

Kearney, Nebraska
April 23, 2024
5:30 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on April 23, 2024 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Peggy Eynetich, City Clerk; Council Members Randy Buschkoetter, Tami James Moore and Jonathan Nikkila. Absent: Bruce Lear. Brenda Jensen, Interim City Manager; Michael Tye, City Attorney; Kayla James, Director of Finance; Jim Lynaugh, Airport Manager; Bryan Waugh, Chief of Police; Mike Young, Police Captain of Services; Luke Dutcher, Assistant Director of Public Works; Sarah Sawin, Assistant Director of Utilities; Melissa Dougherty-O'Hara, Assistant Director of Development Services and Brad DeMers, Assistant to the City Manager, along with several members of the Kearney Police Department were also present. Members of the media present included: Mike Konz, Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

Members of the Kearney Police Department Honor Guard presented and posted the colors. Council members led the 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/RECOGNITION

OATH OF OFFICE TO POLICE OFFICE JACO HENNING

Chief Bryan Waugh introduced Officer Jaco Henning and noted that he served three years as active-duty Army Airborne. In 2023, Officer Henning interned with the Kearney Police Department and received a degree in Criminal Justice and Political Science from the University of Nebraska at Kearney. In April, Officer Henning received the Firearms

Proficiency Award from the Nebraska Law Enforcement Training Center, where he graduated.

PRESENTATION OF NATIONAL POLICE WEEK 2024 PROCLAMATION

Mayor Clouse read the Proclamation for National Police Week 2024 and presented it to members of the Kearney Police Department who were in attendance. Chief Waugh expressed his gratitude to Council members for their support and noted that two Buffalo County Sheriff's Deputies who were killed in the line of duty in the 1940s will be added to the National Law Enforcement Officers Memorial this year.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

PUBLIC PERMANENT ROAD AND UTILITY EASEMENT FOR OAK PARK CENTER FOURTH

Mayor Clouse opened the public hearing on the proposed acquisition for a Public Permanent Road and Utility Easement granted by Rodney K. Wiederspan and Patricia M. Jones, both Co-Managers of Sorensen Acres, LLC, a Nebraska Limited Liability Company for a tract of land being part of the Northeast Quarter of the Northeast Quarter, Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2024-47.

Craig Bennett, Miller & Associates presented this matter to the Council. Mr. Bennett stated at the prior Council meeting, the plat for Oak Park Center Fourth was approved. The proposed easement within Oak Park Center Fourth will provide connectivity for utilities and circulation to 2nd Avenue West and 3rd Avenue.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2024-47 approving the acquisition for a Public Permanent Road and Utility Easement granted by Rodney K. Wiederspan and Patricia M. Jones, both Co-Managers of Sorensen Acres, LLC, a Nebraska Limited Liability Company for a tract of land being part of the Northeast Quarter of the Northeast Quarter, Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

REZONING FOR PROPERTY LOCATED APPROXIMATELY 600 FEET SOUTH OF THE INTERSECTION OF EAST 65TH STREET AND AVENUE R

Public Hearings 2 through 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller &

Associates for Fox Creek Development, LLC, a Nebraska Limited Liability Company, to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) for property described as a tract of land being part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th PM, Buffalo County, Nebraska (Approximately 600 feet South of the intersection of East 65th Street and Avenue R) and consider Ordinance No. 8663.

Craig Bennett, Miller & Associates presented this matter to the Council. Mr. Bennett described the proposed development of Arbor View Fourth, noting that the requested rezoning is consistent with the Future Land Use Map. Mr. Bennett discussed the proposed future road layout and also noted the previous concept for this addition included 157 lots; however, the current proposed plat will consist of 142 lots, with the lots zoned R1-D having the ability to contain two-unit dwellings, which equates to 157 housing units. Mr. Bennett detailed the infrastructure, much of which was completed during previous development in the area.

Council Member Jonathan Nikkila thanked Mr. Bennett and City Staff for their work on this development; Brenda Jensen, Interim City Manager, thanked the Developer as well.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the Application submitted by Miller & Associates for Fox Creek Development, LLC, a Nebraska Limited Liability Company and introduced Ordinance No. 8663 rezoning from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) for property described as a tract of land being part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th PM, Buffalo County, Nebraska (Approximately 600 feet South of the intersection of East 65th Street and Avenue R) 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. 8663. 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, Moore, Buschkoetter. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8663 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8663 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance,

Ordinance No. 8663 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 and the Kearney Public Library.

REZONING FOR PROPERTY LOCATED APPROXIMATELY 700 FEET SOUTH OF THE INTERSECTION OF EAST 65TH STREET AND AVENUE R

Public Hearings 2 through 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Fox Creek Development, LLC, a Nebraska Limited Liability Company, to rezone from District AG, Agricultural District to District R-1D, Residential District for property described as a tract of land being part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th PM, Buffalo County, Nebraska (Approximately 700 feet South of the intersection of East 65th Street and Avenue R) and consider Ordinance No. 8664.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Application submitted by Miller & Associates for Fox Creek Development, LLC, a Nebraska Limited Liability Company and introduced Ordinance No. 8664 rezoning from District AG, Agricultural District to District R-1D, Residential District for property described as a tract of land being part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th PM, Buffalo County, Nebraska (Approximately 700 feet South of the intersection of East 65th Street and Avenue R) 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. 8664. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8664 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance No. 8664 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8664 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 and the Kearney Public Library.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR ARBOR VIEW FOURTH

Public Hearings 2 through 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Fox Creek Development, LLC, a Nebraska Limited Liability Company, for the Final Plat and Subdivision Agreement for Arbor View Fourth, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 2 and the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th PM, Buffalo County, Nebraska (South of the intersection of East 65th Street and Avenue R) and consider Resolution No. 2024-37.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Buschkoetter to close the hearing and adopt Resolution No. 2024-37 approving the Final Plat and Subdivision Agreement for Arbor View Fourth, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 2 and the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th PM, Buffalo County, Nebraska (South of the intersection of East 65th Street and Avenue R). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2024-37

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Arbor View Fourth, an addition to the City of Kearney, Buffalo County, Nebraska for A tract of land being part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P. M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a chiseled "+" at the Southwest corner of Government Lot 2 of Section 19; thence S 89°44'06" E on the South line of said Government Lot 2, and all bearings contained herein are relative thereto, a distance of 1164.26 feet to a 5/8" rebar at the Southeast corner of Outlot B, Starostka Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence continuing S 89°44'06 " E on the South line of said Government Lot 2 and the South line of the Southeast Quarter of the Northwest Quarter of said Section 19 a distance of 1449.75 feet to a 5/8" rebar at the Southeast corner of said Southeast Quarter of the Northwest Quarter; thence N 00°21'32" E on the East line of said Southeast Quarter of the Northwest Quarter a distance of 241.17 feet to a 5/8" rebar w/cap; thence N 89°44'06" W parallel with said South line of the Southeast Quarter of the Northwest Quarter a distance of 1094.51 feet to a 5/8" rebar w/cap; thence N 00°14'22" E a distance of 125.83 feet to a 5/8" rebar w/cap at the Southeast corner of Lot 7, Block 1, Arbor View Third, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°44'06" W on the South line of said Arbor View Third a distance of 340.00 feet to a 5/8" rebar w/cap at the Southwest corner of Lot 7, Block 2 of said Arbor View Third; thence N 00°14'22" E on the West line of said Arbor View Third a distance of 97.98 feet to a 5/8" rebar w/cap at the Southeast corner of Outlot A, Block 3, Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°59'58" W on the South line

of said Outlot A, Block 3, Arbor View First a distance of 50.00 feet to a 5/8" rebar w/cap at the Southwest corner of said Outlot A, and the Southeast corner of Lot 3, Block 3 of said Arbor View First; thence N 50°49'39" W on the South line of said Block 3, Arbor View First a distance of 292.72 feet to a 5/8" rebar w/cap at the Northeast corner of Lot 6, Block 1, Arbor View Second, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 39°10'21" W on the East line of said Arbor View Second a distance of 340.00 feet to a 5/8" rebar w/cap at the Southeast corner of Lot 7, Block 2, of said Arbor View Second and on the Northeasterly line of said Outlot B, Starostka Estates Addition; thence S 50°49'39" E on said Northeasterly line a distance of 611.43 feet to the Point of Beginning. Containing 12.80 acres, more or less Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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

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

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

ANNEXATION OF ARBOR VIEW FOURTH

Public Hearings 2 through 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the request submitted by Miller & Associates for Fox Creek Development, LLC, a Nebraska Limited Liability Company, for the annexation of Arbor View Fourth, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th PM, Buffalo County, Nebraska (South of the intersection of East 65th Street and Avenue R) and consider Resolution No. 2024-40.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2024-40 approving the annexation of Arbor View Fourth, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th PM, Buffalo County, Nebraska (South of the intersection of East 65th Street and Avenue R). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2024-40

