

Kearney, Nebraska
July 9, 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 July 9, 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, City Manager; Michael Tye, City Attorney; Andy Harter, Director of Public Works; Bryan Waugh, Chief of Police; Kevin Thompson, Captain of Police Operations; Shawna Erbsen, Administrative Services Director; Sarah Sawin, Director of Utilities; Jim Lynaugh, Airport Manager; Melissa Dougherty-O'Hara, City Planner; Brad DeMers, Assistant to the City Manager, and Dan Lillis, Engineering Assistant II, were also present.

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 715 AVENUE D

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Jack W. Besse for A & D Rentals, LLC, 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 Lots 1 and 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska; the West 84.25 feet of Lot 2, Marianne Hunt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; TOGETHER WITH the North 125.0 feet of Lot 1, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska; and Lot 1, EXCEPTING HOWEVER, the North 125.0 feet of said Lot, and ALL of Lot 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska. (715 Avenue D) and consider Resolution No. 2024-88.

Dan Buser, Dandee Concrete Construction Company, presented this matter to the Council. Mr. Buser described the location of the property that was originally zoned M-1 and detailed the plan to construct a building on Lot 2 and a parking lot on Lot 1 for Dandee Concrete Construction Company.

Council Member Randy Buschkoetter asked if the proposed building would be used as an office building. Mr. Buser confirmed that it would be an office building for the construction company.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2024-88 approving the application submitted by Jack W. Besse for A & D Rentals, LLC, 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 Lots 1 and 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska; the West 84.25 feet of Lot 2, Marianne Hunt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; TOGETHER WITH the North 125.0 feet of Lot 1, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska; and Lot 1, EXCEPTING HOWEVER, the North 125.0 feet of said Lot, and ALL of Lot 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska. (715 Avenue D). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2024-88

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 described as Lots 1 and 2, Howland Subdivision,

a subdivision to the City of Kearney, Buffalo County, Nebraska; the West 84.25 feet of Lot 2, Marianne Hunt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; TOGETHER WITH the North 125.0 feet of Lot 1, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska AND Lot 1, EXCEPTING HOWEVER, the North 125.0 feet of said Lot, and ALL of Lot 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska 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 described as Lots 1 and 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, NE; the West 84.25 feet of Lot 2, Marianne Hunt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; TOGETHER WITH the North 125.0 feet of Lot 1, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska AND Lot 1, EXCEPTING HOWEVER, the North 125.0 feet of said Lot, and ALL of Lot 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska.

PASSED AND APPROVED THIS 9TH DAY OF JULY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

REZONING FOR PROPERTY LOCATED AT 715 AVENUE D

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Jack W. Besse for A & D Rentals, LLC, to rezone from District R-3/PD, Urban Residential Multi-Family District (Medium Density)/Planned Development Overlay District to District C-3, General Commercial District for property described as Lots 1 and 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska; the West 84.25 feet of Lot 2, Marianne Hunt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; TOGETHER WITH the North 125.0 feet of Lot 1, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska; and Lot 1, EXCEPTING HOWEVER, the North 125.0 feet of said Lot, and ALL of Lot 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska. (715 Avenue D) and consider Ordinance No. 8684.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the Application submitted by Jack W. Besse for A & D Rentals, LLC and introduced Ordinance No. 8684 rezoning from District

R-3/PD, Urban Residential Multi-Family District (Medium Density)/Planned Development Overlay District to District C-3, General Commercial District for property described as Lots 1 and 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska; the West 84.25 feet of Lot 2, Marianne Hunt Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; TOGETHER WITH the North 125.0 feet of Lot 1, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska; and Lot 1, EXCEPTING HOWEVER, the North 125.0 feet of said Lot, and ALL of Lot 2, Howland Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska. (715 Avenue D) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8684. 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. 8684 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. 8684 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. 8684 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.

