

Kearney, Nebraska
June 11, 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 June 11, 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, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Brenda Jensen, City Manager; Michael Tye, City Attorney; Kayla James, Director of Finance; Andy Harter, Director of Public Works; Bryan Waugh, Chief of Police; Kevin Thompson, Police Captain of Operations; Sarah Sawin, Assistant Utilities Director; Melissa Dougherty-O'Hara, City Planner, and Brad DeMers, Assistant to the City Manager, were also present. Members of the media present included: Mike Konz, Kearney Hub; Dave Griek, NTV News and Alexis Sander, NTV News.

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

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.

RECOGNITION/ORAL COMMUNICATIONS

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

AMENDMENT TO THE LAND USE MAP FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF 39TH STREET AND ANTELOPE AVENUE

Public Hearings 1 through 8 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Camil Saadi, WinStar Enterprise, LLC, a Nebraska Limited Liability Company, for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential (MDR) to Office/Commercial Retail Mixed Use (MU2) for property described as a tract of land located in part of the Southeast Quarter of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 39th Street and Antelope Avenue) and consider Resolution No. 2024-79.

Craig Bennett, Miller & Associates presented this matter to the Council. Mr. Bennett described the location of the property and stated the proposed development will be completed in two phases. Mr. Bennett reviewed the rezoning requests and detailed the sanitary sewer, water main, and stormwater connections and also reviewed the street names in the final plat.

Council Member Jonathan Nikkila asked if the streets were named after Nebraska counties. Brenda Jensen, City Manager, explained once all the letters of the alphabet have been used, the street names are then Nebraska Counties in alphabetical order.

Mr. Bennett described the residential and commercial lots for the development, noting that there are no particular plans for the commercial development and further detailed the location of the regional stormwater detention cell and the infrastructure feasibility plan.

Council Member Randy Buschkoetter asked if the development would utilize an existing stormwater detention cell. Mr. Bennett explained that grading for the stormwater detention cell started in the Spring of 2024. Mayor Clouse noted the drainage challenges at the corner of 39th Street and Antelope Avenue. Mr. Bennett acknowledged the drainage issues and stated that potential road improvements would elevate the area, alleviating some of the drainage challenges.

Council Member Nikkila asked if there is enough right-of-way to expand Antelope Avenue in the future, if necessary. Mr. Bennett demonstrated the existing right-of-way, stating that there is room for a roundabout and/or four-lane expansion. Ms. Jensen explained that per State Statute, any time the City annexes up to a county road, the City will assume the full right-of-way.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2024-79 approving the amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential (MDR) to Office/Commercial Retail Mixed Use (MU2) for property described as a tract of land

located in part of the Southeast Quarter of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 39th Street and Antelope Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2024-79

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 located in part of the Southeast Quarter of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence N 00°06'58" E on the East line of said Section 30 a distance of 1192.50 feet to the POINT OF BEGINNING; thence continuing N 00°06'58" E on said East line a distance of 1158.68 feet to the Easterly extension of the North line of a Trustee's Deed recorded in Document #2024-01404; thence N 89°50'08" W on said North line a distance of 356.83 feet; thence S 00°08'58" E a distance of 1160.62 feet; thence N 89°51'02" E a distance of 351.45 feet to the Point of Beginning. Containing 9.42 acres, more or less in Buffalo County, Nebraska. from Medium Density Residential to Office/Commercial Retail Mixed Use; 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 Medium Density Residential to Office/Commercial Retail Mixed Use the use classification for a tract of land located in part of the Southeast Quarter of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Commencing at the Southeast corner of said Southeast Quarter; thence N 00°06'58" E on the East line of said Section 30 a distance of 1192.50 feet to the POINT OF BEGINNING; thence continuing N 00°06'58" E on said East line a distance of 1158.68 feet to the Easterly extension of the North line of a Trustee's Deed recorded in Document #2024-01404; thence N 89°50'08" W on said North line a distance of 356.83 feet; thence S 00°08'58" E a distance of 1160.62 feet; thence N 89°51'02" E a distance of 351.45 feet to the Point of Beginning. Containing 9.42 acres, more or less in Buffalo County, Nebraska.