WHEREAS, an Application has been submitted by Miller & Associates for Fox Creek Development, LLC, a Nebraska Limited Liability Company for the inclusion of Arbor View Fourth, an addition within the corporate boundaries of the City of Kearney said property described as A tract of land being part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P. M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a chiseled "+" at the Southwest corner of Government Lot 2 of Section 19; thence S 89°44'06" E on the South line of said Government Lot 2, and all bearings contained herein are relative thereto, a distance of 1164.26 feet to a 5/8" rebar at the Southeast corner of Outlot B, Starostka Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence continuing S 89°44'06" E on the South line of said Government Lot 2 and the South line of the Southeast Quarter of the Northwest Quarter of said Section 19 a distance of 1449.75 feet to a 5/8" rebar at the Southeast corner of said Southeast Quarter of the Northwest Quarter; thence N 00°21'32" E on the East line of said Southeast Quarter of the Northwest Quarter a distance of 241.17 feet to a 5/8" rebar w/cap; thence N 89°44'06" W parallel with said South line of the Southeast Quarter of the Northwest Quarter a distance of 1094.51 feet to a 5/8" rebar w/cap; thence N 00°14'22" E a distance of 125.83 feet to a 5/8" rebar w/cap at the Southeast corner of Lot 7, Block 1, Arbor View Third, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°44'06" W on the South line of said Arbor View Third a distance of 340.00 feet to a 5/8" rebar w/cap at the Southwest corner of Lot 7, Block 2 of said Arbor View Third; thence N 00°14'22" E on the West line of said Arbor View Third a distance of 97.98 feet to a 5/8" rebar w/cap at the Southeast corner of Outlot A, Block 3, Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°59'58" W on the South line of said Outlot A, Block 3, Arbor View First a distance of 50.00 feet to a 5/8" rebar w/cap at the Southwest corner of said Outlot A, and the Southeast corner of Lot 3, Block 3 of said Arbor View First; thence N 50°49'39" W on the South line of said Block 3, Arbor View First a distance of 292.72 feet to a 5/8" rebar w/cap at the Northeast corner of Lot 6, Block 1, Arbor View Second, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 39°10'21" W on the East line of said Arbor View Second a distance of 340.00 feet to a 5/8" rebar w/cap at the Southeast corner of Lot 7, Block 2, of said Arbor View Second and on the Northeasterly line of said Outlot B, Starostka Estates Addition; thence S 50°49'39" E on said Northeasterly line a distance of 611.43 feet to the Point of Beginning. Containing 12.80 acres, more or less Buffalo County, Nebraska., with said property identified on the attached map marked as Exhibit "A"; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on March 15, 2024 on the inclusion of Arbor View Fourth 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 Arbor View Fourth, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on April 23, 2024 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 Arbor View Fourth 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 Arbor View Fourth 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 23RD DAY OF APRIL, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

REZONING OF PROPERTY LOCATED NORTH OF TALMADGE STREET AND EAST OF 10TH AVENUE

Public Hearings 6 through 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Peanut Butter & Jelly, LLC, to rezone from District RR-1, Rural Residential District (Rural Standards) to District C-2, Community Commercial District for property described as Lot 1, Gealy's Addition, a subdivision to the City of Kearney, Buffalo County, Nebraska. (North of Talmadge Street and East of 10th Avenue) and consider Ordinance No. 8668.

Craig Bennet, Miller & Associates presented this matter to the Council. Mr. Bennett described the location of the approximate 73-acre parcel for the proposed Younes Center Tenth Addition and further reviewed the rezoning requests and the Future Land Use Map change request that are consistent with the surrounding properties. Mr. Bennett noted that a portion of the area is in a floodway; however, the majority of the property is located in the 1% chance of annual flood. Mr. Bennett reviewed the circulation, noted 15th Avenue will be changed to 16th Avenue and stated he met with property owners to the north of this development for potential future extension options. Mr. Bennett stated there are 12 lots in Block 1 and one large lot in Block 2 on the proposed plat, and also reviewed the infrastructure feasibility plan detailing water, sanitary sewer, and paving and stated the Outlots would be used as detention cells.

Council Member Nikkila asked if it made more sense to connect 3rd Street to 15th Avenue because it has a traffic signal. Mr. Bennett explained that connecting to 15th Avenue bisects the lots differently than preferred. Ms. Jensen stated there are options when developing the road or bridge to connect to 15th Avenue, which would make more sense.

Council Member Randy Buschkoetter asked if the area, including the Hike/Bike Trail and the flood plain, would be annexed. Mr. Bennett confirmed that it would.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Application submitted by Miller &

Associates for Peanut Butter & Jelly, LLC, and introduced Ordinance No. 8668 rezoning from District RR-1, Rural Residential District (Rural Standards) to District C-2, Community Commercial District for property described as Lot 1, Gealy's Addition, a subdivision to the City of Kearney, Buffalo County, Nebraska. (North of Talmadge Street and East of 10th Avenue) 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. 8668. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8668 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance No. 8668 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8668 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 and the Kearney Public Library.

AMENDMENT TO THE LAND USE MAP FOR PROPERTY LOCATED NORTH OF TALMADGE STREET BETWEEN 10TH AVENUE AND 15TH AVENUE

Public Hearings 6 through 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Talmadge JAM, LLC for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from General Commercial (COM) and Low-Density Residential (LDR) to General Commercial (COM) for property described as a tract of land being part of Government Lot 7, part of Government Lot 9 and accretions thereto all located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Talmadge Street, between 10th Avenue and 15th Avenue) and consider Resolution No. 2024-48.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Buschkoetter to close the hearing and adopt Resolution No. 2024-48 approving the amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from General Commercial (COM) and Low-Density Residential (LDR) to General Commercial (COM) for property described as a tract of land being part of Government Lot 7, part of Government Lot 9 and accretions thereto all

located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Talmadge Street, between 10th Avenue and 15th Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2024-48

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 Government Lot 7, part of Government Lot 8, part of Government Lot 9 and accretions thereto located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a brass cap at the Southeast corner of Government Lot 7 of Section 11; thence N 00°25'12" E on the East line of said Government Lot 7 and on it's Northerly extension, and all bearings contained herein are relative thereto, a distance of 1440.10 feet to the POINT OF BEGINNING, being on the North right-of-way line of 10th Avenue as platted in Kearney, Buffalo County, Nebraska; thence continuing N 00°25'12" E on said Northerly extension of the East line of said Government Lot 7 a distance of 820.91 feet to the centerline of the North Channel of the Platte River; thence N 66°24'55" W on said centerline of the North Channel of the Platte River, and all courses following are on said centerline until otherwise described, a distance of 229.21 feet; thence S 80°49'54" W a distance of 85.98 feet; thence S 06°49'55" W a distance of 92.82 feet; thence S 23°09'01" W a distance of 79.11 feet; thence S 37°50'27" W a distance of 73.32 feet; thence S 59°30'48" W a distance of 154.87 feet; thence N 77°16'14" W a distance of 95.61 feet; thence N 45°57'22" W a distance of 55.91 feet; thence N 10°49'30" E a distance of 204.18 feet; thence N 14°38'29" W a distance of 74.72 feet; thence N 31°02'30" W a distance of 52.01 feet; thence N 62°13'53" W a distance of 155.17 feet; thence S 89°35'52" W a distance of 44.89 feet; thence S 55°03'27" W a distance of 64.70 feet; thence S 22°18'37" W a distance of 142.61 feet; thence S 37°36'00" W a distance of 150.53 feet; thence S 66°56'06" W a distance of 60.34 feet; thence N 84°15'27" W a distance of 50.38 feet; thence N 55°37'09" W a distance of 45.02 feet; thence N 30°15'35" W a distance of 210.19 feet; thence N 42°18'24" W a distance of 232.95 feet; thence S 72°32'10" W a distance of 91.75 feet; thence S 30°07'52" W a distance of 37.98 feet; thence S 14°21'23" E a distance of 112.43 feet; thence S 07°26'55" E a distance of 50.08 feet; thence S 13°26'18" W a distance of 40.08 feet; thence S 38°37'35" W a distance of 80.93 feet; thence N 64°39'23" W a distance of 399.53 feet; thence S 58°47'27" W a distance of 109.81 feet; thence S 34°52'46" W a distance of 37.34 feet; thence leaving said centerline S 00°42'16" E a distance of 1391.91 feet to a 5/8" rebar w/cap; thence N 89°17'44" E a distance of 60.00 feet to a 5/8" rebar w/cap; thence S 09°44'35" E a distance of 67.98 feet to a 5/8" rebar w/cap; thence Southerly on a tangent curve to the Left having a central angle of 37°21'25", a radius of 50.00 feet, an arc length of 32.60 feet, and a chord bearing of S 28°25'17" E a distance of 32.03 feet to a 5/8" rebar w/cap; thence S 47°06'00" E a distance of 17.43 feet to a 5/8" rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of 46°39'09", a radius of 50.00 feet, an arc length of 40.71 feet, and a chord bearing of S 70°25'35" E a distance of 39.60 feet to a 5/8" rebar w/cap; thence N 86°14'51" E a distance of 1187.00 feet to a 5/8" rebar w/cap; thence Easterly on a tangent curve to the Left having a central angle of 8°04'46", a radius of 560.00 feet, an arc length of 79.00 feet, and a chord bearing of N 82°12'24" E a distance of 78.94 feet to a 5/8" rebar w/cap

