; U.S. Postmaster \$338.00 smcs; Uldrich,M \$31.00 smcs; Union Bank & Trust \$148,560.98 ps; Van Diest \$1,596.00 smcs; Verizon \$7,174.22 smcs; Vermeer High Plains \$3,099.24 smcs; Vest,M \$95.00 smcs; Village Uniforms \$722.59 smcs; Walters Electric \$697.32 smcs; Warrington,D \$42.16 smcs; Wentz,K \$318.50 smcs; Wilco Life \$19.00 ps; Wilke,J \$91.99 smcs; Worley Monument \$40.00 smcs; Yanda's Music \$60.00 smcs; Yanney Heritage Foundation \$100.00 smcs; Yant Equipment \$39,581.64 co; Young,M \$708.48 smcs; Zable,A \$28.45 smcs; Payroll Ending 5/26/18 -- \$489,924.66. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Approve the recommendation from the Development Services Division on extending the current license for East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue an additional 30 days to correct the deficiencies.

4. Approve the City of Kearney Annexation, Creation of Districts and Ag Deferral Policies and adopt Resolution No. 2018-82.

RESOLUTION NO. 2018-82

WHEREAS, City staff works to continually review and update policies as needed;

WHEREAS, on June 9, 2009, the City of Kearney adopted the "Policy for Annexation of Property into the Corporate Limits of the City of Kearney and Extension of the Two-Mile Extraterritorial Jurisdiction Line" to establish a clear policy for annexation and extension of the two-mile Extraterritorial Jurisdiction and City staff has since reviewed and made amendment recommendations to the original policy;

WHEREAS, the City of Kearney utilizes district formation as a tool for infrastructure development and City staff has created a proposed creation of district policy outlining criteria that will be used for the support of district formation;

WHEREAS, City staff have reviewed ag deferrals granted since 1992 and determined the postponed cost is carried by the City as a result of paving, water and sewer improvements; the payment of these deferrals occurs when the property no longer meets the requirements as defined by state law and City staff concluded a policy would provide a guide for the creation and termination of ag deferrals in the City of Kearney;

WHEREAS, the City Council have reviewed the policies and determined these policies to be appropriate.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the amendments to the "Policy for Annexation of Property into the Corporate Limits of the City of Kearney and Extension of the Two-Mile Extraterritorial Jurisdiction Line"; "District Formation Policy"; and "Agriculture Deferral

Policy” be and are hereby approved. A copy of the Policy for Annexation of Property into the Corporate Limits of the City of Kearney and Extension of the Two-Mile Extraterritorial Jurisdiction Line, marked as Exhibit “A”, is attached hereto and made a part hereof; a copy of the District Formation Policy, marked as Exhibit “B”, is attached hereto and made a part hereof; and a copy of the Agriculture Deferral Policy, marked as Exhibit “C”, is attached hereto and made a part hereof

PASSED AND APPROVED THIS 12TH DAY OF JUNE, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

5. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Applications as follows:

a) Savannah Lyon on behalf of Compass for the Superhero Dash to temporarily close the northbound lane of East 1st Street from Avenue M to The Archway Parking Lot on June 30, 2018; and

b) Kimberly Ryan on behalf of PFLAG Kearney to temporarily close the parking lot located north of the Museum of Nebraska Art from 2:00 p.m. until 10:00 p.m. on September 16, 2018.

6. Adopt Resolution No. 2018-83 to remove parking on East 1st Street, beginning 150 feet west and 150 feet east of the crosswalk to the pedestrian bridge on The Archway campus.

RESOLUTION NO. 2018-83

WHEREAS, the Development Services Department, Public Works Department, Archway staff and the Police Department have reviewed the situation and found that there is an apparent safety concern with traffic and parked tractor trailers and large passenger vehicles and have recommended that on East 1st Street 150 feet west and 150 east of the crosswalk to the pedestrian bridge on the Archway Campus be designated as “No Parking” at any time.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that East 1st Street 150 feet west and 150 east of the crosswalk to the pedestrian bridge on the Archway Campus be designated as “No Parking” at any time.