PASSED AND APPROVED THIS 11TH DAY OF JUNE, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

REZONING FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF 39TH STREET AND ANTELOPE AVENUE

Public Hearings 1 through 8 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Camil Saadi, WinStar Enterprise, LLC, a Nebraska Limited Liability Company, to rezone from District AG, Agricultural District to District C-2, Community Commercial District for property described as a tract of land located in part of the Southeast Quarter of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 39th Street and Antelope Avenue) and consider Ordinance No. 8679.

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 Camil Saadi, WinStar Enterprise, LLC, a Nebraska Limited Liability Company, and introduced Ordinance No. 8679 rezoning from District AG, Agricultural District to District C-2, Community Commercial District for property described as a tract of land located in part of the Southeast Quarter of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 39th Street and Antelope 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 Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8679. 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, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8679 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, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8679 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8679 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 AT THE NORTHWEST CORNER OF 39TH STREET AND ANTELOPE AVENUE

Public Hearings 1 through 8 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Camil Saadi, WinStar Enterprise, LLC, a Nebraska Limited Liability Company, for an amendment to the Land Use Map of the City of Kearney Comprehensive

Development Plan from Medium Density Residential (MDR) and Office/Commercial Retail Mixed Use (MU2) to Office/Commercial Retail Mixed Use (MU2) for property described as a tract of land located in part of the East Half of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 39th Street and Antelope Avenue) and consider Resolution No. 2024-80.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2024-80 approving the amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential (MDR) and Office/Commercial Retail Mixed Use (MU2) to Office/Commercial Retail Mixed Use (MU2) for property described as a tract of land located in part of the East Half of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 39th Street and Antelope Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2024-80

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 located in part of the East Half of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: BEGINNING at the Southeast corner of said Section 30; thence N 89°38'12" W on the South line of said Section 30 a distance of 680.96 feet to the Southerly extension of the East line of The Meadows First Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the West line of a Trustee's Deed recorded in Document #2024-01404; thence N 00°08'58" W on said East line of The Meadows First Addition and the West line of said Document #2024-01404 a distance of 606.20 feet; thence N 89°51'02" E a distance of 335.00 feet; thence N 00°08'58" W a distance of 580.20 feet; thence N 89°51'02" E a distance of 351.45 feet to the East line of said Southeast Quarter; thence S 00°06'58" W on said South line a distance of 1192.50 feet to the Point of Beginning. Containing 14.21 acres, more or less in Buffalo County, Nebraska from Medium Density Residential and Office/Commercial Retail Mixed Use to Office/Commercial Retail Mixed Use; 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 Medium Density Residential and Office/Commercial Retail Mixed Use to Office/Commercial Retail Mixed Use the use classification for a tract of land located in part of the East Half of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: BEGINNING at the Southeast corner of said Section 30; thence N 89°38'12" W on the South line of said Section 30 a distance of 680.96 feet to the Southerly extension

of the East line of The Meadows First Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the West line of a Trustee's Deed recorded in Document #2024-01404; thence N 00°08'58" W on said East line of The Meadows First Addition and the West line of said Document #2024-01404 a distance of 606.20 feet; thence N 89°51'02" E a distance of 335.00 feet; thence N 00°08'58" W a distance of 580.20 feet; thence N 89°51'02" E a distance of 351.45 feet to the East line of said Southeast Quarter; thence S 00°06'58" W on said South line a distance of 1192.50 feet to the Point of Beginning. Containing 14.21 acres, more or less in Buffalo County, Nebraska.

PASSED AND APPROVED THIS 11TH DAY OF JUNE, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

REZONING FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF 39TH STREET AND ANTELOPE AVENUE

Public Hearings 1 through 8 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Camil Saadi, WinStar Enterprise, LLC, a Nebraska Limited Liability Company, to rezone from District AG, Agricultural District to District C-3, General Commercial District for property described as a tract of land located in part of the East Half of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 39th Street and Antelope Avenue) and consider Ordinance No. 8680.