at the Southwest corner of Lot 1, Block 2 of Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 00°25'12" E on the West line of said Younes Center Ninth Addition a distance of 849.19 feet to a 5/8" rebar w/cap on the North line of 3rd Street, as platted in said Younes Center Ninth Addition; thence S 89°38'06" E on the North line of said 3rd Street a distance of 239.57 feet to a 5/8" rebar w/cap; thence Southeasterly on the North line of said 3rd Street on a tangent curve to the Right having a central angle of 67°58'22", a radius of 453.00 feet, an arc length of 537.42 feet, and a chord bearing of S 55°38'55" E a distance of 506.45 feet to the Point of Beginning. Containing 57.28 acres, more or less Buffalo County, Nebraska from General Commercial (COM) and Low Density Residential (LDR) to General Commercial (COM); 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 General Commercial (COM) and Low Density Residential (LDR) to General Commercial (COM) the use classification for A tract of land being part of Government Lot 7, part of Government Lot 8, part of Government Lot 9 and accretions thereto located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a brass cap at the Southeast corner of Government Lot 7 of Section 11; thence N 00°25'12" E on the East line of said Government Lot 7 and on it's Northerly extension, and all bearings contained herein are relative thereto, a distance of 1440.10 feet to the POINT OF BEGINNING, being on the North right-of-way line of 10th Avenue as platted in Kearney, Buffalo County, Nebraska; thence continuing N 00°25'12" E on said Northerly extension of the East line of said Government Lot 7 a distance of 820.91 feet to the centerline of the North Channel of the Platte River; thence N 66°24'55" W on said centerline of the North Channel of the Platte River, and all courses following are on said centerline until otherwise described, a distance of 229.21 feet; thence S 80°49'54" W a distance of 85.98 feet; thence S 06°49'55" W a distance of 92.82 feet; thence S 23°09'01" W a distance of 79.11 feet; thence S 37°50'27" W a distance of 73.32 feet; thence S 59°30'48" W a distance of 154.87 feet; thence N 77°16'14" W a distance of 95.61 feet; thence N 45°57'22" W a distance of 55.91 feet; thence N 10°49'30" E a distance of 204.18 feet; thence N 14°38'29" W a distance of 74.72 feet; thence N 31°02'30" W a distance of 52.01 feet; thence N 62°13'53" W a distance of 155.17 feet; thence S 89°35'52" W a distance of 44.89 feet; thence S 55°03'27" W a distance of 64.70 feet; thence S 22°18'37" W a distance of 142.61 feet; thence S 37°36'00" W a distance of 150.53 feet; thence S 66°56'06" W a distance of 60.34 feet; thence N 84°15'27" W a distance of 50.38 feet; thence N 55°37'09" W a distance of 45.02 feet; thence N 30°15'35" W a distance of 210.19 feet; thence N 42°18'24" W a distance of 232.95 feet; thence S 72°32'10" W a distance of 91.75 feet; thence S 30°07'52" W a distance of 37.98 feet; thence S 14°21'23" E a distance of 112.43 feet; thence S 07°26'55" E a distance of 50.08 feet; thence S 13°26'18" W a distance of 40.08 feet; thence S 38°37'35" W a distance of 80.93 feet; thence N 64°39'23" W a distance of 399.53 feet; thence S 58°47'27" W a distance of 109.81 feet; thence S 34°52'46" W a distance of 37.34 feet; thence leaving said centerline S 00°42'16"

E a distance of 1391.91 feet to a 5/8" rebar w/cap; thence N 89°17'44" E a distance of 60.00 feet to a 5/8" rebar w/cap; thence S 09°44'35" E a distance of 67.98 feet to a 5/8" rebar w/cap; thence Southerly on a tangent curve to the Left having a central angle of 37°21'25" , a radius of 50.00 feet, an arc length of 32.60 feet, and a chord bearing of S 28°25'17" E a distance of 32.03 feet to a 5/8" rebar w/cap; thence S 47°06'00" E a distance of 17.43 feet to a 5/8" rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of 46°39'09" , a radius of 50.00 feet, an arc length of 40.71 feet, and a chord bearing of S 70°25'35" E a distance of 39.60 feet to a 5/8" rebar w/cap; thence N 86°14'51" E a distance of 1187.00 feet to a 5/8" rebar w/cap; thence Easterly on a tangent curve to the Left having a central angle of 8°04'46", a radius of 560.00 feet, an arc length of 79.00 feet, and a chord bearing of N 82°12'24" E a distance of 78.94 feet to a 5/8" rebar w/cap at the Southwest corner of Lot 1, Block 2 of Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 00°25'12" E on the West line of said Younes Center Ninth Addition a distance of 849.19 feet to a 5/8" rebar w/cap on the North line of 3rd Street, as platted in said Younes Center Ninth Addition; thence S 89°38'06" E on the North line of said 3rd Street a distance of 239.57 feet to a 5/8" rebar w/cap; thence Southeasterly on the North line of said 3rd Street on a tangent curve to the Right having a central angle of 67°58'22", a radius of 453.00 feet, an arc length of 537.42 feet, and a chord bearing of S 55°38'55" E a distance of 506.45 feet to the Point of Beginning. Containing 57.28 acres, more or less Buffalo County, Nebraska.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2024.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

DEVELOPMENT OF PROPERTY LOCATED NORTH OF TALMADGE STREET AND EAST OF 10TH AVENUE

Public Hearings 6 through 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Talmadge JAM, LLC, to 1) rezone from District AG, Agricultural District to District C-2, Community Commercial District for property described as a tract of land being part of Government Lot 7, part of Government Lot 9 and accretions thereto located in all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Talmadge Street, between 10th Avenue and 15th Avenue) and consider Ordinance No. 8669; and 2) vacate Lot 1, Gealy's Addition, a subdivision to the City of Kearney, Buffalo County, Nebraska (North of Talmadge Street, and east of 10th Avenue) and consider Ordinance No. 8670.

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 Talmadge JAM, LLC, and introduced Ordinance No. 8669 rezoning from District AG, Agricultural District to District C-2, Community Commercial District for property described as a tract of land being part of Government Lot 7, part of Government Lot 9 and accretions thereto located in all in Section 11, Township 8 North, Range 16

West of the 6th P.M., Buffalo County, Nebraska (North of Talmadge Street, between 10th Avenue and 15th Avenue) and Ordinance No. 8670 vacating Lot 1, Gealy's Addition, a subdivision to the City of Kearney, Buffalo County, Nebraska (North of Talmadge Street, and east of 10th Avenue) 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 Nos. 8669 and 8670. President of the Council asked for discussion or if anyone in the audience was interested in the ordinances. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 8669 and 8670 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried. Ordinances were read by number.

Moved by Clouse seconded by Nikkila that Ordinance Nos. 8669 and 8670 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance Nos. 8669 and 8670 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 and the Kearney Public Library.

FINAL PLAT FOR YOUNES CENTER TENTH ADDITION

Public Hearings 6 through 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Talmadge JAM, LLC and Peanut Butter & Jelly, LLC, for the Final Plat for Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 6 and accretions thereto, part of Government Lot 7 and accretions thereto, part of Government Lot 9 and accretions thereto, and Lot 1, Gealy's Addition, a subdivision being part of Government Lot 6 and accretions located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (now vacated), all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 15th Avenue between Talmadge Street and North Channel of Platte River) and consider Resolution No. 2024-49.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2024-49 approving the Final Plat for Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 6 and accretions thereto, part of Government Lot 7 and accretions

thereto, part of Government Lot 9 and accretions thereto, and Lot 1, Gealy's Addition, a subdivision being part of Government Lot 6 and accretions located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (now vacated), all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 15th Avenue between Talmadge Street and North Channel of Platte River). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2024-49

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for A tract of land being part of Government Lot 6 and accretions thereto, part of Government Lot 7 and accretions thereto, part of Government Lot 8 and accretions thereto, part of Government Lot 9 and accretions thereto, and Lot 1, Gealy's Addition, a subdivision to the City of Kearney, Buffalo County, Nebraska (now vacated), all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a brass cap at the Southeast corner of Government Lot 7 of Section 11; thence N 00°25'12" E on the East line of said Government Lot 7, and all bearings contained herein are relative thereto, a distance of 1064.95 feet to a survey marker on the North line of Talmadge Street, as platted in the City of Kearney, Buffalo County, Nebraska; thence S 87°19'42" E on said North line of Talmadge Street a distance of 30.02 feet to a 5/8" rebar w/cap at the Southwest corner of said Gealy's Addition (now vacated) and the POINT OF BEGINNING; thence S 87°20'54" E on said North line of Talmadge Street a distance of 416.55 feet to a 5/8" rebar w/cap at the Southwest corner of Younes Center Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 01°08'01" W on the West line of said Younes Center Sixth Addition a distance of 246.91 feet to a 5/8" rebar w/cap; thence N 89°00'27" E continuing on said West line a distance of 113.80 feet to a 5/8" rebar w/cap; thence N 01°54'55" W continuing on said West line a distance of 175.57 feet to a 5/8" rebar w/cap; thence N 00°00'00" W continuing on said West line a distance of 576.20 feet to the Northwest corner of said Younes Center Sixth and on the South line of Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska, and on the centerline of the North Channel of the Platte River; thence S 89°04'00" W on said centerline of the North Channel of the Platte River and the South line of Fox Creek Second, and all courses following are on said centerline of the North Channel of the Platte River and said South line of Fox Creek Second until otherwise described, a distance of 77.47 feet; thence N 79°51'11" W a distance of 231.66 feet; thence N 38°24'39" W a distance of 94.04 feet; thence N 03°04'44" E a distance of 97.76 feet; thence S 69°38'23" E a distance of 73.66 feet; thence S 45°17'25" E a distance of 85.41 feet; thence S 69°34'52" E a distance of 61.74 feet; thence N 54°55'27" E a distance of 76.94 feet; thence N 26°05'24" E a distance of 126.49 feet; thence N 06°52'39" W a distance of 179.14 feet; thence N 42°59'49" W a distance of 99.03 feet; thence N 68°08'28" W a distance of 104.73 feet; thence N 88°01'35" W a distance of 61.76 feet; thence S 67°33'29" W a distance of 86.36 feet; thence S 46°54'03" W a distance of 121.54 feet; thence S 05°10'25" E a distance of 90.52 feet; thence S 16°17'11" W a distance of 122.73 feet; thence S 74°25'03" W a distance of 47.63 feet to the West line of said Fox Creek Second; thence N 66°24'55" W leaving said South line of Fox Creek Second but remaining on said centerline of the North Channel of the Platte River, and all courses

