

*Kearney, Nebraska
July 11, 2017
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 11, 2017 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Jennifer Rowling, Acting City Attorney; Lauren Brandt, City Clerk; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Members of the media present included: Kyle LaBoria from KGFW Radio and Mike Konz from Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

REZONING PROPERTY LOCATED SOUTH OF 34TH STREET AND WEST OF GRAND AVENUE

Mayor Clouse opened the public hearing on the Application submitted by John and Mervat Younes to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District R-2, Urban Residential Mixed-Density District property described as Lot 5, B O A 2nd Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska (south of 34th Street and west of Grand Avenue) and to consider Ordinance No. 8158.

John Younes presented this matter to the Council. He is requesting to change the zoning of the property from R-1 to R-2 as he would like to build a duplex.

Council Member Nikkila asked if there was a house currently on the lot. Mr. Younes stated that the lot is currently empty.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by John and Mervat Younes and introduced Ordinance No.8158 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. 8158. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8158 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8158 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8158 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

REZONING 1920 5TH AVENUE

Mayor Clouse opened the public hearing on the Application submitted by David & Jan Brandt to rezone from District M-1/ND-1, Limited Industrial/Pioneer Park Neighborhood Conservation Overlay District to District R-1/ND-1, Urban Residential Single-Family

(Low Density)/Pioneer Park Neighborhood Conservation Overlay District property described as Lot 5 and Lot 6, Block 15, except the West 65 feet of said Lots, West Addition to the City of Kearney, Buffalo County, Nebraska (1920 5th Avenue) and to consider Ordinance No. 8159.

David Brandt presented this matter to the Council. He is planning to build an addition onto their current home. The property is currently zoned M-1 which he was not aware of until he met with a contractor who stated the property would need to be rezoned to R-1.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by David & Jan Brandt to rezone from District M-1/ND-1, Limited Industrial/Pioneer Park Neighborhood Conservation Overlay District to District R-1/ND-1, Urban Residential Single-Family (Low Density)/Pioneer Park Neighborhood Conservation Overlay District property described as Lot 5 and Lot 6, Block 15, except the West 65 feet of said Lots, West Addition to the City of Kearney, Buffalo County, Nebraska (1920 5th Avenue) and introduced Ordinance No. 8159 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. 8159. 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, Lammers. 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. 8159 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8159 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8159 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

LAND USE MAP AMENDMENT FOR PROPERTY LOCATED SOUTH OF 11TH STREET AND EAST OF 46TH AVENUE

Public Hearings 3, 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for Steven Otto for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Neighborhood Mixed Use to Urban

Reserve property described as part of Government Lot 1, located in Fractional Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street and east of 46th Avenue) and consider Resolution No. 2017-121.

Mitch Humphrey presented this matter to the Council. The project contains old lots that are designated as government lots which are not government lots, an old road that accesses adjoining property that crosses the south edge of the current property and a spilt through the middle of the property where the floodplain delineation is located. There is a prospective buyer who would like to acquire 5.75 acres. A half an acre over and above 5.75 would be dedicated a public right-of-way along 46th Avenue and in order to get to that, the land use map would have to be amended from Neighborhood Mixed Use to Urban Reserve. Then rezone from Ag to RR-1 and hopefully gain approval of the final plat.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt Resolution No. 2017-121 approving the Application submitted by Buffalo Surveying for Steven Otto for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Neighborhood Mixed Use to Urban Reserve property described as part of Government Lot 1, located in Fractional Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street and east of 46th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2017-121