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 Camil Saadi, WinStar Enterprise, LLC, a Nebraska Limited Liability Company, and introduced Ordinance No. 8680 rezoning from District AG, Agricultural District to District C-3, General Commercial District for property described as a tract of land located in part of the East Half of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 39th Street and Antelope 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. 8680. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8680 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance No. 8680 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8680 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 AT THE NORTHWEST CORNER OF 39TH STREET AND ANTELOPE AVENUE

Public Hearings 1 through 8 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Camil Saadi, WinStar Enterprise, LLC, a Nebraska Limited Liability Company, for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential (MDR) and Office/Commercial Retail Mixed Use (MU2) to Medium Density Residential (MDR) for property described as a tract of land located in part of the East Half of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 39th Street and Antelope Avenue) and consider Resolution No. 2024-81.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2024-81 approving the amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential (MDR) and Office/Commercial Retail Mixed Use (MU2) to Medium Density Residential (MDR) for property described as a tract of land located in part of the East Half of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 39th Street and Antelope Avenue). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2024-81

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 located in part of the East Half of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Commencing at the Southeast corner of said Section 30; thence N 89°38'12" W on the South line of said Section 30 a distance of 680.96 feet to the Southerly extension of the East line of The Meadows First Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the Southerly extension of the West line of a Trustee's Deed recorded in Document #2024-01404; thence N 00°08'58" W on said East line of The Meadows First Addition and the West line of said Document #2024-01404 a distance of 606.20 feet to the POINT OF BEGINNING; thence N 89°51'02" E a distance of 335.00 feet; thence N 00°08'58" W a distance of

1740.82 feet to the North line of said Document #2024-01404; thence N 89°50'08" W on said North line a distance of 335.01 feet to the Northwest corner of said Document #2024-01404; thence S 00°08'58" E on the West line of said Document #2024-01404 a distance of 1742.66 feet to the Point of Beginning. Containing 13.39 acres, more or less in Buffalo County, Nebraska from Medium Density Residential and Office/Commercial Retail Mixed Use to Medium Density Residential; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Medium Density Residential and Office/Commercial Retail Mixed Use to Medium Density Residential; the use classification for a tract of land located in part of the East Half of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Commencing at the Southeast corner of said Section 30; thence N 89°38'12" W on the South line of said Section 30 a distance of 680.96 feet to the Southerly extension of the East line of The Meadows First Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the Southerly extension of the West line of a Trustee's Deed recorded in Document #2024-01404; thence N 00°08'58" W on said East line of The Meadows First Addition and the West line of said Document #2024-01404 a distance of 606.20 feet to the POINT OF BEGINNING; thence N 89°51'02" E a distance of 335.00 feet; thence N 00°08'58" W a distance of 1740.82 feet to the North line of said Document #2024-01404; thence N 89°50'08" W on said North line a distance of 335.01 feet to the Northwest corner of said Document #2024-01404; thence S 00°08'58" E on the West line of said Document #2024-01404 a distance of 1742.66 feet to the Point of Beginning. Containing 13.39 acres, more or less in Buffalo County, Nebraska.

PASSED AND APPROVED THIS 11TH DAY OF JUNE, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

REZONING FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF 39TH STREET AND ANTELOPE AVENUE

Public Hearings 1 through 8 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Camil Saadi, WinStar Enterprise, LLC, a Nebraska Limited Liability Company, to rezone from District AG, Agricultural District to District R-2, Urban Residential Mixed-Density District for property described as a tract of land located in part of the East Half of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 39th Street and Antelope Avenue) and consider Ordinance No. 8681.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by Miller & Associates for Camil Saadi, WinStar Enterprise, LLC, a Nebraska Limited Liability Company, and introduced Ordinance No. 8681 rezoning from District AG, Agricultural District to District R-2, Urban Residential Mixed-Density District for property described as a tract of land located in part of the East Half of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 39th Street and Antelope 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 Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8681. 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, Lear, Nikkila, Moore. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8681 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8681 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8681 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 SAADI FIRST