DEVELOPMENT OF PROPERTY LOCATED EAST OF 30TH AVENUE AND NORTH OF RAILROAD STREET

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for City of Kearney, to (1) rezone from District M-1, Limited Industrial District to District R-3, Urban Residential Multi-Family District (Medium Density) for property described as Lot 5, Block 2, Tony H. Addition, an addition to the City of Kearney, Buffalo County, Nebraska (East of 30th Avenue and North of Railroad Street) and consider Ordinance No. 8685 and (2) vacate a tract of land being Lot 1, Block 2, Tony H. Addition, an addition to the City of Kearney, Buffalo County, Nebraska, being part of the Southwest Quarter of the Northwest Quarter and part of the Northwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8686.

Craig Bennett, Miller and Associates presented this matter to the Council. Mr. Bennett

described the 5.8-acre, 1-lot tract and reviewed the current zoning. Mr. Bennett stated that the proposed zoning is consistent with the surrounding properties and is compatible with the Future Land Use Map. The proposed extension of West La Platte Road will continue westerly and dog-leg to the south to tie into North Railroad Street. Mr. Bennett stated there will be a 75-foot Outlot on the west side of the development, designed to protect and maintain the 30th Avenue overpass and allow for future work or expansion. Finally, Mr. Bennett reviewed infrastructure plans for the development, including storm water detention.

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 City of Kearney and introduced Ordinance No. 8685 rezoning from District M-1, Limited Industrial District to District R-3, Urban Residential Multi-Family District (Medium Density) for property described as Lot 5, Block 2, Tony H. Addition, an addition to the City of Kearney, Buffalo County, Nebraska (East of 30th Avenue and North of Railroad Street); and Ordinance No. 8686 vacating a tract of land being Lot 1, Block 2, Tony H. Addition, an addition to the City of Kearney, Buffalo County, Nebraska, being part of the Southwest Quarter of the Northwest Quarter and part of the Northwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8685 and 8686. 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 Nos. 8685 and 8686 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. Ordinances were read by number.

Moved by Nikkila seconded by Moore that Ordinance Nos. 8685 and 8686 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 Nos. 8685 and 8686 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 AND SUBDIVISION AGREEMENT FOR PROPERTY LOCATED EAST OF 30TH AVENUE AND NORTH OF RAILROAD STREET

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for City of Kearney, for the Final Plat and Subdivision Agreement for Village Plaza Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as Lot 5, Block 2, Tony H. Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated), being part of the Southwest Quarter of the Northwest Quarter and part of the Northwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. (East of 30th Avenue and North of Railroad Street) and consider Resolution No. 2024-89.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Buschkoetter to close the hearing and adopt Resolution No. 2024-89 approving the application submitted by Miller & Associates for City of Kearney, for the Final Plat and Subdivision Agreement for Village Plaza Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as Lot 5, Block 2, Tony H. Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated), being part of the Southwest Quarter of the Northwest Quarter and part of the Northwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. (East of 30th Avenue and North of Railroad Street). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2024-89

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Village Plaza Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska for Lot 5, Block 2, Tony H. Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated), being part of the Southwest Quarter of the Northwest Quarter and part of the Northwest Quarter of the Southwest Quarter of Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a brass cap at the Northwest corner of the Southwest Quarter of Section 3; thence S 02°03'59" W on the West line of said Southwest Quarter, and all bearings contained herein are relative thereto, a distance of 24.10 feet to the North Right-of-Way line of North Railroad Street as platted in the City of Kearney, Buffalo County, Nebraska; thence S 66°00'33" E on the North Right-of-Way line of said North Railroad Street a distance of 110.21 feet to a 5/8" rebar w/cap on the East Right-of-Way line of 30th Avenue as platted in the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence continuing S 66°00'33" E on said North Right-of-Way line of North Railroad Street a distance of 109.22 feet to a 5/8" rebar; thence S 84°02'11" E continuing on said North Right-of-Way line of North Railroad Street a distance of 105.52 feet to a 5/8" rebar at the Southwest corner of Lot 1, Block 2, Village Plaza Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 36°07'37" E on the West line of said Block 2 a distance of 235.48 feet to a 5/8" rebar on the South Right-of-Way line of West LaPlatte Road as platted in the City of Kearney, Buffalo County, Nebraska; thence N 32°49'40" E on the West line of said Village Plaza Subdivision a distance of 60.58 feet to a 5/8" rebar w/cap at the Southwest corner of Lot 1, Block 1, Village Plaza Addition; thence N 18°49'12" E on the West line of said Lot 1, Block 1, Village Plaza addition and on the West line of Block 3, Kearney Plaza Third Subdivision, a subdivision to the City of Kearney,