BE IT FURTHER RESOLVED that the City Manager be and is hereby instructed to place appropriate signs designating these areas as directed by this Resolution.

PASSED AND APPROVED THIS 12TH DAY OF JUNE, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Approve the application for a Special Designated License submitted by Kearney BBQ Co., dba Skeeter Barnes in connection with their Class I-055865 liquor license to cater and dispense alcoholic liquors inside The Archway, located at 3060 East 1st Street, on Friday, July 20, 2018 from 6:00 p.m. until 9:00 p.m. for a rehearsal dinner.

8. Approve the application for a Special Designated License submitted by Alley Rose Inc. of Kearney NE, dba Alley Rose in connection with their Class IK-021763 liquor license to cater and dispense alcoholic liquors inside The Archway, located at 3060 East 1st Street, on Sunday, July 29, 2018 from 6:00 p.m. until 9:00 p.m. for a reception.

9. Adopt Resolution 2018-84 approving the Purchase Agreement between Kappas Enterprises, LLC and the City of Kearney for the purchase of a tract of land being the North Half of the Northwest Quarter, Government Lot 3, Government Lot 4, and accretions of said government lots in Section 10, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; EXCEPTING THEREFROM a tract of land located in said Government Lot 3 containing 6.87 acres, more or less; AND EXCEPTING THEREFROM a tract of land being part of Government Lot 3 located in said Section 10, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; AND ALSO EXCEPTING THEREFROM a tract of land being the North Half of the Northwest Quarter and part of Government Lot 3 and part of Government Lot 4 and accretions in said Section 10, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska.

RESOLUTION NO. 2018-84

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the "Purchase Agreement between Kappas Enterprises, LLC and the City of Kearney" for the purchase of real property which is legally described as: A tract of land being the North Half of the Northwest Quarter, Government Lot 3, Government Lot 4, and accretions to said government lots in Section 10, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; EXCEPTING THEREFROM a tract of land located in said Government Lot 3 containing 6.87 acres, more or less, deeded to the State of Nebraska by Warranty Deed recorded April 30, 1962 in Deed Book 179, Page 145; AND EXCEPTING THEREFROM a tract of land being part of Government Lot 3 located in said Section 10, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of Government Lot 3 of Section 10, said point also being the Southeast Corner of the North Half of the Northwest Quarter of said Section 10 and assuming the East line of Government Lot 3 of said Section 10 as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of Government Lot 3 of said Section 10 a distance of 266.0 feet to the ACTUAL PLACE OF BEGINNING; thence continuing SOUTH on the EAST line of said Government Lot 3 a distance of 1,006.3 feet to a point on the North Right-of-way Line of U.S. Interstate Highway No. 80 said point also being on a nontangent 17,338.73 foot radius curve, concave Southeasterly; thence Southwesterly on the North Right-of-way of said U.S. Interstate Highway No. 80 and on said nontangent curve forming a central angle of 00°06'38" an arc distance of 33.49 feet, to a point in an existing fence line running northerly; thence leaving said North Right-of-way Line and said nontangent curve, N 00°47'03" E and on said existing fence line a distance of 1,020.9 feet; thence leaving said existing fence line S 89°45'35" E a distance of 16.29 feet to the place of beginning; AND ALSO EXCEPTING THEREFROM a tract of land being the North Half of the Northwest Quarter and part of Government Lot 3 and part of Government Lot 4 and accretions in Section 10, Township 8 North, Range 15 West of the 6th P.M., Buffalo