Public Hearings 1 through 8 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Camil Saadi, WinStar Enterprise, LLC, a Nebraska Limited Liability Company, for the Final Plat and Subdivision Agreement for Saadi First, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 39th Street and Antelope Avenue) and consider Resolution No. 2024-82.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2024-82 approving the Final Plat and Subdivision Agreement for Saadi First, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land

being part of the Southeast Quarter of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 39th Street and Antelope Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2024-82

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Saadi First, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at a mag nail at the Southeast Corner of Section 30; thence N 89°38'12" W on the South line of said Southeast Quarter, and all bearings contained herein are relative thereto, a distance of 33.00 feet to the Southeast corner of a tract of land described in Quitclaim Deed recorded in Deed Record Book 209, page 324, Buffalo County Register of Deeds Office; thence N 00°06'58" E on the East line of said Quitclaim Deed, parallel with and 33.00 feet West of the East line of said Southeast Quarter, as measured at right angles, a distance of 190.00 feet to a 5/8" rebar w/cap at the Northeast corner of said Quitclaim Deed and the Southeast corner of a tract of land described in Trustees Deed recorded as Document #2024-01404, Buffalo County Register of Deeds Office; thence S 45°13'26" W on the North line of said Quitclaim Deed and the South line of said Trustees Deed a distance of 211.61 feet to a 5/8" rebar w/cap; thence N 89°38'12" W continuing on said North line of Quitclaim Deed and the South line of said Trustees Deed, parallel with and 40.00 feet North of said South line of the Southeast Quarter, as measured at right angles, a distance of 498.22 feet to a 5/8" rebar w/cap at the Southwest corner of said Trustees Deed and on the East line of The Meadows First Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 00°08'58" W on said East line of The Meadows First Addition and the West line of said Trustees Deed a distance of 1146.40 feet to a 5/8" rebar w/cap; thence N 89°51'02" E a distance of 686.45 feet to said East line of the Southeast Quarter; thence S 00°06'58" W on said East line a distance of 1192.50 feet to the Point of Beginning. Containing 17.82 acres, more or less in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the 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 11TH DAY OF JUNE, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

ANNEXATION OF SAADI FIRST

Public Hearings 1 through 8 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the request submitted by Miller & Associates for Camil Saadi, WinStar Enterprise, LLC, a Nebraska Limited Liability Company, for the annexation of Saadi First, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Government Lot 1, part of Government Lot 5, and part of the Southwest Quarter of the Southwest Quarter of Section 29, part of the Southeast Quarter of the Southeast Quarter of Section 30, part of the Northeast Quarter of the Northeast Quarter of Section 31, part of Government Lot 2 and Government Lot 3 of Section 32 all in Township 9 North, Range 15 West of the 6th P. M. Buffalo County, Nebraska (Northwest corner of 39th Street and Antelope Avenue) and consider Resolution No. 2024-83.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2024-83 approving the annexation of Saadi First, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Government Lot 1, part of Government Lot 5, and part of the Southwest Quarter of the Southwest Quarter of Section 29, part of the Southeast Quarter of the Southeast Quarter of Section 30, part of the Northeast Quarter of the Northeast Quarter of Section 31, part of Government Lot 2 and Government Lot 3 of Section 32 all in Township 9 North, Range 15 West of the 6th P. M. Buffalo County, Nebraska (Northwest corner of 39th Street and Antelope Avenue). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2024-83

WHEREAS, an Application has been submitted by Miller & Associates for Camil Saadi, WinStar Enterprise, LLC a Nebraska Limited Liability Company for the inclusion of Saadi First, an addition within the corporate boundaries of the City of Kearney said property described as A tract of land being part of the Government Lot 1, part of Government Lot 5, and part of the Southwest Quarter of the Southwest Quarter of Section 29, part of the Southeast Quarter of the Southeast Quarter of Section 30, part of the Northeast Quarter of the Northeast Quarter of Section 31, part of Government Lot 2 and Government Lot 3 of Section 32 all in Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at a mag nail at the Southeast Corner of Section 30; thence N 89°38'12" W on the South line of said Southeast Quarter, and all bearings contained herein are relative thereto, a distance of 680.96 feet to the Southerly extension of the East line of The Meadows First Addition, an addition to the City of Kearney, Buffalo County Nebraska and the West line of a Trustees Deed recorded as Document #2024-01404 filed in the Buffalo County,