following are on said centerline until otherwise described, a distance of 229.21 feet; thence S 80°49'54" W a distance of 105.27 feet; thence S 06°49'55" W a distance of 92.82 feet; thence S 23°09'01" W a distance of 79.11 feet; thence S 37°50'27" W a distance of 73.32 feet; thence S 59°30'48" W a distance of 154.87 feet; thence N 77°16'14" W a distance of 95.61 feet; thence N 45°57'22" W a distance of 55.91 feet; thence N 10°49'30" E a distance of 204.18 feet; thence N 14°38'29" W a distance of 74.72 feet; thence N 31°02'30" W a distance of 52.01 feet; thence N 62°13'53" W a distance of 155.17 feet; thence S 89°35'52" W a distance of 44.89 feet; thence S 55°03'27" W a distance of 64.70 feet; thence 22°18'37" W a distance of 142.61 feet; thence S 37°36'00" W a distance of 150.53 feet; thence S 66°56'06" W a distance of 60.34 feet; thence N 84°15'27" W a distance of 50.38 feet; thence N 55°37'09" W a distance of 45.02 feet; thence N 30°15'35" W a distance of 210.19 feet; thence N 42°18'24" W a distance of 232.95 feet; thence S 72°32'10" W a distance of 91.75 feet; thence S 30°07'52" W a distance of 37.98 feet; thence S 14°21'23" E a distance of 112.43 feet; thence S 07°26'55" E a distance of 50.08 feet; thence S 13°26'18" W a distance of 40.08 feet; thence S 39°19'28" W a distance of 104.20 feet; thence N 64°39'23" W a distance of 399.53 feet; thence S 58°47'27" W a distance of 109.82 feet; thence S 34°52'46" W a distance of 37.34 feet; thence leaving said centerline S 00°42'16" E a distance of 1391.91 feet to a 5/8" rebar w/cap on the North line of Talmadge Street as platted in Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°17'44" E on said North line of Talmadge Street, and all courses following are on said North line until otherwise described, a distance of 60.00 feet to a 5/8" rebar w/cap; thence S 09°44'35" E a distance of 67.98 feet to a 5/8" rebar w/cap; thence Southerly on a tangent curve to the Left having a central angle of 37°21'25" , a radius of 50.00 feet, an arc length of 32.60 feet, and a chord bearing of S 28°25'17" E a distance of 32.03 feet to a 5/8" rebar w/cap; thence S 47°06'00" E a distance of 17.43 feet to a 5/8" rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of 6°39'09", a radius of 50.00 feet, an arc length of 40.71 feet, and a chord bearing of S 70°25'35" E a distance of 39.60 feet to a 5/8" rebar w/cap; thence N 86°14'51" E a distance of 1187.00 feet to a 5/8" rebar w/cap; thence Easterly on a tangent curve to the Left having a central angle of 8°04'59", a radius of 560.00 feet, an arc length of 79.00 feet, and a chord bearing of N 82°12'24" E a distance of 78.94 feet to a 5/8" rebar w/cap at the Southwest corner of Lot 1, Block 2 of Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving said North line of Talmadge Street 00°25'12" E on a non-tangent line being the West line of said Younes Center Ninth Addition a distance of 849.19 feet to a 5/8" rebar w/cap on the North line of 3rd Street, as platted in said Younes Center Ninth Addition; thence S 89°38'06" E on said North line of 3rd Street and the East line of 10th Avenue, as platted in said Younes Center Ninth Addition a distance of 239.57 feet to a 5/8" rebar w/cap; thence Southeasterly continuing on said North line of 3rd Street and the East line of 10th Avenue and on a tangent curve to the Right having a central angle of 83°25'37", a radius of 453.00 feet, an arc length of 659.60 feet, and a chord bearing of S 47°55'18" E a distance of 602.86 feet to a 5/8" rebar w/cap on the West line of Gealy's Addition (now vacated) and on the West line of a permanent Right-of-Way Easement recorded on Document #2019-02482 and filed in the Buffalo County Register of Deeds; thence S 00° 25'12" W on a non-tangent line being said West line of Gealy's Addition (now vacated) and on said West line of a Permanent Right-of-Way Easement a distance of 258.18 feet to the Point of Beginning. Containing 73.18 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 23RD DAY OF APRIL, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

ANNEXATION OF YOUNES CENTER TENTH ADDITION

Public Hearings 6 through 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the request submitted by Miller & Associates for Talmadge JAM, LLC and Peanut Butter & Jelly, LLC, for the annexation of Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 6 and accretions thereto, part of Government Lot 7 and accretions thereto, part of Government Lot 9 and accretions thereto, and Lot 1, Gealy's Addition, a subdivision being part of Government Lot 6 and accretions located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (now vacated), all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 15th Avenue between Talmadge Street and North Channel of Platte River) and consider Resolution No. 2024-50.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Buschkoetter to close the hearing and adopt Resolution No. 2024-50 approving the annexation of Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 6 and accretions thereto, part of Government Lot 7 and accretions thereto, part of Government Lot 9 and accretions thereto, and Lot 1, Gealy's Addition, a subdivision being part of Government Lot 6 and accretions located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (now vacated), all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 15th Avenue between Talmadge Street and North Channel of Platte River). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2024-50

WHEREAS, an Application has been submitted by Miller & Associates for Talmadge JAM, LLC and Peanut Butter & Jelly, LLC for the inclusion of Younes Center Tenth Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of Government Lot 7, part of Government Lot 8, part of Government Lot 9 and accretions thereto, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at a 5/8" rebar w/cap at the Northwest corner of Lot 1, Block 2, Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 00°25'12" E on the West line of said Younes Center Ninth Addition a distance of 66.00 feet to a 5/8" rebar w/cap at the Northwest corner of said Younes Center Ninth Addition and on the North line of 3rd Street as platted in said Younes Center Ninth Addition; thence N 00°45'04" W a distance of 367.12 feet to the centerline of the North Channel of the Platte River; thence N 10°49'30" E on the centerline of said North Channel of the Platte River a distance of 204.18 feet; thence N 14°38'29" W continuing on said centerline of the North Channel to the Platte River, and all courses following are along said centerline until otherwise described, a distance of 74.72 feet; thence N 31°02'30" W a distance of 52.01 feet; thence N 62°13'53" W a distance of 155.17 feet; thence S 89°35'52" W a distance of 44.89 feet; thence S 55°03'27" W a distance of 64.70 feet; thence S 22°18'37" W a distance of 142.61 feet; thence S 37°36'00" W a distance of 150.53 feet; thence S 66°56'06" W a distance of 60.34 feet; thence N 84°15'27" W a distance of 50.38 feet; thence N 55°37'09" W a distance of 45.02 feet; thence N 30°15'35" W a distance of 210.19 feet; thence N 42°18'24" W a distance of 232.95 feet; thence S 72°32'10" W a distance of 91.75 feet; thence S 30°07'52" W a distance of 37.98 feet; thence S 14°21'23" E a distance of 112.43 feet; thence S 07°26'55" E a distance of 50.08 feet; thence S 13°26'18" W a distance of 40.08 feet; thence S 39°19'28" W a distance of 104.20 feet; thence N 64°39'23" W a distance of 399.53 feet; thence S 58°47'27" W a distance of 109.82 feet; thence S 34°52'46" W a distance of 37.34 feet; thence leaving said centerline S 00°42'16" E a distance of 1391.91 feet to a 5/8" rebar w/cap on the North line of Talmadge Street as platted in Younes Center Seventh an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°17'44" E on said North line of Talmadge Street, and all courses following are on said North line until otherwise described, a distance of 60.00 feet to a 5/8" rebar w/cap; thence S 09°44'35" E a distance of 67.98 feet to a 5/8" rebar w/cap; thence Southerly on a tangent curve to the Left having a central angle of 37°21'25" , a radius of 50.00 feet, an arc length of 32.60 feet, and a chord bearing of S 28°25'17" E a distance of 32.03 feet to a 5/8" rebar w/cap; thence S 47°06'00" E a distance of 17.43 feet to a 5/8" rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of 46°39'09", a radius of 50.00 feet, an arc length of 40.71 feet, and a chord bearing of S 70°25'35" E a distance of 39.60 feet to a 5/8" rebar w/cap; thence N 86°14'51" E a distance of 1187.00 feet to a 5/8" rebar w/cap; thence Easterly on a tangent curve to the Left having a central angle of 8°04'59", a radius of 560.00 feet, an arc length of 79.00 feet, and a chord bearing of N 82°12'24" E a distance of 78.94 feet to a 5/8" rebar w/cap at the Southwest corner of Lot 1, Block 2 of Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving said North line of Talmadge Street N 00°25'12" E on a non-tangent line being the West line of said Younes Center Ninth Addition a distance of 783.19 feet to the Point of

Beginning. Containing 49.30 acres, more or less Buffalo County, Nebraska, with said property identified on the attached map marked as Exhibit "A"; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on April 19, 2024 on the inclusion of Younes Center Tenth Addition within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on April 23, 2024 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 Younes Center Tenth Addition shall be included within the corporate limits of the City of Kearney, Buffalo County, Nebraska, that the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules and regulations of the City of Kearney.