Buffalo County, Nebraska a distance of 437.14 feet to a 5/8" rebar at the Southeast corner of Lot 2, Block 2, Tony H. Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 88°12'04" W on the South line of Lot 2, Lot 3, and Lot 4, Block 2, Tony H. Addition a distance of 517.27 feet to a 5/8" rebar at the Southwest corner of said Lot 4, Block 2 and on the East Right-of-Way line of said 30th Avenue; thence S 01°32'42" E on the East Right-of-Way line of said 30th Avenue a distance of 327.50 feet to a 5/8" rebar; thence S 01°50'04" W continuing on said East Right-of-Way line of 30th Avenue a distance of 288.51 feet to the Point of Beginning. Containing 5.80 acres, more or less located in 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 9TH DAY OF JULY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

DEVELOPMENT OF PROPERTY LOCATED AT 1415 YOUNES DRIVE

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for City of Kearney for (1) the vacation of a tract of land being Lot 3, Block 3, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska, being part of Government Lot 7 and part of Government Lot 8, in Section 11, and part of the North Half of the Northwest Quarter of Section 14, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8687; and (2) the Final Plat and Subdivision Agreement for Younes Center Eleventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being all of Lot 3, Block 3, Younes Center Seventh addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated), and being part of Government Lot 7 and part of Government Lot 8 in Section 11, and part of the North Half of the Northwest Quarter of Section 14 all being located in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. (1415 Younes Drive) and consider Resolution No. 2024-90.

Craig Bennett, Miller and Associates, presented this matter to the Council. Mr. Bennett described the approximate 29-acre tract and reviewed the updated names for the streets in the proposed development. Mr. Bennett reviewed overhead pictures of the property, detailing existing infrastructure and future detention cells.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Applications submitted by Miller & Associates for City of Kearney and introduced Ordinance No. 8687 vacating a tract of land being Lot 3, Block 3, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska, being part of Government Lot 7 and part of Government Lot 8, in Section 11, and part of the North Half of the Northwest Quarter of Section 14, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 8687. 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, 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 No. 8687 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. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8687 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. 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. 8687 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.

Moved by Nikkila seconded by Moore to adopt Resolution No. 2024-90 approving the Final Plat and Subdivision Agreement for Younes Center Eleventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being all of Lot 3, Block 3, Younes Center Seventh addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated), and being part of Government Lot 7 and part of Government Lot 8 in Section 11, and part of the North Half of the Northwest Quarter of Section 14 all being located in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. (1415 Younes Drive). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2024-90

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Younes Center Eleventh Addition, an addition to the City of Kearney, Buffalo County Nebraska, for a tract of land being all of Lot 3, Block 3, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated), and being part of Government Lot 7 and part of Government Lot 8 in Section 11, and part of the North Half of the Northwest Quarter of Section 14 all