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 that part of Lot 1 described as follows: Beginning at the Northwest corner of Section 9, thence East on the North line 709.5 feet; thence South parallel with the West line of said section, 1,465.7 feet to the North bank of the North channel of the Platte River; thence in a northwesterly direction along the North bank of said Platte River to the West line of said section; thence North on the West line of said section to the place of beginning, all being in Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, EXCEPT a tract of land being part of Government Lot 1 in said Section 9, more particularly described as follows: Beginning at the Northwest corner of Government Lot 1 in said Section 9 and assuming the North line of said Government Lot 1 as bearing N 89°18'32" E and all bearings contained herein are relative thereto; thence N 89° 18'32" E on the aforesaid North line a distance of 431.0 feet; thence SOUTH a distance of 379.75 feet; thence S 89°18'32" W, parallel with the aforesaid North line a distance of 441.02 feet to a point on the West line of said Government Lot 1; thence N 01°30'40" E on the aforesaid West line a distance of 380.0 feet to the place of beginning, now known as Lot 1, Paul Otto Subdivision, a subdivision being part of Government Lot 1 in Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, containing 15.91 acres, more or less, all in Buffalo County, Nebraska from Neighborhood Mixed Use to Urban Reserve, 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 Neighborhood Mixed Use to Urban Reserve the use classification for that part of Lot 1 described as follows: Beginning at the Northwest corner of Section 9, thence East on the North line 709.5 feet; thence South parallel with the West line of said section, 1,465.7 feet to the North bank of the North channel of the Platte River; thence in a northwesterly direction along the North bank of said Platte River to the West line of said section; thence North on the West line of said section to the place of beginning, all being in Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, EXCEPT a tract of land being part of Government Lot 1 in said Section 9, more particularly described as follows: Beginning at the Northwest corner of Government Lot 1 in said Section 9 and assuming the North line of said Government Lot 1 as bearing N 89°18'32" E and all bearings contained herein are relative thereto; thence N 89° 18'32" E on the aforesaid North line a distance of 431.0 feet; thence SOUTH a distance of 379.75 feet; thence S 89°18'32" W, parallel with the aforesaid North line a distance of 441.02 feet to a point on the West line of said Government Lot 1; thence N 01°30'40" E on the aforesaid West line a distance of 380.0 feet to the place of beginning, now known as Lot 1, Paul Otto Subdivision, a subdivision being part of Government Lot 1 in Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, containing 15.91 acres, more or less, all in Buffalo County, Nebraska.

PASSED AND APPROVED THIS 11TH DAY OF JULY, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONING PROPERTY LOCATED SOUTH OF 11TH STREET AND EAST OF 46TH AVENUE

Public Hearings 3, 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for Steven Otto to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as part of Government Lot 1, located in Fractional Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street and east of 46th Avenue) and to consider Ordinance No. 8160.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Buffalo Surveying for Steven Otto and introduced Ordinance No. 8160 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. 8160. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8160 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8160 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8160 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

FINAL PLAT FOR PAUL OTTO SECOND SUBDIVISION

Public Hearings 3, 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying for Steven Otto for the Final Plat for Paul Otto Second Subdivision, a subdivision being part of Government Lot 1, located in Fractional Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street and east of 46th Avenue) and consider Resolution No. 2017-122.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2017-122 approving the Application submitted by Buffalo Surveying for Steven Otto for the Final Plat for Paul Otto Second Subdivision, a subdivision being part of Government Lot 1, located in Fractional Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street and east of 46th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2017-122

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Paul Otto Second Subdivision, a subdivision of a tract of land being part of Government Lot 1 located in Fractional Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for a tract of land being part of Government Lot 1 located in Fractional Section 9, Township 8 North,

Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of Section 8, said point also being the Northwest Corner of Government Lot 1 located in Fractional Section 9 and assuming the West line of Fractional Section 9 as bearing S 01°31'09" W and all bearings contained herein are relative there to; thence on the West line of said Fractional Section 9, S 01°31'09" W a distance of 380.0 feet to the Southwest Corner of Paul Otto Subdivision, a subdivision being part of Government Lot 1 in Section 9, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; thence continuing on the West line of said Fractional Section 9, S 01°31'09" W a distance of 643.78 feet; thence leaving the West line of said Fractional Section 9, S 66°41'39" E a distance of 322.81 feet; thence N 01°31'09" E, parallel with the West line of said Fractional Section 9, a distance of 307.00 feet; thence S 88°28'51" E a distance of 80.00 feet; thence N 01°31'09" E, parallel with the West line of said Fractional Section 9, a distance of 471.41 feet to a point on the South line of said Paul Otto Subdivision; thence on the South line of said Paul Otto Subdivision, S 89°17'22" W a distance of 380.04 feet to the place of beginning, containing 5.75 acres, more or less, all 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 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 JULY, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONING PROPERTY LYING BETWEEN 4055 WEST 56TH STREET AND 4345 WEST 56TH STREET

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

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for James Joseph Signature Homes, LLC, to rezone from District RR-1, Rural Residential District (Rural Standards) to District RR-1/PD, Rural Residential District (Rural Standards)/Planned Development Overlay District property described as a tract of land being part of the West Half of the Southwest Quarter of Section 21, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (lying between 4055 West 56th Street and 4345 West 56th Street) and to consider Ordinance No. 8161.