BE IT FURTHER RESOLVED that the inclusion of Younes Center Tenth Addition within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 10 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held April 9, 2024.

2. Approve the following Claims:

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

1000 Bulbs \$344.16 smcs; 4imprint \$3,271.53 smcs; Ace &Garden \$299.55 smcs; Acushnet \$9,958.50 smcs; Ad Starr \$500.00 smcs; Adventure \$250.00 smcs; Aero Specialties \$914.95 co; Affordable Funeral \$144.78 smcs; Ag-Land ATV \$425.22 smcs; Alert All \$875.00 smcs; Alfred Benesch \$77,082.85 co; All City Garage \$3,922.00 smcs; All Copy Products \$108.41 smcs; Ally B Designs \$1,800.00 smcs; Aloft \$158.95 smcs; Am Leonard \$1,650.08 smcs; Amaze Awards \$3,405.00 smcs; Amazon \$19,908.18

smcs,co; American \$1,557.97 smcs; American Red Cross \$760.00 smcs; American Song \$110.63 smcs; Apple \$9.30 smcs; Aramark Uniform \$419.93 smcs; Arbo Organics \$246.10 smcs; Arnold Motor \$52.82 smcs; Arrants, J \$31.00 smcs; Arrow Seed \$3,853.53 smcs; Arrowhead \$194.05 smcs; Artisans \$80.00 smcs; Ask Supply \$3,264.97 smcs; Assn. Threat Assessmt. \$125.00 smcs; AT&T \$1,248.59 smcs; At-Scene \$27,825.00 smcs; Aurora Coop \$64.00 smcs; Aussie Hydraulics \$35.81 smcs; Authorize.net \$10.00 smcs; Automation Direct \$464.92 smcs; Avfuel \$133,146.88 smcs; B&H Photo \$7,022.02 smcs; Babbitts Online \$117.00 smcs; Backflow Parts \$862.00 smcs,co; Baker & Taylor \$6,811.49 smcs; Baker, J \$19.04 smcs; Bakers Candies \$174.00 smcs; Barcel Landscape \$7,170.00 co; Barnes Group \$130.00 smcs; Battery Junction \$308.00 smcs; Beacon Athletics \$3,604.00 smcs; Bevel Gardner \$695.00 smcs; Blackstone Library \$1,476.23 smcs; Bluebeam \$600.00 smcs; BlueCross BlueShield \$253,772.68 smcs; Bomgaars \$1,122.22 smcs; Boogaarts \$31.02 smcs; Border States \$2,462.21 smcs; Bosselman \$7,040.03 smcs; Bossfuels \$22,914.55 smcs; Brand Mgmt. \$1,308.03 smcs; Branded Bills \$1,344.11 smcs; Brehmer, R \$30.89 smcs; Broadfoot's \$2,329.58 smcs; BSN Sports \$1,890.55 co; Buffalo Bins \$7,600.00 co; Buffalo Co. Mutual Aid \$50.00 smcs; Buffalo Co. Register \$140.00 smcs; Buffalo Co. Sheriff \$841.43 smcs,co; Buffalo Co. Treasurer \$34.84 smcs; Buffalo Outdoor \$192.17 smcs; Builders \$2,209.28 smcs,co; Burkey, J \$696.00 smcs; Cabelas \$59.99 smcs; Canva \$238.80 smcs; Carolina Software \$650.00 smcs; Carquest \$42.99 smcs; Casey's \$76.36 smcs; Cash Wa \$7,845.51 smcs; Castillo, M \$70.00 smcs; CDW Govt. \$892.80 smcs; Cenex \$73.15 smcs; Central Comm. College \$240.00 smcs; Central District Health \$4,632.00 smcs; Central NE Bobcat \$8,777.38 smcs,co; Central NE HR \$258.00 smcs; Central NE Rehab \$110.00 ps; Cheaper Than Dirt \$32.02 smcs; Chemsearch \$365.00 smcs; Chesterman \$557.00 smcs; Chicago Books \$46.30 smcs; Cintas \$385.31 smcs; City of KY \$17,731.11 smcs,ps; Clan Lab \$695.00 smcs; CNA Surety \$80.00 smcs; Cold Spring \$745.50 smcs; Computer Hardware \$373.43 smcs; Consolidated Mgmt. \$862.20 smcs; Constant Contact \$145.00 smcs; Construction Rental \$6,614.42 smcs,co; Copycat Printing \$6,519.05 smcs; Court Reserve \$157.17 smcs; Creative Product \$299.94 smcs; Crown Awards \$717.75 smcs; Culligan \$305.76 smcs; Cummins \$1,689.23 smcs; Cutter & Buck \$273.12 smcs; Daigle Law Group \$2,660.00 smcs; Danko \$194.81 ps; Dawson Public Power \$21,769.90 smcs; Dell \$3,461.50 smcs,co; Demco \$457.90 smcs; Depository Trust \$72,691.25 ds, co; Detectachem \$295.03 smcs; Deterdings \$407.98 smcs; Digicert \$1,732.00 smcs; Discmagic \$682.15 smcs; Dish \$240.07 smcs; DLT Solutions \$6,189.38 smcs; Dollar Tree \$81.59 smcs; Double J Plumbing \$331.87 smcs; Dowhy Towing \$100.00 smcs; Drone Launch Academy \$212.93 smcs; DSM Safety Products \$221.95 smcs; DTS Technology \$64.18 smcs; Dunkin \$13.99 smcs; Eagle Distributing \$510.90 smcs; Eakes \$11,391.06 smcs; Earthway Products \$33.00 smcs; Easy Picker Golf \$379.94 smcs; Echo Electric \$765.93 smcs; Ecolab \$129.91 smcs; ELDT \$77.63 smcs; Elf Enterprises \$390.00 smcs; Elite Truck Boxes \$1,551.96 smcs; Elliott Equipment \$536.98 smcs; Ereplacement Parts \$199.91 smcs; ESChat \$109.68 smcs; Eugene T. Mahoney \$272.39 smcs; Evident \$453.01 smcs; Expression Wear \$156.00 smcs; Eyemed \$2,258.63 smcs; F.D. Leatherworks \$260.00 smcs; Facebook \$185.22 smcs; Fairfield Inn \$758.40 smcs; Family Fresh \$66.99 smcs; Family Practice \$316.00 smcs; Fastenal \$368.82 smcs; Faz, A \$81.00 smcs; FBI Nat'l Academy \$325.00 smcs; Fiddelke \$75.00 smcs; Firespring \$341.61 smcs; Flint Hills Fire \$2,067.65 smcs; Flynn, B \$245.00 smcs; Foreflight \$236.06 smcs; Friesen Chevrolet \$1,131.93 smcs; Friesen Chrysler \$225.40 smcs; Frontier \$3,090.43 smcs; Funk, R \$37.16 smcs; Gale \$484.88 smcs; Game Room \$51.75 smcs; Garrett Tires \$8,262.21 smcs; Git N Split \$45.13 smcs; Global Industrial \$1,491.20 smcs;