being located in 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 Northwest corner of Section 14 and assuming the North line of the Northwest Quarter of Section 14 as bearing N 88°34'04" E, and all bearings contained herein are relative thereto; thence S 01°21'04" W on the West line of said Northwest Quarter a distance of 42.41 feet to a 1" pipe on the North Right-of-Way line of U.S. Interstate Highway No. 80; thence Easterly on a non-tangent curve to the Right having a central angle of 01°59'55", a radius of 17338.73 feet, an arc length of 604.78 feet, and a chord bearing of S 87°16'38" E a distance of 604.75 feet to a 5/8" rebar w/cap at the Southwest corner of Lot 3, Block 3, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated) and the POINT OF BEGINNING; thence Easterly continuing on said North Right-of-Way line of U.S. Interstate Highway No. 80 and on a tangent curve to the Right having a central angle of 00°28'20", a radius of 17338.73 feet, an arc length of 142.91 feet, and a chord bearing of S 86°02'31" E a distance of 142.91 feet to a 5/8" rebar; thence S 85°48'21" E continuing on said North Right-of-Way line of U.S. Interstate Highway No. 80 a distance of 1239.17 feet to a 5/8" rebar w/cap on the West line of 1st/ Street as platted in said Younes Center Seventh; thence N 00°25'12" E on said West line of 1st/ Street and on the West line of Lot 5, Lot 4, 2nd Street, Lot 2, and Lot 1 of said Block 3, Younes Center Seventh, a distance of 1034.46 feet to a 5/8" rebar w/cap at the Northwest corner of said Lot 1, Block 3, and on the South line of Talmadge Street as platted in said Younes Center Seventh Addition; thence Westerly on the South line of said Talmadge Street and on a non-tangent curve to the Right having a central angle of 06°31'54", a radius of 640.00 feet, an arc length of 72.96 feet, and a chord bearing of S 82°58'54" W a distance of 72.92 feet to a 5/8" rebar w/cap; thence S 86°14'51" W continuing on said South line of Talmadge Street a distance of 1187.71 feet to a 5/8" rebar w/cap; thence Southwesterly continuing on said South line of Talmadge Street and on a tangent curve to the Left having a central angle of 49°46'06", a radius of 50.00 feet, an arc length of 43.43 feet, and a chord bearing of S 61°21'47" W a distance of 42.08 feet to a 5/8" rebar w/cap; thence Southwesterly continuing on said South line of Talmadge Street and on a tangent curve to the Right having a central angle of 16°13'33", a radius of 90.00 feet, an arc length of 25.49 feet, and a chord bearing of S 44°35'31" W a distance of 25.40 feet to a 5/8" rebar w/cap on the East line of 15th/ Avenue as platted in said Younes Center Seventh; thence Southerly on said East line of 15th/ Avenue and on a tangent curve to the Left having a central angle of 44°22'15", a radius of 30.00 feet, an arc length of 23.23 feet, and a chord bearing of S 30°31'10" W a distance of 22.66 feet to a 5/8" rebar w/cap; thence S 08°20'02" W continuing on said East line of 15th/ Avenue a distance of 75.77 feet to a 5/8" rebar w/cap; thence S 00°42'16" E continuing on said East line of 15th Avenue a distance of 312.26 feet to a 5/8" rebar w/cap; thence S 89°17'44" W a distance of 60.00 feet to a 5/8" rebar w/cap on the West line of said 15th Avenue; thence S 00°42'16" E on the Southerly extension of said West line of 15th Avenue and the West line of said Lot 3 (now vacated) a distance of 401.60 feet to the Point of Beginning. Containing 29.09 acres, more or less located in 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 9TH DAY OF JULY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 6204 2ND AVENUE

Mayor Clouse stated that as of July 5, 2024, City Staff had not received a complete application from American Tower. Therefore, City Staff has requested this item be withdrawn.

Moved by Moore seconded by Buschkoetter to withdraw the application submitted by SMJ International o/b/o American Tower and T-Mobile for American Tower for a Conditional Use Permit as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to co-locate telecommunications equipment for wireless communications on property zoned District M-1/PD Limited Industrial District/ Planned Development Overlay District, and described as a tract of land in the Northeast Quarter of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. (6204 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Moore, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

IV. CONSENT AGENDA

Mayor Clouse stated that the Consent Agenda was amended on Monday, July 8, 2024, by amending Subsection 8. Additionally, City Staff has requested that Item 3 be postponed to the July 23, 2024 Council Meeting to allow the developers to review the Agreement.