Register of Deeds Office; thence N 00°08'58" W on the East line of said The Meadows First Addition and said West line of Trustees Deed a distance of 1186.40 feet; thence N 89°51'02" E a distance of 686.45 feet to the East Right-of-Way line of Antelope Avenue; thence S 00°06'58" W parallel with and 33.00 feet East of the West line of the Southwest Quarter of Section 29, as measured at right angles, a distance of 349.47 feet to the North line of Northeast Industrial Fourth Subdivision, a subdivision being part of Government Lots 1 and 5 located in the Southwest Quarter of Section 29, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence S 89°41'46" E on the North line of said Northeast Industrial Fourth Subdivision a distance of 17.00 feet to the Northwest corner of Lot 1 of said Northeast Industrial Fourth Subdivision; thence S 00°06'58" W parallel with and 50.00 feet East of the West line of said Southwest Quarter of Section 29, as measured at right angles, a distance of 670.26 feet; thence continuing S 44°48'26" E on said East Right-of-Way line a distance of 188.34 feet to the North Right-of-Way line of 39th Street; thence S 00°08'02" W a distance of 80.00 feet to the South Right-of-Way line of said 39th Street and the Northwest corner of Lot 6, Slaughter Industrial Park, a Subdivision being part of Government Lots 2 and 3 in Section 32, Township 9 North, Range 15 West of the 6th Principal Meridian, Buffalo County, Nebraska; thence S 45°13'22" W on the North line of said Lot 6 and its extension a distance of 211.87; thence N 89°50'53" W a distance of 33.00 feet to the East line of the Northeast Quarter of said Section 31; thence N 00°09'07" E on said East line the Northeast Quarter a distance of 5.76 feet; thence N 89°50'53" W a distance of 48.86 feet; thence N 44°40'43" W a distance of 204.39 feet to said South Right-of-Way of 39th Street; thence N 89°38'12" W and on said South line of 39th Street and parallel with and 40.00 feet South of the South line of said Northeast Quarter of Section 31, a measured at right angles a distance of 487.79 feet to said Southerly extension of the East line of The Meadow First Addition and the West line of said Trustees Deed; thence N 00°08'58" W said Southerly extension a distance of 40.00 feet to the Point of Beginning. Containing 21.79 acres, more or less in 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 May 17, 2024 on the inclusion of Saadi First 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 Saadi First, 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 June 11, 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 Saadi First 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 Saadi First 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 11TH DAY OF JUNE, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Lear seconded by Buschkoetter that Subsections 1 through 5 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held May 28, 2024.