County, Nebraska, more particularly described as follows: Beginning at the Northwest Corner of the Northwest Quarter of said Section 10 and assuming the North line of said Northwest Quarter as bearing S 89°45'57" E and all bearings contained herein are relative thereto; thence S 89°45'57" E on the aforesaid North line a distance of 2,641.98 feet to the Northeast Corner of said Northwest Quarter; thence S 00°22'46" E on the East line of the North Half of said Northwest Quarter a distance of 1,324.6 feet to the Southeast Corner of said North Half of the Northwest Quarter, said point being the Northeast Corner of Government Lot 3 in said section; thence S 00°15'22" E on the East line of said Government Lot 3 a distance of 266.0 feet to a point on the North line of Lot 1, Tschirren-Fox Subdivision, a subdivision being part of Government Lot 1, part of Government Lot 2, and part of Government Lot 3 located in Section 10, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; thence S 89°48'47" W on the North line said Lot 1 a distance of 16.29 feet to the Northwest Corner of said lot; thence S 00°32'16" W on the West line of said lot a distance of 1,003.5 feet; thence S 64°14' W a distance of 457.2 feet to the point of curvature; thence on a 180.0 foot radius curve to the right, forming a central angle of 20°53', an arc distance of 65.61 feet to the point of tangency; thence tangent S 85°07' W a distance of 134.2 feet; thence N 88°13' W a distance of 109.0 feet; thence S 80°29' W a distance of 245.0 feet; thence S 85°25' W a distance of 300.0 feet; thence S 81°50' W a distance of 605.0 feet; thence S 84°20' W a distance of 438.0 feet; thence S 77°32' W a distance of 350.0 feet to a point on the West line of Government Lot 4 in said Section 10; thence N 00°08'56" E on the aforesaid West line a distance of 446.0 feet to the Southwest Corner of the Northwest Quarter of said section; thence N 00°09'14" E on the West line of said Government Lot 4 and the West line of the North Half of the Northwest Quarter a distance of 2,652.08 feet to the place of beginning, 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 City Manager 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 JUNE, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Approve the applications for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to cater and dispense alcoholic liquor as follows:

a) Inside an outdoor fenced area measuring 120'x200' at Viaero Center located at 609 Platte Road, on Tuesday, July 3, 2018 from 3:00 p.m. until 11:30 p.m. for the United Way Freedom Fest.

b) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, July 7, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

c) Inside the Classic Car Collection Museum, 3600 East Highway 30, on Friday, July 13, 2018 from 3:00 p.m. until 11:00 p.m. for a class reunion;

d) Inside Kearney Crossfit and inside an outdoor area measuring 200'x85' located directed outside of Kearney Crossfit located at 2810 West 24th Street on Saturday, July 14, 2018 from 3:00 p.m. to 1:00 a.m. for a crossfit competition;

e) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Friday, July 20, 2018 from 3:00 p.m. until 1:00 p.m. for a car show;

f) Inside the Expo Building and inside an outdoor area measuring 120'x60' adjacent to the Expo Building as shown on the diagram, both located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 25, 26, 27, 28, 2018 from 3:00 p.m. until 1:00 a.m. each day for the Buffalo County Fair; and

g) Inside an outdoor area measuring 220'x85' and designated as the Outdoor Arena adjacent to the Expo Building as shown on the diagram, located at the Buffalo County Fairgrounds, 3807 Avenue N on Sunday, July 29, 2018 from 3:00 p.m. until 11:30 p.m. for the Buffalo County Fair Demo Derby.

11. Approve the recommendation from the Development Services Division on the annual renewal for manufactured home court license to L & M Mobile Home Park, 1110 Central Avenue until May 31, 2019.

12. Adopt Resolution No. 2018-85 approving the Annexation Agreement between the City of Kearney and State of Nebraska for a tract of land being part of Government Lot 4 in Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; AND a tract of land being part of Government Lot 3 in Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; AND Slaughter Addition, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; TOGETHER WITH a tract of land being part of the Northeast Quarter of Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; AND a tract of land located in Tract A Midway Industrial District and Kearney Airfield in Section 33, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (West of Cherry Avenue, East of Kearney East Expressway, approximately 654 feet North of Highway 30, South of 39th Street including a portion North of 39th Street and a portion East of Cherry Avenue).