Moved by Buschkoetter seconded by Clouse that Subsections 1, 2, and 4 through 8 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 June 25, 2024.

2. Approve the following Claims:

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

Acushnet \$6,897.03 smcs; Alfred Benesch \$36,894.31 co; Ask Supply \$67.75 smcs; Aurora Coop \$416.80 smcs; AvFuel \$76,162.33 smcs; Baker & Taylor \$2,782.97 smcs; Beckman, B \$260.00 smcs; Bergman, M \$200.00 smcs; BlueCross BlueShield \$78,190.78 smcs; Books Galore \$325.19 smcs; Bosselman Energy \$6,234.83 smcs; Bossfuels \$43,243.59 smcs; Broadfoot's \$984.00 smcs; Buffalo Co. Redi-Mix \$15,898.35 co; Builders \$443.84 smcs,co; Cal/Amp \$781.55 smcs; Caldwell Tanks \$137,851.50 co; Cash Wa \$15,943.40 smcs; Central NE Sod \$1,580.00 smcs; Chesterman \$7,001.00 smcs; City of KY \$466,783.11 smcs, ps; City Plumbing \$98.45 smcs; Comm. Action Partnership \$833.50 smcs; Core & Main \$16,212.21 smcs; Criterion \$5,972.11 smcs; Culligan \$571.50 smcs; Cunningham's Journal \$50.00 smcs; Cutting Edge \$85.00 smcs; Cypress Information \$926.10 smcs; Danburg, K \$50.00 smcs; Demers, B \$836.10 smcs; Depository Trust \$376,533.75 ds; Deterding's \$10,623.87 smcs; Double J Plumbing \$132.00 smcs; Downey Drilling \$36,178.63 co; Eagle Distributing \$1,217.68 smcs; Eakes \$4,394.52 smcs; Earl May \$24,346.36 co; EMC Insurance \$1,334.00 smcs; Emily Davidson Photo. \$350.00 smcs; ESU 10 \$120.00 smcs; Family Practice \$624.00 ps; Faz, A \$159.00 smcs; Finnlysport \$4,166.00 co; Fire Com \$249.57 smcs; Frontier Harley-Davidson \$1,856.37 smcs; Gale \$635.86 smcs; Garrett Tires \$5,889.97 smcs; General Collection \$133.24 smcs; Give Nebraska \$6.00 ps; Glatter, D \$50.00 smcs; Graczyk Lawn \$1,622.00 smcs; Greater NE Cities \$1,000.00 smcs; HM Life Insurance \$81,914.03 smcs; Hometown Leasing \$283.23 smcs; HTS AG \$3,920.00 smcs; IRS \$222,664.25 ps; Island Supply \$149.45 smcs; James, K \$517.30 smcs; John Deere \$158.40 smcs; John T. Jones Const. \$782,738.40 co; Johnson Service \$61,366.70 smcs; Jones Polygraph Service \$700.00 smcs; KY Hub \$988.88 smcs; KGFW \$200.00 smcs; Landmark Implement \$5,532.12 smcs; League NE Municipalities \$650.00 smcs; Lincoln National Life \$9,862.84 smcs; Linner, J \$15.35 smcs; Luke, B \$94.50 smcs; Macqueen Equipment \$2,509.78 smcs; Magic Cleaning \$6,590.00 smcs; McKee, S \$54.00 smcs; Mefferd, E \$772.50 smcs; Merryman \$589.00 smcs; Mid-American Signal \$1,420.05 smcs; Midwest Connect \$7,312.68 smcs; Miller Signs \$220.00 smcs; Mission Square \$7,464.61 ps; Moonlight Embroidery \$624.00 smcs; Motorola \$34,973.34 co; Municipal Supply \$7,555.81 smcs; MyRec \$6,760.00 smcs; NE Child Support \$1,688.81 ps; NE Dept of Revenue \$70,800.28 ps; NE Generator \$3,847.62 smcs; NE Machinery \$654.93 smcs; Nebraskaland Distributors \$4,257.20 smcs; NELETC \$175.00 smcs; Newsbank \$26,250.00 smcs; Nielson Underground \$4,714.60 co; Northwestern Energy \$3,827.51 smcs; One Call Concepts \$637.74 smcs; Penworthy \$235.56 smcs; Pep Co. \$427.06 smcs; Presto-X \$98.01 smcs; PVS DX \$29,451.01 smcs; R&R Repair \$182.18 smcs; Rapid Fire Protection \$1,200.00 smcs; RDG Planning & Design \$45,727.68 co; Recreonics \$5,681.14 co; Resource Mgmt. \$6,748.00 smcs; Rheome Tree \$2,675.00 smcs; S & J Construction \$3,741.00 smcs; School District #7 \$180.00 smcs; See Clear Cleaning \$425.00 smcs; SOS Portable Toilets \$604.90 smcs; State Fire Marshall \$300.00 smcs; Stewart, N \$122.00 smcs; Stutsman \$2,697.00 smcs; Thurston, K \$290.16 smcs; Titan Machinery \$7,685.06 smcs; TK Elevator \$1,962.00 smcs; Trade Well \$2,500.00 smcs; Traveler's \$322,082.42 smcs; Tri-Cities Roofing \$1,990.00 smcs; Turner Body Shop \$2,620.09 smcs; Tye & Rowling \$15,906.43 smcs; Tyler Technologies \$7,632.76 smcs; Union Bank & Trust \$108,308.03 ps; Union Pacific Railroad \$100.00 er; United Way \$54.00 ps; University of Missouri \$15,750.00 smcs; Verizon \$14,367.75 smcs; Vetter, J \$54.00 smcs; Village Uniform \$243.12 smcs; Volaire Aviation \$2,000.00 smcs; Wright, A \$420.00 smcs; Young, M \$94.50 smcs; Payroll Ending 06/29/2024 -- \$754,591.04. The foregoing schedule of claims is published in accordance with Section