Trenton Snow presented this matter to the Council. This property is located on 56th Street, west of 30th Avenue almost to 46th Avenue, on the north side of the road also known as Greenhill Road. There are five lots in the subdivision which resulted in the rezoning from RR-1 to RR-1/PD due to Lots 3, 4 and 5 not meeting the City Code for setback lines. Lots 3 and 4 needed 200 feet of frontage along the setback line resulting in the deviation request. Lot 3 has about 40 feet where the variation would be whereas Lot 4 has a little over 6 feet of variation. The rear yard for Lot 5 is considered the line on

the north side because of the shape of the lot. The narrowest line fronts 56th Street so that would be considered the front of the lot even though the lot will not access 56th Street. The only access to 56th Street will be 44th Avenue Place but because of legalities, he is requesting for the reduction from 100 feet down to 50 feet which explains the PD request. The subdivision is a five lot subdivision, does meet the three acre minimum and water and septic will all be private and not connected to City services.

Mayor Clouse asked Trenton if he understood and are in agreement with the deviations listed in the resolution. Trenton stated that they agree to the setbacks as shown.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by Trenton Snow for James Joseph Signature Homes, LLC and introduced Ordinance No. 8161 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. 8161. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8161 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, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance No. 8161 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8161 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

FINAL PLAT FOR AUBURN OAKS

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

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for James Joseph Signature Homes, LLC, for the Final Plat for Auburn Oaks, a subdivision being part of the West Half of the Southwest Quarter of Section 21, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (lying between 4055 West 56th Street and 4345 West 56th Street) and consider Resolution No. 2017-123.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt Resolution No. 2017-123 approving the Application submitted by Trenton Snow for James Joseph Signature Homes, LLC, for the Final Plat for Auburn Oaks, a subdivision being part of the West Half of the Southwest Quarter of Section 21, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (lying between 4055 West 56th Street and 4345 West 56th Street). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2017-123

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Auburn Oaks, a subdivision of Buffalo County, Nebraska for a tract of land being part of the West half of the Southwest quarter of Section 21, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, being more particularly described as follows: Referring to the Southwest corner of Section 21 and assuming the South line of said Southwest quarter as bearing S 89°56'57" E and all bearings contained herein are relative thereto; thence S 89°56'57" E and on the South line of said Southwest quarter a distance of 484.0 feet to the Southeast corner of Saltzgaber Acres, a subdivision being part of the Southwest quarter of the Southwest quarter of said Section 21; thence N 00°26'30" W and parallel with the West line of the Southwest quarter and on the East line of said Saltzgaber Acres a distance of 39.37 feet to a point on the North right-of-way line of 56th Road; thence S 89°56'57" E on the North right-of-way line of 56th Road and parallel with the South line of said Southwest quarter a distance of 60.0 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 89°56'57" E on the aforesaid North right-of-way line and parallel with the South line of said Southwest quarter a distance of 349.57 feet; thence continuing on the aforesaid North right-of-way line N 85°52'21" E a distance of 328.95 feet to a point 63.34 feet Northerly of as measured at right angles from the South lines of said Southwest quarter; thence continuing on the aforesaid North right-of-way line S 89°56'57" E and parallel with the South line of said Southwest quarter a distance of 101.64 feet, more or less, to a point on the East line of the West half of the Southwest quarter of said Section 21, said point also being 63.34 feet from the Southeast corner of the West half of the Southwest quarter of said Section 21; thence leaving said North right-of-way line N 00°25'05" E and on the East line of the West half of the Southwest quarter a distance of 1019.13 feet; thence N 83°23'18" W a distance of 776.37 feet; thence S 00°26'30" E and 60.0 feet Easterly of as measured at right angles from the East line of said Saltzgaber Acres a distance of 1131.77 feet to the place of beginning, all 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 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 JULY, 2017.