RESOLUTION NO. 2018-85

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement for Annexation between the City of Kearney and State of Nebraska for a tract of land described as: a tract of land being part of Government Lot 4 in Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southwest Corner of Government Lot 4 in said Section 28; thence easterly on the South line of said government lot a distance of 390.85 feet; thence northerly deflecting 90°00' left a distance of 80.0 feet to a point on the north line of 39th Street, a street in Buffalo County, Nebraska, and the south line of Kearney Industrial Park, a subdivision being part of Government Lots 1 and 4 and part of the North Half of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; thence westerly on the north line of said 39th Street and the south line of said Kearney Industrial Park a distance of 350.85 feet to the southwest corner of Lot 24 in said Kearney Industrial Park; thence northerly on the west line of said Lot 24 a distance of 94.32 feet; thence westerly deflecting 90°00' left a distance of 40.0 feet to a point on the west line of Government Lot 4 in said section; thence southerly on the aforesaid west line a distance of 174.32 feet to the place of beginning; AND a tract of

land being part of Government Lot 3 in Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southeast Corner of Government Lot 3 in said Section 29; thence westerly on the South line of said government lot a distance of 856.22 feet; thence northerly deflecting $98^{\circ}03'54''$ right a distance of 182.16 feet to an angle point on the right-of-way line of Nebraska State Highway No. 10; thence easterly deflecting $69^{\circ}05'43''$ right a distance of 272.64 feet to an angle point on the aforesaid right-of-way line; thence southerly deflecting $82^{\circ}20'06''$ right on the aforesaid right-of-way line a distance of 109.62 feet; thence continuing on the aforesaid right-of-way line (if extended) easterly deflecting $73^{\circ}24'51''$ left a distance of 527.56 feet to a point on the East line of Government Lot 3 in said section; thence southerly on the aforesaid East line a distance of 174.32 feet to the place of beginning; AND Slaughter Addition, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; TOGETHER WITH a tract of land being part of the Northeast Quarter of Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Northeast Quarter of said Section 32; thence westerly on the North line of said Northeast Quarter a distance of 584.5 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being the northwest corner of Slaughter Addition, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; thence continuing westerly on the aforesaid North line a distance of 271.72 feet; thence southerly deflecting $81^{\circ}56'06''$ left a distance of 97.65 feet to an angle point on the right-of-way line of Nebraska State Highway No. 10; thence southeasterly deflecting $39^{\circ}51'31''$ left on the aforesaid right-of-way line a distance of 70.93 feet; thence continuing on the aforesaid right-of-way line southerly deflecting $30^{\circ}11'27''$ right a distance of 245.81 feet; thence southerly deflecting $03^{\circ}45'37''$ right a distance of 502.79 feet; thence southerly deflecting $01^{\circ}11'34''$ right a distance of 604.11 feet; thence southerly deflecting $00^{\circ}31'39''$ right a distance of 144.13 feet to a point on the south line of a tract of land described in a Warranty Deed recorded on Microfilm Roll 89, Pages 206 thru 207 and filed in the Buffalo County Register of Deeds office; thence leaving said right-of-way line and on the aforesaid south line a distance of 790.91 feet to the southwest corner of Lot 1, G.T.E. Addition, a subdivision being part of Southeast Quarter of the Northeast Quarter of Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; thence northerly on the west line of said Lot 1 a distance of 50.0 feet to the northwest corner thereof; thence easterly on the north line of said lot (if extended) a distance of 105.0 feet to a point on the east line of the Northeast Quarter of said section; thence northerly on the aforesaid east line a distance of 1,373.8 feet to the southeast corner of said Slaughter Addition; thence westerly on the south line of said Slaughter Addition a distance of 584.5 feet to the southwest corner thereof; thence northerly on the west line of said Slaughter Addition a distance of 230.0 feet to the place of beginning; AND a tract of land described in a Warranty Deed - Corporation recorded on Inst. 2013-6533 in the Buffalo County Register of Deeds office: A tract of land located in Tract A Midway Industrial District and Kearney Airfield in Section 33, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, described as follows: Beginning at the Northwest Corner of said section; thence easterly a distance of 390.85 feet along the North line of said section; thence westerly deflecting $162^{\circ}17'17''$ right, a distance of 118.17 feet; thence southwesterly deflecting $006^{\circ}03'29''$