Gmstek \$2,087.22 smcs; Good Sam. Marketing \$57.00 smcs; Gopher Family Brands \$1,261.35 smcs; GPM Truck \$726.62 smcs; Gppro.com \$109.14 smcs; Graham Tire \$814.56 smcs; Grainger \$1,700.96 smcs,co; Great Plains Comm. \$737.67 smcs; Hampton Inns \$218.09 smcs; Hanich, K \$121.06 smcs; Harbor Freight \$33.48 smcs; Hartzog, L \$44.78 smcs; Head Penn Racquet \$905.31 smcs; Heckman, R \$195.00 smcs; Hernandez, L \$7.61 smcs; Hobby Lobby \$252.94 smcs; Holmes Plumbing \$533.39 smcs; Home Depot \$2,118.19 smcs; Hometown Leasing \$10,929.23 smcs,co; Hotsy Equipment \$652.65 smcs; Hub Int'l \$6,999.92 smcs; Humanities NE \$300.00 smcs; Hy-Vee \$310.63 smcs; Integrated Security \$402.08 smcs,co; Interlight \$174.13 smcs; Int'l Code Council \$169.00 smcs; Invoice Ehome \$5.28 smcs; Irobot \$72.74 smcs; IRS \$194,339.63 ps; ISA \$165.00 smcs; Isaac Construction \$1,275.00 co; Jack Lederman \$4,275.37 smcs; Jack's Small Engines \$172.78 smcs; Jackson Services \$507.68 smcs; Johnson Service \$11,012.00 co; Johnstone Supply \$1,859.12 smcs; KCI \$1,480.00 smcs; KY Animal Shelter \$15,218.93 smcs; KY Chamber Comm. \$375.00 smcs; KY Concrete \$1,622.94 smcs; KY Towing \$125.00 smcs; KY Warehouse \$443.79 smcs; KY Winlectric \$81,667.14 co; Kelly Supply \$151.62 smcs; Kewanna Screenprinting \$956.03 smcs; KGFW \$424.50 smcs; Kobus \$72,620.00 co; Konica Minolta \$527.86 smcs; Kucera Painting \$1,500.00 smcs; Kully Supply \$30.98 smcs; Lab Alley \$179.83 smcs; Landmark Implement \$4,000.14 smcs; Library Store \$107.79 smcs; Lincoln Airport Parking \$47.50 smcs; Linko \$2,047.00 smcs; Lockmobile \$9.36 smcs; Love's \$67.23 smcs; L-Tron \$2,840.59 co; Luke, D \$162.00 smcs; Lulzbot \$94.14 smcs; Macqueen Equipment \$21,815.77 smcs; Magic Cleaning \$2,600.00 smcs; Maize KY \$59.94 smcs; Mara USA Corp. \$148,488.20 smcs; Marlatt Precision \$1,243.13 smcs; Matheson \$402.66 smcs; Mayhew Signs \$64,079.00 co; McCartney, Erin Chpt. 13 \$157.00 ps; McCollough, M \$52.05 smcs; McCormack Distrib. \$299.98 smcs; Mega Saver \$24.28 smcs; Menards \$11,191.18 smcs,co; Merrill Company \$784.16 smcs; Mesco Corp. \$81.82 smcs; Meseure, A \$73.00 smcs; Mid American Signal \$1,275.00 smcs; Mid NE Aggregate \$2,027.58 smcs; Midland Scientific \$122.68 smcs; Mid-State Engineering \$1,868.00 co; Mid-States Org. Crime \$195.00 smcs; Midway USA \$37.00 smcs; Midwest Connect \$280.89 smcs; Midwest Storage \$1,450.00 smcs; Midwest Turf \$3,488.60 smcs; Miller & Associates \$8,190.00 co; Mirror Image \$37.91 smcs; Mission Square \$11,624.18 ps; Moonlight Embroidery \$3,103.40 smcs; Most Dependable Fount. \$83.74 smcs; Municipal Supply \$99,613.24 smcs; Myers, H \$120.00 smcs; Napa Auto \$4,282.40 smcs; Nat'l Petroleum \$511.80 smcs; Nat'l Tactical Officers \$1,083.00 smcs; Nat'l White Collar Crime \$100.00 smcs; Nays Online \$122.08 smcs; NCL of Wisconsin \$1,492.60 smcs; NDOI Contractor \$28.00 smcs; NE Child Support \$1,419.72 ps; NE Dept. Environmental \$15,719.36 smcs; NE Dept. of Revenue \$59,277.07 smcs; NE FBI \$20.00 smcs; NE Generator \$2,294.54 smcs; NE Law Enforcement \$222.00 smcs; NE Library Commission \$1,070.00 smcs; NE Machinery \$1,761.92 smcs; NE Peterbilt \$819.75 smcs; NE PGA \$55.00 smcs; NE Planning Conference \$1,305.00 smcs; NE Recreation & Parks \$840.00 smcs; NE Rural \$250.00 smcs; NE Society of CPAs \$239.00 smcs; NE State Payport \$23.57 smcs; NE Truck Center \$1,213.15 smcs; Nebraskaland Dist. \$1,128.52 smcs; Network Solutions \$70.94 smcs; Newair \$465.38 smcs; NFPA \$1,327.09 smcs; NFSFM Boiler \$36.00 smcs; Nick's Gyros \$35.42 smcs; North American Rescue \$870.87 smcs; North Shore Door \$150.23 smcs; Northwestern Energy \$13,714.55 smcs; NSF-Ticket Office \$750.90 smcs; NWEA \$900.00 smcs; Oak Prairie Nursery \$900.00 smcs; ODP Business \$375.59 smcs; Office Max \$2,423.00 smcs,co; Omnify \$525.00 smcs; One Call Concepts \$609.96 smcs; Oneform \$299.00 smcs; O'Reilly Auto \$22.57 smcs; OTC Brands \$409.70 smcs; Overhead Door \$45.90 smcs; Pacific Bow Butts \$2,715.00 smcs;

Paint Paradise \$360.00 smcs; Parts Tree \$3.49 smcs; Patriotic Brands \$110.44 smcs; Pavement Stencil \$1,477.33 smcs; PDQ.com \$682.13 smcs; Penworthy \$311.40 smcs; Pet Pickups \$1,500.54 smcs; Petsmart \$335.46 smcs; Pheasants Forever \$87.60 smcs; Pilot \$94.91 smcs; Ping \$2,287.00 smcs; Pitney Bowes \$1,035.00 smcs; Pizza Hut \$23.56 smcs; Platinum Awards \$116.05 smcs; Platte Valley Auto \$1,044.49 smcs; Platte Valley Laboratories \$550.00 smcs; Positive Promotions \$754.45 smcs; Poster My Wall \$29.95 smcs; Presto-X \$581.88 smcs; PSI Services \$350.00 smcs; Public Agency Training \$650.00 smcs; Pump & Pantry \$23.76 smcs; PVS DX \$13,148.73 smcs; Quill \$919.22 smcs; R&R Repair \$977.95 smcs; Rascal Martinez \$820.00 smcs; Raynor Garage Doors \$3,546.00 smcs; RDG Planning & Design \$36,470.86 co; Ready Mixed Concrete \$26,977.60 co; Reams \$4,982.20 smcs; Redman's Shoes \$278.98 smcs; Rentokil \$302.00 smcs; Resource West \$2,914.27 co; Rheome Tree \$8,400.00 smcs; Riley, J \$350.00 smcs; Rinder Printing \$980.92 smcs; Ringlein, P \$139.09 smcs; RMV Construction \$30,000.00 co; Road Builders \$451.03 smcs; Saferite Solutions \$1,738.00 smcs; Safety Products \$47.96 smcs; Sampson Const. \$46,046.75 co; Sandhill Plastics \$132.77 smcs; Sanitation Products \$672.36 smcs; Saylor Screenprinting \$311.80 smcs; Sazama, B \$5.81 smcs; Schneider, T \$120.00 smcs; Schriener, S \$32.31 smcs; Schumacher Fencing \$329.72 smcs; Select Seeds \$172.95 smcs; Sensit Technologies \$80.00 smcs; Sequel Bookshop \$300.00 smcs; Shell Oil \$54.06 smcs; Sheraton Hotel \$744.78 smcs; Sherwin Williams \$3,215.37 smcs,co; Shredding Solutions \$215.65 smcs; Shutterfly \$198.89 smcs; Shutterstock \$31.04 smcs; Sirchie Acquisition \$650.00 smcs; Siteone Landscape \$375.36 smcs; SLA Corp. \$383.88 smcs; Snap-on Tools \$1,675.60 smcs; Spectrum \$832.63 smcs; Speedtech Lights \$1,234.48 smcs; Springhill Suites \$504.21 smcs; Sprinkler Warehouse \$236.40 smcs; Starbucks \$28.14 smcs; Stillwell, M \$524.20 smcs; Stitch 3 \$360.00 smcs,ps; Stitch Upholstery \$75.00 smcs; Stock Seed Farms \$837.00 smcs; Stutsman \$1,647.00 smcs; Sunbelt Rentals \$82.80 co; Supply House \$780.89 smcs; Target \$221.58 smcs; Tech Masters \$230.00 smcs; Tennis Warehouse \$37.40 smcs; Tommy's Express Wash \$60.00 smcs; Tractor Supply \$1,229.89 smcs; Trampe, D \$18.74 smcs; Transcend Robotics \$300.00 smcs; Transunion \$111.20 smcs; Traumapak \$584.98 smcs; Tri-Co Glass \$521.00 smcs; Trittech Forensics \$1,033.18 smcs; True Value \$456.93 smcs; TS Auto Glass \$325.59 smcs; Turner Body Shop \$1,000.00 smcs; Union Bank & Trust \$107,927.33 ps; Unique Mgmt. \$198.05 smcs; United \$105.00 smcs; United States Flag \$243.70 smcs; UNK Emarket \$60.00 smcs; UPS Store \$127.85 smcs; USPS \$855.50 smcs; Van Diest Supply \$3,220.50 smcs; Vazquez, K \$524.20 smcs; Village Services \$324.74 smcs; VW Golf \$90.34 smcs; Wal-mart \$1,952.69 smcs; Walters Electric \$2,100.00 smcs; Walton, J \$12.05 smcs; Waterlink \$709.41 smcs; Western NRG \$225.00 smcs; Wilcac Life \$5.00 ps; Wilkins Hinrichs Stober \$4,056.80 co; Winlectric \$10,012.18 smcs,co; Winnelson \$1,630.50 smcs; Winzer \$76.83 smcs; Wiseman, K \$52.71 smcs; Wolfe Comm. \$389.83 smcs; World Herald \$32.99 smcs; WPCI \$595.34 ps; Xavus Solutions \$255.00 smcs; Young, J \$81.00 smcs; Young, M \$135.00 smcs; Youtube \$426.80 smcs; Zimco Supply \$4,124.96 smcs; Payroll Ending 04/06/2024 -- \$622,807.49. 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. Receive recommendations of Planning Commission and set May 14, 2024 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Authorize the Mayor to execute the Release of a 60.00-foot Permanent Right-of-

Way & Utility Easement granted by Timothy J. Norwood, Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company and recorded at the Buffalo County Register of Deeds office on October 17, 2022 at 2022-05962 pertaining to a tract of land being part of the South Half of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Storm Water Detention Cell Easement purposes and approve Resolution No. 2024-38.