2. Approve the following Claims:

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

Advantage Police Supply \$4,920.64 smcs; All City Garage Door \$5,097.00 smcs; All Copy \$369.41 smcs; All Safe Industries \$904.00 smcs; Amax Contracting \$978.72 co; Appliance Pros \$54.00 smcs; Artisans \$80.00 smcs; Aurora Coop \$32.00 smcs; AvFuel \$114,592.58 smcs; Baker & Taylor \$8,059.42 smcs; Barco Municipal \$6,177.00 smcs; Big Red Auto Glass \$942.00 smcs; Bluecross Blueshield \$172,860.95 smcs; Bossfuels \$21,493.53 smcs; Bowman, R \$19.24 smcs; Builders \$244.96 co; Butler, D \$93.80 ps; Cash Wa \$13,933.83 smcs; Central Comm. College \$300.00 smcs; Central NE Bobcat \$4,510.89 smcs; Chesterman \$2,296.50 smcs; Cintas \$132.26 smcs; City of KY \$416,919.20 co, ps; City of KY \$53,566.83 smcs; City of KY CRA \$223,925.29 smcs; Cold Spring \$940.75 smcs; Colling, G \$1,990.00 smcs; Comm Action Partnership \$1,387.50 smcs; Country Partners \$21,440.25 smcs; Culligan \$59.00 smcs; Cunningham's Journal \$120.00 smcs; Dan's Plumbing \$936.06 smcs; Depository Trust \$469,350.00 ds; Deterding's \$20,853.58 smcs; Ditch Witch \$3,678.27 smcs; Eagle Distributing \$2,523.43 smcs; Eakes \$694.12 smcs; Ed Broadfoot & Sons \$239.25 smcs; Elliott Equipment \$8,535.00 smcs; Ellis, J \$35.14 smcs; Family Practice \$91.00 smcs; Faz, A \$122.00 smcs; Fedex \$5.21 smcs; Fields, R \$170.00 smcs; Gale \$1,093.86 smcs; Gear for Sports \$37.76 smcs; Give Nebraska \$6.00 ps; GM Concrete \$2,600.00 smcs; Greater NE Cities \$1,000.00 smcs; Herrera, E \$10.74 smcs; HM Life Insurance \$81,619.75 smcs; Hub Int'l \$6,999.92 smcs; IRS \$202,981.08 ps; Jack's Uniforms \$423.44 smcs; JCB Delivery \$161.00 smcs; John T. Jones Const. \$1,040,969.32 co; Johnson Brothers NE \$1,444.50 smcs; KY Trailers \$11,350.00 co; KY Visitors Bureau \$185,156.55 smcs; KY Winlectric \$6,763.88 co; Kirkham Michael \$4,500.00 co; Knock Out Print \$779.06 smcs; Koetter, H \$48.33 smcs; Lincoln Nat'l Life \$9,811.39 smcs; Luke, B \$145.47 smcs; MacQueen Equipment \$10,653.73 smcs; Magic Cleaning \$8,590.00 smcs; McCartney, Erin Chpt. 13 \$157.00 ps; Menards \$203.07 smcs; Meyer, J \$33.85 smcs; Mid-Atlantic Receptive \$40,000.00 smcs; Midlands Contracting \$4,263.29 co; Midwest Connect \$5,429.24 smcs; Midwest Petroleum \$3,440.88 smcs; Miller & Associates \$97,449.26 co; Miller, A \$27.82 smcs; Mission Square \$7,464.63 ps; Mostek Electric \$19,210.89 smcs; MSA Safety Sales \$5,180.00 smcs; Municipal Emergency

\$302.18 ps; Municipal Supply \$70,925.73 smcs; Murillo, A \$20.49 smcs; NE Child Support \$1,848.04 ps; NE Dept. Revenue \$66,176.64 ps; NE Generator \$64,409.00 co; NE Machinery \$643.36 smcs; NE Public Health \$554.00 smcs; NE Safety & Fire \$95.00 smcs; Nebraskaland Dist. \$792.83 smcs; Nielsen, J \$47.99 smcs; Northwestern Energy \$2,490.27 smcs; Northwestern University \$4,700.00 smcs; Outdoor Recreation \$8,240.00 smcs; Pahl, M \$126.75 smcs; Peerless Machine \$150.00 smcs; Pep Co. \$55.13 smcs; Peters, D \$7.06 smcs; Peterworth, B \$17.03 smcs; Platte Valley Roofing \$5,680.50 smcs; Presto-X \$405.86 smcs; Rapid Fire \$250.00 smcs; Ready Mixed Concrete \$3,009.60 co; Reinke's Heating \$232.16 smcs; Root, B \$65.01 smcs; S & J Construction \$15,492.00 co; Sapp Bros. \$2,584.05 smcs; Sawin, M \$150.00 smcs; Scheele, B \$50.00 smcs; Schneider, T \$120.00 ps; School District #7 \$800.00 smcs; See Clear Cleaning \$1,472.50 smcs; Sign Solutions \$1,667.14 smcs; Slagle, N \$31.05 smcs; SOS Portable Toilets \$75.00 smcs; State of NE/DAS \$30.87 smcs; Steinbrink's \$380.00 smcs; Stutsman \$1,647.00 smcs; Suburban Fire \$2,300.00 ps; Target Solutions \$6,729.46 smcs; Thompson, K \$180.90 smcs; TK Elevator \$513.94 smcs; Tye & Rowling \$15,894.56 smcs; U.S. Postal Service \$436.00 smcs; Union Bank & Trust \$107,675.80 ps; United Way \$54.00 ps; V the Gypsy Cowbelle \$125.00 smcs; Village Uniform \$162.08 smcs; Volaire Aviation \$2,000.00 smcs; Waldinger \$645.50 smcs; Weather Tight Insulation \$3,684.41 smcs; Wessels, W \$300.00 smcs; Yanda's \$70.00 smcs; Payroll Ending 06/01/2024 -- \$738,142.12. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court licenses until May 31, 2025: a) Cornhusker Trailer Court, 1115 Avenue C; b) Countryside Mobile Park, 1920 15th Avenue; c) L & M Mobile Home Park, 1110 Central Avenue; d) Merriweather Mobile Home Village, 914 West 17th Street; e) Rodeo Court, 2414 West 24th Street; f) R-Villa East, 2500, 2719, 2803 West 24th Street; g) R-Villa West, 2500, 2719, 2803 West 24th Street; h) R-Villa South, 2500, 2719, 2803 West 24th Street; and i) Villa Park, 2703 West 24th Street and extend the current manufactured home court license for East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue and Valley View Mobile Home Court, 2701 and 2801 Grand Avenue until July 1, 2024, to correct deficiencies.