left, a distance of 215.63 feet; thence southerly deflecting 060°06'58" left, a distance of 240.16 feet; thence southerly deflecting 003°20'15" right, a distance of 146.35 feet to a point on the easterly existing Cherry Avenue right of way line; thence westerly deflecting 080°44'14" right, a distance of 33.00 feet to a point on the West line of said section; thence northerly deflecting 090°00'00" right, a distance of 505.92 feet along said line to the point of beginning, Buffalo County, Nebraska said property located West of Cherry Avenue, East of Kearney East Expressway, approximately 654 feet North of Highway 30, South of 39th Street including a portion North of 39th Street and a portion East of Cherry Avenue be and is hereby accepted.

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

PASSED AND APPROVED THIS 12TH DAY OF JUNE, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Adopt Resolution No. 2018-86 approving the Developer Constructed Infrastructure Agreement for Eastbrooke Gardens between the City of Kearney and Eastbrooke Gardens, LP, a Nebraska Corporation, by and through its President, Matt Thomas, for the construction of a water main and sanitary sewer main for Lot 1, Block Seven, Eastbrooke Eighth, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2018-86

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Eastbrooke Gardens" between the City of Kearney and Eastbrooke Gardens, LP, a Nebraska Corporation, by and through its President, Matt Thomas, for the construction of a water main and a sanitary sewer main to serve Lot 1, Block Seven, Eastbrooke Eighth, 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 JUNE, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

14. Approve the Plans and Specifications for the Accessible Sports Field at Patriot Park and set the bid opening date for July 3, 2018 at 2:00 p.m.

15. Adopt Resolution No. 2018-87 approving the naming of the Accessible Sports Field at Patriot Park to Brad Bowman Accessible Sports Field.

RESOLUTION NO. 2018-87

WHEREAS, it has been determined that the City of Kearney needed a policy in place setting forth the provisions for naming and/or renaming City facilities; and

WHEREAS, in May 2018 the City of Kearney received substantial donations from Jerry and Tami Hellman, Dottie Bowman and Kay Bowman to assist in the creation of an accessible sports field at Patriot Park;

WHEREAS, City staff met with these donors to discuss potential naming of the accessible sports field and both parties have recommended proceeding with the naming "Brad Bowman Accessible Sports Field" at Patriot Park;

WHEREAS, the City Council discussed the naming of this accessible sports field at its meeting held on June 12, 2018 and determined it would be appropriate to name the field as "Brad Bowman Accessible Sports Field".

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, to approve the donation request from Jerry and Tami Hellman, Dottie Bowman and Kay Bowman and proceed with the naming of "Brad Bowman Accessible Sports Field" at Patriot Park.

PASSED AND APPROVED THIS 12TH DAY OF JUNE, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

16. Adopt Resolution No. 2018-88 approving the Property Maintenance and Lease Agreement between the City of Kearney and Greg Dollman for a 40-acre detention cell located in northeast Kearney.

RESOLUTION NO. 2018-88

WHEREAS, the City owns a large detention cell approximately 40 acres in northeast Kearney which is a part of the storm water drainage system in that part of the community; and

WHEREAS, the City and Greg Dollman will enter into a Property Maintenance and Lease Agreement in accordance with the terms of said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Property Maintenance and Lease Agreement on behalf of the City of Kearney. The Agreement, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 12TH DAY OF JUNE, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

17. Adopt Resolution No. 2018-89 (2017-65) approving Change Order No. 1 showing a decrease in the amount of \$56,537.00 and Application and Certificate for Payment No. 1 in the amount of \$180,288.90 submitted by Vessco, Inc. (2017-82) and approved

by Miller & Associates for the Solids Dewatering Equipment Facility for the Utilities Department.