19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Adopt Resolution No. 2024-91 approving the Developer Constructed Infrastructure Agreement for Western Nebraska Property Development Addition - 10th Street Place Improvements between the City of Kearney and Goldenrod Services, LLC, a Nebraska Limited Liability Company for the construction of water, paving and storm sewer infrastructure to serve Lots 1-3, Block Two of Western Nebraska Property Development Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

4. Adopt Resolution No. 2024-92 approving the Developer Constructed Infrastructure Agreement for Aspen Meadows Third Addition - 37th and 38th Street Improvements between the City of Kearney and Twin Falls, LLC, a Nebraska Limited Liability Company for the construction of water, sanitary sewer, paving, and storm sewer infrastructure to serve Lots 1 through 7, and Outlot A of Block 2 and Lots 1 through 4, Block 3, Aspen Meadows Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2024-92

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Aspen Meadows Third Addition - 37th and 38th Street Improvements" between the City of Kearney and Twin Falls, LLC, a Nebraska Limited Liability Company for the construction of water, sanitary sewer, paving, and storm sewer infrastructure for Lots 1 through 7, and Outlot A of Block 2 and Lots 1 through 4, Block 3, Aspen Meadows Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 9TH DAY OF JULY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

5. Adopt Resolution No. 2024-93 approving the Developer Constructed Infrastructure Agreement for Younes Center Tenth - 24-plex Development between the City of Kearney and Talmadge JAM, LLC, a Nebraska Limited Liability Company for the construction of sanitary sewer infrastructure to serve Lot 6 and Lot 8, Block One of Younes Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2024-93

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Younes Center Tenth - 24-plex Development" between the City of Kearney and Talmadge JAM, LLC, a Nebraska Limited Liability Company for the construction of sanitary sewer infrastructure for Lot 6 and Lot 8, Block One of Younes

Center Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 9TH DAY OF JULY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

6. Approve the Deed of Reconveyance for the Deed of Trust with Power of Sale between Talmadge JAM, LLC, a Nebraska Limited Liability Company, and the City of Kearney for property described as a tract of land being part of Government Lot 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, in connection with NAFCT Contract No. 23-TFRH-34008, since declined by property owner, that was approved at the April 9, 2024 Council meeting and recorded at Inst. No. 2024-01392, on April 10, 2024 at the Buffalo County Register of Deeds.