4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-11786 liquor license application and manager application for Mike Schroer submitted by Pronto Kearney, LLC dba Pronto Kearney, located at 405 2nd Avenue East.

5. Adopt Resolution No. 2024-84 approving the Peterson Senior Activity Center Annual Nutrition Service Contract between the City of Kearney and Community Action Partnership of Mid-Nebraska.

RESOLUTION NO. 2024-84

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Recreation Services Director be and is hereby authorized and directed to execute the Peterson Senior Activity Center Annual Nutrition Services Contract on behalf of the

City of Kearney. The said Contract, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF JUNE, 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

PRESENTATION ON THE BUFFALO COUNTY SECURE TWO-WAY SIREN ACTIVATION SYSTEM

Mayor Clouse opened Regular Agenda Item 1 for Council to receive a presentation on the Buffalo County Secure Two-Way Siren Activation System. This presentation was for informational purposes only.

Darrin Lewis, Buffalo County Emergency Manager, presented this matter to the Council. Mr. Lewis stated that this project has been in the works for nearly two years and gave a brief history of the siren system in Kearney, noting that there are 45 sirens in Buffalo County, including 27 in Kearney. Mr. Lewis explained that the new two-way system provides more security and allows for the check of the status of each siren remotely. Mr. Lewis explained that there are two standalone systems for the sirens that communicate with one another, one at the Law Enforcement Center and one at the Emergency Operations Center. Mr. Lewis noted sirens are polled twice daily to ensure they are communicating properly and stated individual sirens can now be activated to alert citizens in a particular area. Additionally, the system can activate itself if there is a tornado warning.

Council Member Nikkila asked what scenarios the sirens are activated for. Mr. Lewis explained that the sirens could be sounded for any life-threatening or property-threatening catastrophic event, but their main purpose is for tornadoes within ten miles of a community, headed towards a community, a tornado polygon warning, tennis ball-sized hail, straight-line winds 80MPH or higher, or any major hazardous material incident.

Mr. Lewis explained that the sirens design is to be an outside warning system that alerts citizens to take shelter inside and seek more information on the purpose of the siren activation.

Council Member Randy Buschkoetter asked what the range of each siren is. Mr. Lewis explained that it depends on the type of siren and the conditions surrounding it; they can usually cover approximately 4,800 square feet, or three-quarters of a mile.

Council Members thanked Mr. Lewis for his presentation.

VII. REPORTS

Council Member Buschkoetter detailed his recent tour of the Kearney Sportsplex, noting its impressive architecture.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:10 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
CITY CLERK**