RESOLUTION NO. 2018-89

WHEREAS, Vessco, Inc. from Chanhassen, Minnesota has performed services in connection with the construction of a Solids Dewatering Equipment Facility for the Utilities Department, and the City’s engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$56,537.00 as shown on Exhibit “A” attached hereto and made a part hereof by reference; and

WHEREAS, Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$180,288.90 as shown on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$643,070.00</u>
Contract Sum To Date	643,070.00
Gross Amount Due	200,321.00
Retainage (10%)	-20,032.10
Amount Due to Date	180,288.90
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	<u>\$180,288.90</u>

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit “A” and Application and Certificate for Payment No. 1, as shown on Exhibit “B” be and are hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF JUNE, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

18. Approve the Plans and Specifications for the construction of the Solids Handling Building at the Wastewater Treatment Facility and set the bid opening date for July 17, 2018 at 2:00 p.m.

19. Accept the Proposals received for the purchase and installation of a multi-material recycling baler at the Kearney Area Recycling Center and award the Proposal submitted by Excel Manufacturing in the amount of \$263,695.00.

20. Adopt Resolution No. 2018-90 approving Change Order No. 3 showing an increase the amount of \$2,033.00 submitted by Blessing, LLC and approved by Miller & Associates for the 2016 Part 3 Improvements for 56th Street from 4th Avenue to 19th Avenue and 17th Avenue from 50th Street to west City limits; AND 2013 Part 10 Improvements for Talmadge Street from 2nd Avenue to 4th Avenue.

RESOLUTION NO. 2018-90

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2016 Part 3 Improvements for 56th Street from 4th Avenue to 19th Avenue and 17th Avenue from 50th Street to west City limits; AND 2013 Part 10 Improvements for Talmadge Street from 2nd Avenue to 4th Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Change Order No. 3 showing an increase to the contract sum in the amount of \$2,033.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$2,572,124.59
Change Order No. 1 (9/26/2017)	+ 161,146.05
Change Order No. 2 (11/28/2017)	+ <u>4,858.37</u>
Contract Sum To Date	2,738,129.01
Gross Amount Due	1,959,257.07
Retainage (5%)	- <u>97,962.85</u>
Amount Due to Date	1,861,294.22
Less Previous Certificates for Payment	<u>1,795,010.18</u>
Current Payment Due	\$ 66,284.04

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 3 as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF JUNE, 2018.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

21. Accept the bids received for the 2018 Part 2 Improvements for 11th Avenue Extension consisting of Paving Improvement District No. 2018-990 and Water Connection District No. 2018-1 adopt Resolution No. 2018-91 awarding Bid A (Water) to Midlands Contracting, Inc. in the amount of \$39,110.00 and awarding Bid B (Paving and Storm Sewer) to Dan Roeder Concrete in the amount of \$233,415.00.

RESOLUTION NO. 2018-91

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on May 29, 2018 at 2:00 p.m. for the 2018 Part 2 Improvements for 11th Avenue Extension consisting of Paving Improvement District No. 2018-990 and Water Connection District No. 2018-1; and

WHEREAS, the City has recommended the bid offered by Midlands Contracting, Inc. of Kearney, Nebraska in the amount of \$39,110.00 for Bid A (Water) be accepted as the lowest responsible bid; and

WHEREAS, the City has recommended the bid offered by Dan Roeder Concrete of Kearney, Nebraska in the amount of \$233,415.00 for Bid B (Paving & Storm Sewer) be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that Midlands Contracting, Inc. be and is the lowest responsible bidder for the 2018 Part 2 Improvements for 11th Avenue Extension consisting of Paving Improvement District No. 2018-990 and Water Connection District No. 2018-1 – Bid A to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting, Inc. in the amount of \$39,110.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that Dan Roeder Concrete be and is the lowest responsible bidder for the 2018 Part 2 Improvements for 11th Avenue Extension consisting of Paving Improvement District No. 2018-990 and Water Connection District No. 2018-1 – Bid B to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Dan Roeder Concrete in the amount of \$233,415.00 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 JUNE, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