RESOLUTION NO. 2024-38

WHEREAS, the City of Kearney, Nebraska was granted a Permanent Right-of-Way and Utility Easement, dedicated for the installation of infrastructure prior to the platting of Arbor View Second and Arbor View Fourth, from Timothy J. Norwood, Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company, on the 11th day of October, 2022, and recorded at 2022-05962, in the office of the Register of Deeds of Buffalo County, Nebraska, on October 17, 2022 for property legally described as: a tract of land 60.00 feet wide being part of the South Half of the Northwest of Section 19, Township 9 North, Range 15 West of the 6th P. M., Buffalo County, Nebraska, dedicated for Permanent Right-of-Way & Utility Easement purposes. Said 60.00 feet wide Permanent Right-of-Way & Utility Easement to be 30.00 feet on each side of following described centerline: Commencing at the Southwest corner of the South Half of the Northwest Quarter of Section 19; thence N 00°14'22" E on the West line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 976.72 feet to the centerline of 65th Street in Kearney, Buffalo County, Nebraska; thence S 89°42'02" E on said centerline a distance of 410.00 feet; thence S 00°14'22" W a distance of 30.00 feet to the South line of said 65th Street and the POINT OF BEGINNING; thence continuing S 00°14'22" W a distance of 23.40 feet; thence Southeasterly on a tangent curve to the Left having a central angle of 51°04'01", a radius of 200.00 feet, an arc length of 178.26 feet, and a chord bearing of S 25°17'38" E a distance of 172.42 feet; thence S 50°49'39" E a distance of 761.33 feet; thence Southeasterly on a tangent curve to the Left having a central angle of 38°54'27", a radius of 200.00 feet, an arc length of 135.81 feet, and a chord bearing of S 70°16'52" E a distance of 133.22 feet; thence S 89°44'06" E a distance of 147.86 feet to the Point of Termination. The side lines of said 60.00 feet wide Permanent Right-of-Way & Utility Easement to be lengthened or shortened to form a continuous strip. Said 60.00 feet wide Permanent Right-of-Way & Utility Easement contains 1.72 acres, more or less all in Buffalo County, Nebraska; and

WHEREAS, the installation of infrastructure has been completed; therefore Timothy J. Norwood, Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company has requested the Permanent Right-of-Way and Utility Easement be released.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the 60.00-foot Permanent Right-of-Way and Utility Easement recorded on October 17, 2022 at 2022-05962 be and is hereby released. The Release of Easement is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

5. Authorize the Mayor to execute the Release of a Storm Water Detention Cell

Easement granted by Timothy J. Norwood, Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company and recorded at the Buffalo County Register of Deeds office on October 17, 2022 at Document 2022-05962 pertaining to a tract of land being part of the South Half of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Storm Water Detention Cell Easement purposes and approve Resolution No. 2024-39.

RESOLUTION NO. 2024-39

WHEREAS, the City of Kearney, Nebraska was granted a Storm Water Detention Cell Easement, dedicated for the installation of infrastructure prior to the platting of Arbor View Second and Arbor View Fourth, from Timothy J. Norwood, Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company, on the 11th day of October, 2022, and recorded at 2022-05963, in the office of the Register of Deeds of Buffalo County, Nebraska, on October 17, 2022 for property legally described as: A tract of land being part of the South Half of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Storm Water Detention Cell Easement purposes and more particularly described as follows: Commencing at the Southwest corner of the South Half of the Northwest Quarter of Section 19; thence S 89°44'06" E on the South line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 1164.26 feet to the Southeast corner of Outlot B, Starostka Estates Addition, to the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence continuing S 89°44'06" E on said South line of the Northwest Quarter a distance of 525.74 feet; thence N 00°14'22" E a distance of 75.00 feet; thence N 89°44'06" W parallel with said South line a distance of 355.83 feet; thence N 00°14'22" E a distance of 140.00 feet; thence N 89°44'06" W parallel with said South line a distance of 5.00 feet; thence S 00°14'22" W a distance of 140.00 feet; thence N 89°44'06" W parallel with said South line a distance of 172.42 feet; thence S 07°14'46" W a distance of 63.18 feet to the Northeasterly line of said Outlot B; thence S 50°50'00" E on said Northeasterly line of said Outlot B a distance of 19.56 feet to the Point of Beginning. Said Storm Water Detention Cell Easement contains 0.94 acres, more or less Buffalo County, Nebraska; and

WHEREAS, the installation of infrastructure has been completed; therefore Timothy J. Norwood, Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company has requested the Storm Water Detention Cell Easement be released.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Storm Water Detention Cell Easement recorded on October 17, 2022 at 2022-05963 be and is hereby released. The Release of Easement is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

6. Adopt Resolution No. 2024-51 approving Amendment No. 3 to the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for Airport Improvement Program/CARES Act in connection with the Box Hangar project at the Kearney Regional Airport (AIP 3-31-0045-035) by adding additional construction phase

services for assisting with the additional observation to take place during the 2024 construction based on 1) items not originally covered in Amendment Nos. 1 and 2; 2) Amendment Nos. 1 and 2 observation days being expended season for items not originally covered in Amendment No. 1; and 3) the projected construction work duration shown on the contractor's latest construction schedule dated March 13, 2024 shows an end date of April 12, 2024, which corresponds to 42 additional days of observation/administration per Benesch's current contract that was approved through Amendment No. 2, and noting that liquidated damages continue to currently be assessed to the contractor for exceeding contract calendar day allowances associated with Amendment No. 3; contingent upon Federal Aviation Administration (FAA) concurrence.

RESOLUTION NO. 2024-51

WHEREAS, on October 11, 2022 the City Council adopted Resolution No. 2022-229 approving the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for Airport Improvement Program/CARES Act Project (AIP 3-31-0045-035) in connection with the Box Hangar project at the Kearney Regional Airport; and

WHEREAS, on February 14, 2023 the City Council adopted Resolution No. 2023-25 approving Amendment No. 1 to the Consultant Agreement with Alfred Benesch and Company for Airport Improvement Program/CARES Act Project (AIP 3-31-0045-035) in connection with the Box Hangar project at the Kearney Regional Airport; and

WHEREAS, on February 13, 2024 the City Council adopted Resolution No. 2024-19 approving Amendment No. 2, to the Consultant Agreement with Alfred Benesch and Company for Airport Improvement Program/CARES Act Project (AIP 3-31-0045-035) in connection with the Box Hangar project at the Kearney Regional Airport, supplementing Benesch's existing contract for additional Construction and Special (Materials Testing) services for items not originally covered in Amendment No. 1, to take place during the 2024 construction season, to expend observation days of the projected work duration shown on the Contractors construction schedule, by 56 additional days with a new end date of March 1, 2024, noting that liquidated damages are currently being assessed to the Contractor for exceeding contract calendar day allowances and contingent upon Federal Aviation Administration (FAA) concurrence; and

WHEREAS, Amendment No. 3, marked as Exhibit "A" attached hereto and made a part hereof by reference, supplements the scope of work by adding additional construction phase services for assisting with the additional observation to take place during the 2024 construction season with additional construction observation needs being based on: 1) items not originally covered in Amendment Nos. 1 and 2; 2) Amendment Nos. 1 and 2 observation days being expended; and 3) the projected construction work duration shown on the contractor's latest construction schedule dated March 13, 2024 shows an end date of April 12, 2024, which corresponds to 42 additional days of observation/administration per Benesch's current contract that was approved through Amendment No. 2. Liquidated damages continue to currently be assessed to the contractor for exceeding contract calendar day allowances associated with Amendment No. 3; and

WHEREAS, approval of Amendment No. 3 is contingent upon Federal Aviation Administration (FAA) concurrence.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute Amendment No. 3 to the Consultant Agreement with Alfred Benesch

and Company, contingent upon Federal Aviation Administration (FAA) concurrence. Amendment No. 3, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

7. Adopt Resolution No. 2024-52 approving Change Order No. 1 showing a increase in the amount of \$4,829.75, submitted by Sampson Construction Co., Inc. and approved by Alfred Benesch and Company for the construction of a Box Hangar located at the Kearney Regional Airport (AIP Project No: 3-31-0045-039 (BIL)).

RESOLUTION NO. 2024-52

WHEREAS, Sampson Construction Co., Inc. has performed services in connection with the construction of the Box Hangar (AIP Project No: 3-31-0045-039 (BIL)) at the Kearney Regional Airport, and the City's engineer, Alfred Benesch and Company, have filed with the City Clerk Change Order No. 1 showing an increase in the amount of \$4,829.75 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum (BIL 039)	\$	670,128.00
Change Order No. 1 (04-23-2024)	+	<u>4,829.75</u>
Contract Sum To Date	\$	674,957.75

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, hereby find and determine that Change Order No. 1, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

8. Approve the Household Hazardous Waste Disposal Contract between the City of Kearney and Tradebe.

9. Adopt Resolution No. 2024-53 approving Change Order No. 5 showing a decrease in the amount of \$24,776.76 and an increase of six (6) calendar days to Phase 1, submitted by Sampson Construction Co., Inc. and approved by Alfred Benesch and Company for the construction of a Box Hangar located at the Kearney Regional Airport (AIP Project No: 3-31-0045-035 (CARES)).