7. Approve the Release of Restrictive Covenant for Talmadge JAM, LLC, a Nebraska Limited Liability Company, for property described as a tract of land being part of Government Lot 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, in connection with NAFCT Contract No. 23-TFRH-34008, since declined by property owner, that was approved at the April 9, 2024 Council meeting and recorded at Inst. No. 2024-01394, on April 10, 2024 at the Buffalo County Register of Deeds.

8. **ADDENDUM ITEM:** Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court license until May 31, 2025: Valley View Mobile Home Court, 2701 and 2801 Grand Avenue and granting an extension of 30 days of the current manufactured home court licenses for East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue, to correct remaining deficiencies.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8689 AMENDING THE SALARY ORDINANCE

Council Member Clouse introduced Ordinance No. 8689 repealing Ordinance No. 8661 and amending the Salary Ordinance reflecting pay plan adjustments, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to suspend the rules for Ordinance No. 8689. 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. 8689 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 Nikkila seconded by Moore that Ordinance No. 8689 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. 8689 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.

VI. REGULAR AGENDA

PROPOSED LETTER OF RECOMMENDATION FOR ESSENTIAL AIR SERVICE CARRIER PROPOSALS

Mayor Clouse opened Regular Agenda Item 1 to Discuss Essential Air Service Carrier (EAS) proposals to service Kearney and consider Resolution No. 2024-94 authorizing the Mayor to send a Letter of Recommendation.

Brenda Jensen, City Manager, presented this matter to the Council. Ms. Jensen stated that the City's 2-year contract for Air Services with Denver Air Connection (DAC) will expire on October 31st. Accordingly, the Department of Transportation (DOT) has completed the Bid Process for Kearney's EAS; one bid was received from SkyWest Airlines. Ms. Jensen stated that the bid is to provide 12 weekly flights to Denver on a 50-seat CRJ. If the bid is approved by the DOT, the 3-year contract with SkyWest would begin November 1, 2024. There are no specific details on what time of day the flights will be provided.

Ms. Jensen expressed her gratitude for the outstanding service that DAC provided to the City of Kearney during their time here. Council Member Jonathan Nikkila stated that he would recommend DAC to other communities and lauded their services. Mayor Clouse stated that DAC did a great job of filling the City's essential air services needs. Council Member Randy Buschkoetter stated that DAC is leaving the City in great shape.

Ms. Jensen noted that flights to Chicago will not be offered at this time. However, free parking will continue to be available at the airport.

Moved by Moore seconded by Buschkoetter to approve Resolution No. 2024-94 authorizing the Mayor to send a Letter of Recommendation pertaining to the Essential Air Service Carrier proposal to service Kearney. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2024-94

WHEREAS, the existing two-year Essential Air Service (EAS) contract with Key Lime Air operating, as Denver Air Connection, expires October 31, 2024; and

WHEREAS, the Department of Transportation conducted a bid process for an air carrier to provide EAS for Kearney for the upcoming contract period; and

WHEREAS, SkyWest Airlines, operating at United Express, was the sole bidder, providing a three-year bid beginning November 1, 2024.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President and City Council of Kearney, Nebraska do hereby authorize the Mayor to submit a Letter of Recommendation to the Department of Transportation recommending they award SkyWest Airlines operating as United Express a three-year contract to provide EAS from Kearney, Nebraska to Denver, Colorado.

PASSED AND APPROVED THIS 9TH DAY OF JULY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

VII. REPORTS

Council Member Tami James-Moore stated she provided a tour of the City to former residents of Kearney and noted their comments on how much the City has changed and grown since they had left.

Mayor Clouse reminded everyone of Cruise Nite coming up next weekend.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:53 p.m. Roll call resulted as follows: Aye: Clouse, 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