22. Adopt Resolution No. 2018-92 approving the Developer Constructed Infrastructure Agreement for Fox Creek Addition, Phase 2 between the City of Kearney and Fox Creek Development, LLC, a Nebraska Corporation, by and through its Member, Timothy J. Norwood, Owner and Developer, for the construction of public improvements including a water main, a sewer main, paving and storm sewer for Lots 2 through 7, Block Two, Lots 2 through 8, Block Three, Lot 7, Block Four, Lots 1 through 5, Block Five, all in Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2018-92

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled “Developer Constructed Infrastructure Agreement for Fox Creek Addition, Phase 2” between the City of Kearney and Fox Creek Development, LLC, a Nebraska Corporation, by and through its Member, Timothy J. Norwood, being an Owner and the Developer, for the construction of public improvements including a water main, a sewer main, paving and storm sewer to serve Lots 2 through 7, Block Two, Lots 2 through 8, Block Three, Lot 7, Block Four, Lots 1 through 5, Block Five, all in Fox Creek, 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 JUNE, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

23. Approve the application submitted by Broadfoot Sand & Gravel to extend Conditional Use Permit No. 2000-07 to operate a clay extraction operation at 70th Street and 30th Avenue for a period of two years.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

ORDINANCE NO. 8253 AMENDING SECTIONS OF CHAPTER 8 OF CITY CODE

Mayor Clouse opened for discussion the proposed amendments to two sections within Chapter 8, "Police", Article 19 "Offenses Against Public Health and Safety" of the City Code to include: Section 8-1902 "Discharge of Air Guns, Etc." to specify "exceptions when provided" to the current language and Section 8-1903 "Firearms; Discharge in City" to add exception language for approved indoor shooting range designed to U.S. Department of Energy, Office of Health, Safety, and Security Standards, such installation shall be certified by a design professional and to consider Ordinance No. 8253.

Eric Hellriegel, Assistant City Manager presented this matter to the Council. A local developer is interested in constructing an indoor shooting range. Code has been reviewed by City Staff including the Police Department. These amendments did not have to go through Planning Commission since Chapter 8 is not part of the Unified Land Development Ordinance. Any future development plans or building permits will have to be approved according to criteria given to the contractor from engineers, and several National agencies.

Council Member Lammers stated there are indoor shooting ranges all over the country and questioned if the proposed amendment language is common with what is being utilized by other communities? Assistant City Manager stated the wording is very similar to what is being used by other communities who already have indoor shooting ranges.

Council Member Buschkoetter introduced Ordinance No. 8253, amending two sections within Chapter 8, "Police", Article 19 "Offenses Against Public Health and Safety" of the City Code to include: Section 8-1902 "Discharge of Air Guns, Etc." to specify "exceptions when provided" to the current language and Section 8-1903 "Firearms; Discharge in City" to add exception language for approved indoor shooting range designed to U.S. Department of Energy, Office of Health, Safety, and Security Standards, such installation shall be certified by a design professional and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its

final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8253. 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. 8253 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8253 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8253 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

OPEN ACCOUNT CLAIM

Moved by Lammers seconded by Nikkila that the Open Account Claim in the amount of \$79,428.22 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

As Xpanxion celebrated their ribbon cutting on June 12, 2018, Council Member Lammers stated that Xpanxion is a great addition to the community and he hopes this is a stepping stone to other tech companies coming to the Kearney community. Council Member Buschkoetter added the building was interesting to tour regarding its architecture and work spaces. He stated having a good solid cornerstone to the Tech Park is exciting for the community.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 5:59 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

LAUREN BRANDT
CITY CLERK