RESOLUTION NO. 2024-53

WHEREAS, Sampson Construction Co., Inc. has performed services in connection with the construction of the Box Hangar pertaining to AIP Project No: 3-31-0045-035

(CARES) at the Kearney Regional Airport, and the City's engineer, Alfred Benesch and Company, have filed with the City Clerk Change Order No. 5 showing an decrease in the amount of \$24,776.76 and an increase of six (6) calendar days for Phase 1 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum (CARES 035 & BILS	\$ 6,000,756.00
Change Order No. 1 (08-08-2023)	+ 13,687.00
Change Order No. 2 (09-12-2023)	- 51,615.00
Change Order No. 3 (10-10-2023)	- 121,090.00
Change Order No. 4 (02-27-2024)	+ 23,372.00
Change Order No. 5 (04-23-2024)	- <u>24,776.76</u>
Contract Sum To Date (CARES 035 & BILS	\$ 5,840,333.24

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, hereby find and determine that Change Order No. 5, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2024.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

10. Adopt Resolution No. 2024-54 approving the Application and Certificate for Payment No. 20 in the amount of \$366,438.57 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

RESOLUTION NO. 2024-54

WHEREAS, John T. Jones Construction Co. has performed services in connection with WWTP Phase II Improvements; Water Resource Recovery Facility, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 20 in the amount of \$366,438.57 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 35,858,000.00</u>
Change Order No. 1 (07-12-2022)	- 639,633.00
Change Order No. 2 (08-22-2023)	+ <u>21,141.00</u>
Contract Sum To Date	35,239,508.00
Gross Amount Due	30,744,702.12
Retainage	- <u>1,489,791.59</u>
Amount Due to Date	29,254,910.53
Less Previous Certificates for Payment	- <u>28,888,471.96</u>
Current Payment Due	<u>\$ 366,438.57</u>
Balance to finish, including retainage	\$ 5,984,597.47

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 20, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

REDEVELOPMENT PROJECT FOR PROPERTY LOCATED AT 1112 EAST 20TH STREET

Mayor Clouse opened Regular Agenda Item 1 for consideration of Resolution No. 2024-55 approving the redevelopment project submitted by 922 Enterprises - Kearney Storage, for Redevelopment Area No. 3 for an area described as part of Lot 579 and all of vacated Avenue L abutting said Lot, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (1112 East 20th Street).

Kayla James, Director of Finance, presented this matter to the Council. 922 Enterprises, LLC is considering the construction of a storage unit facility, the first phase consisting of six (6) single-story storage buildings that will include 155 storage bays of various sizes. The storage buildings will be constructed of a light gauge steel frame, each placed on a concrete grade beam and slab foundation. The total area of the proposed buildings will be 23,959 square feet, and there will be 36,594 square feet of concrete pavement on-site including driveways, parking lots, and sidewalks. The proposed Project will be located at 1112 East 20th Street.

The total new valuation of the property upon completion is estimated to be \$702,365 and the current valuation of the property is \$85,525. The incremental valuation is estimated to be \$616,840. The annual increment in real estate taxes upon total completion of the Project is estimated to be \$11,185.

On April 16, 2024 the CRA moved that the Project be granted 90% of the annual increment in real estate taxes, not to exceed the certified eligible Project Costs over a period not to exceed fifteen years beginning beginning with Tax Year 2024. The CRA approved Project Costs totaling \$696,636 as follows:

Site Development	\$ 99,840
Paving	\$ 247,579
Water	\$ 106,697
Storm Sewer	\$ 15,870
Electrical	\$ 48,500
Signage	\$ 15,000
Landscaping	\$ 56,520
Irrigation	\$ 14,130
Fencing and Gates	\$ 77,500

Exterior Lighting

\$ 15,000

Total	\$ 696,636
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Moved by Clouse seconded by Nikkila the finding that the redevelopment project set forth in the application submitted by 922 Enterprises - Kearney Storage, would not be economically feasible without the use of tax-increment financing, that the proposed redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing and, that the costs and benefits of the proposed redevelopment project are found to be in the long term best interests of the community; and further move that the redevelopment project be granted 90 percent of the annual increment in real estate taxes, up to the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2024 and to adopt Resolution No. 2024-55 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with 922 Enterprises - Kearney Storage. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2024-55

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

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

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

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area No. 3 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

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

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

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

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, and legally described as part of Lot 579 and all of vacated Avenue L abutting said Lot, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (Parcel ID 600566200); and

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

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

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as part of Lot 579 and all of vacated Avenue L abutting said Lot, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (Parcel ID 600566200); is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

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

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

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as part of Lot 579 and all of vacated Avenue L abutting said Lot, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (Parcel ID 600566200); shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

a. That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

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

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

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

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

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

REDEVELOPMENT PROJECT FOR PROPERTY LOCATED AT 1011 WEST 3RD STREET

Mayor Clouse opened Regular Agenda Item 2 for consideration of Resolution No. 2024-56 approving the redevelopment project submitted by Younes Development (Peanut Butter & Jelly, LLC), for Redevelopment Area No. 8 for an area described as Lot 6, Block 1, Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1011 West 3rd Street).

Kayla James, Director of Finance presented this matter to the Council. Peanut Butter and Jelly, LLC is considering the construction of a three-story 24-unit “market rate” apartment complex. The 9,300 square-foot structure will be situated on 2.18 acres and will be constructed of steel and wood. The developer received a \$750,000 Nebraska Affordable Housing Trust Fund grant through the Nebraska Department of Economic Development for the construction. The complex will consist of 12 one-bedroom units, 6 two-bedroom units and 6 three-bedroom units. In order to qualify for the grant funds, the developer has agreed to utilize 19 of the 24 units as income-qualified. The Project is located at 1011 West 3rd Street.

The total new valuation of the property upon completion is estimated to be \$3,308,600 and the current valuation of the property is \$24,035. Therefore, the incremental valuation is estimated to be \$3,284,565. The annual increment in real estate taxes upon total completion of the Project is estimated to be \$59,557.

On April 16, 2024 the CRA moved that the Project be granted 90% of the annual increment in real estate taxes, not to exceed the certified eligible Project Costs over a period not to exceed fifteen years beginning with with Tax Year 2024. The CRA approved Project Costs totaling \$960,000 as follows:

Demolition/removal of existing	\$ 150,000
Utilities - Water	\$ 100,000

Utilities – Sewer	\$ 100,000
Utilities – Electrical	\$ 100,000
Public parking	\$ 350,000
Lighting	\$ 50,000
Landscaping	\$ 40,000
Sprinklers	\$ 40,000
Fencing	\$ 30,000
Total	\$ 960,000

Council Member Nikkila thanked the developer for continuing to build housing.

Moved by Nikkila seconded by Moore the finding that the redevelopment project set forth in the application submitted by Younes Development (Peanut Butter & Jelly, LLC), would not be economically feasible without the use of tax-increment financing, that the proposed redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing and, that the costs and benefits of the proposed redevelopment project are found to be in the long term best interests of the community; and further move that the redevelopment project be granted 90 percent of the annual increment in real estate taxes, up to the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2024 and to adopt Resolution No. 2024-56 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Younes Development (Peanut Butter & Jelly, LLC). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2024-56

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

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

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

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area No. 8 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

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

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

WHEREAS, following consideration of the recommendations of the Planning

Commission and the Authority, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, and legally described as Lot 6, Block One, Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580092175); and

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

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

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as Lot 6, Block One, Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580092175); is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

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

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

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as Lot 6, Block One, Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580092175); shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

a. That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

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

so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

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

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

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

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

EMPLOYMENT AGREEMENT BETWEEN THE CITY OF KEARNEY AND BRENDA JENSEN

Mayor Clouse opened Regular Agenda Item 3 for consideration of the Employment Agreement between the City of Kearney and Brenda Jensen and approve Resolution No. 2024-57.

Michael Tye, City Attorney, presented this matter to the Council. Mr. Tye stated the contract for employment is similar to that of the previous City Manager and will be effective May 1, 2024, for a period of three years, subject to annual review by the City Council. Mr. Tye reviewed the contract details, noting it is comparable to other First-Class Cities.

Council Members expressed their pride for the work Ms. Jensen has done for the City.

Moved by Moore seconded by Buschkoetter to approve Resolution No. 2024-57 approving the Employment Agreement between the City of Kearney and Brenda Jensen. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2024-57

WHEREAS, Brenda S. Jensen was designated as the Interim City Manager, at the November 14, 2023 City Council meeting, beginning January 14, 2024; and

WHEREAS, the City Council of the City of Kearney, Nebraska, do hereby fix, prescribe and limit salary and wages to be paid by this City to the City Manager, pursuant

to the authority granted in Section 1-301 of the Code of the City of Kearney, Nebraska, and Section 19-620 of the Nebraska Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Brenda S. Jensen, Interim City Manager be and is hereby appointed as City Manager of the City of Kearney, Nebraska, effective May 1, 2024 subject to conditions, duties, and responsibilities as outlined in the attached Employment Agreement with an annual salary of One Hundred Ninety-Five Thousand Dollars (\$195,000.00) as shown on Exhibit A attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF APRIL, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$92,890.56 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Moore, Buschkoetter, Nikkila. Nay: None. Clouse abstained. Lear absent. Motion carried.

VII. REPORTS

Council Member Nikkila stated he is happy to have Ms. Jensen as the full-time City Manager.

Council Member Tami James Moore stated she is looking forward to everything that will be accomplished with Ms. Jensen.

VIII. ADJOURN

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

ATTEST:

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

PEGGY EYNETICH
CITY CLERK