ATTEST:

STANLEY A. CLOUSE

LAUREN BRANDT
CITY CLERK

PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

DEVELOPMENT PLANS FOR PROPERTY LYING BETWEEN 4055 WEST 56TH STREET AND 4345 WEST 56TH STREET

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

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for James Joseph Signature Homes, LLC, for the Planned District Development Plan Approval for construction of a subdivision on property to be zoned RR-1/PD, Rural Residential District (Rural Standards)/Planned Development Overlay District and described as a tract of land being part of the West Half of the Southwest Quarter of Section 21, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (lying between 4055 West 56th Street and 4345 West 56th Street) and consider Resolution No. 2017-124.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt Resolution No. 2017-124 approving the Application submitted by Trenton Snow for James Joseph Signature Homes, LLC, for the Planned District Development Plan Approval for construction of a subdivision on property to be zoned RR-1/PD, Rural Residential District (Rural Standards)/Planned Development Overlay District and described as a tract of land being part of the West Half of the Southwest Quarter of Section 21, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (lying between 4055 West 56th Street and 4345 West 56th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2017-124

WHEREAS, Trenton Snow for James Joseph Signature Homes, LLC, have applied for Planned District Development Plan Approval for the construction of a subdivision on property to be zoned District RR-1/PD, Rural Residential District (Rural Standards)/Planned Development Overlay District and described as a tract of land being part of the West half of the Southwest quarter of Section 21, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, being more particularly described as follows: Referring to the Southwest corner of Section 21 and assuming the South line of said Southwest quarter as bearing S 89°56'57" E and all bearings contained herein are relative thereto; thence S 89°56'57" E and on the South line of said Southwest quarter a distance of 484.0 feet to the Southeast corner of Saltzgaber Acres, a subdivision being part of the Southwest quarter of the Southwest quarter of said Section 21; thence N 00°26'30" W and parallel with the West line of the Southwest quarter and on the East line of said Saltzgaber Acres a distance of 39.37 feet to a point on the North right-of-way line of 56th Road; thence S 89°56'57" E on the North right-of-way line of 56th Road and parallel with the South line of said Southwest quarter a distance of 60.0 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 89°56'57" E on the aforesaid North right-of-way line and parallel with the South line of said Southwest quarter a distance of 349.57 feet; thence continuing on the aforesaid

North right-of-way line N 85°52'21" E a distance of 328.95 feet to a point 63.34 feet Northerly of as measured at right angles from the South lines of said Southwest quarter; thence continuing on the aforesaid North right-of-way line S 89°56'57" E and parallel with the South line of said Southwest quarter a distance of 101.64 feet, more or less, to a point on the East line of the West half of the Southwest quarter of said Section 21, said point also being 63.34 feet from the Southeast corner of the West half of the Southwest quarter of said Section 21; thence leaving said North right-of-way line N 00°25'05" E and on the East line of the West half of the Southwest quarter a distance of 1019.13 feet; thence N 83°23'18" W a distance of 776.37 feet; thence S 00°26'30" E and 60.0 feet Easterly of as measured at right angles from the East line of said Saltzgaber Acres a distance of 1131.77 feet to the place of beginning, all in Buffalo County, Nebraska (lying between 4055 West 56th Street and 4345 West 56th Street).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Trenton Snow for James Joseph Signature Homes, LLC for Planned District Development Plan Approval for the construction of a subdivision on property zoned District RR-1/PD, Rural Residential District (Rural Standards)/Planned Development Overlay District and described as a tract of land being part of the West half of the Southwest quarter of Section 21, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, being more particularly described as follows: Referring to the Southwest corner of Section 21 and assuming the South line of said Southwest quarter as bearing S 89°56'57" E and all bearings contained herein are relative thereto; thence S 89°56'57" E and on the South line of said Southwest quarter a distance of 484.0 feet to the Southeast corner of Saltzgaber Acres, a subdivision being part of the Southwest quarter of the Southwest quarter of said Section 21; thence N 00°26'30" W and parallel with the West line of the Southwest quarter and on the East line of said Saltzgaber Acres a distance of 39.37 feet to a point on the North right-of-way line of 56th Road; thence S 89°56'57" E on the North right-of-way line of 56th Road and parallel with the South line of said Southwest quarter a distance of 60.0 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 89°56'57" E on the aforesaid North right-of-way line and parallel with the South line of said Southwest quarter a distance of 349.57 feet; thence continuing on the aforesaid North right-of-way line N 85°52'21" E a distance of 328.95 feet to a point 63.34 feet Northerly of as measured at right angles from the South lines of said Southwest quarter; thence continuing on the aforesaid North right-of-way line S 89°56'57" E and parallel with the South line of said Southwest quarter a distance of 101.64 feet, more or less, to a point on the East line of the West half of the Southwest quarter of said Section 21, said point also being 63.34 feet from the Southeast corner of the West half of the Southwest quarter of said Section 21; thence leaving said North right-of-way line N 00°25'05" E and on the East line of the West half of the Southwest quarter a distance of 1019.13 feet; thence N 83°23'18" W a distance of 776.37 feet; thence S 00°26'30" E and 60.0 feet Easterly of as measured at right angles from the East line of said Saltzgaber Acres a distance of 1131.77 feet to the place of beginning, all in Buffalo County, Nebraska (lying between 4055 West 56th Street and 4345 West 56th Street) be approved subject to the following deviations:

1. Lot width for Lot 3 to be 158.9 feet; a deviation of 41.1 feet;
2. Lot width for Lot 4 to be 193.8 feet; a deviation of 6.2 feet; and
3. Rear yard setback for Lot 5 to be 50 feet; a deviation of 50 feet.

PASSED AND APPROVED THIS 11TH DAY OF JULY, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

VACATION OF TRACT 3, SHREVE'S SUBDIVISION AND THE FINAL PLAT FOR LAKELAND HEIGHTS

Public Hearings 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Applications submitted by Trenton Snow for Godwin Properties L.L.C. for property described as a tract of land being Tract 3 (to be vacated) of Shreve's Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska (195 and 215 Avenue M) for (1) the vacation of Tract 3, Shreve's Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8162; and (2) the Final Plat for Lakeland Heights and consider Resolution No. 2017-125.

Trenton Snow presented this matter to the Council. This project involves two separate issues. The first being the platting of the two lots and the second includes the rezoning does not include those two lots but rather the property to the east. There are currently two separate houses. The first house to the north originally included in a meets and bounds legal description over Tract 3, Shreve's Subdivision and all of the land to the east will be rezoned. Three different parcels will be created. Two of the parcels are less than 10 acres which required appearance before Council for a subdivision and the third parcel needs to be rezoned since it is less than 20 acres. In order for a home to be built on the parcel, it must be rezoned from Agricultural. Lot 1 will contain 2.02 acres, lot 2 will contain 1.20 and both currently have houses on the property which will remain. A 60-foot wide second street will be created so that the property to the east that is being rezoned will be accessed. All of the houses do fall within the setbacks.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Applications submitted by Trenton Snow for Godwin Properties L.L.C. and introduced Ordinance No. 8162 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. 8162. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8162 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8162 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8162 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Clouse seconded by Lammers to adopt Resolution No. 2017-125 approving the Final Plat for Lakeland Heights. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2017-125

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Lakeland Heights, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of Tract 3 (now vacated) of Shreve's Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska, and any accretions thereto, said tract being part of Government Lot 10 and accretions thereto in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and all more particularly described as follows: Referring to the Southwest Corner of the Southwest Quarter of said Section 7 and assuming the West line of said Southwest Quarter as bearing N 00°12'40" W and all bearings contained herein are relative thereto; thence N 00°12'40" W on the aforesaid West line a distance of 1286.3 feet; thence N 89°56'53" E a distance of 33.0 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 89°56'53" E a distance of 417.3 feet to a point on the west line of Lot 2, Wamsley Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 00°07'45" W on the west line of said Lot 2 (if extended) a distance of 219.4 feet; thence S 89°44'25" W a distance of 124.0 feet; thence S 00°12'40" E, parallel with the West line of said Southwest 1/4 a distance of 250.0 feet; thence S 89°44'25" W a distance of 292.0 feet to a point 33.0 feet easterly of, as measured at right angles to, the aforesaid West line; thence N 00°12'40" W parallel with and 33.0 feet easterly of the aforesaid West line a distance of 470.9 feet to the place of beginning, all 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 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 JULY, 2017.

ATTEST:
LAUREN BRANDT

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL

CITY CLERK

AND EX-OFFICIO MAYOR

REZONING PROPERTY LOCATED EAST OF 195 AND 215 AVENUE M

Public Hearings 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for Godwin Properties L.L.C., to rezone District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as part of Lot 3 and part of Tracts 2 and 3, Shreve's Subdivision, located in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (east of 195 and 215 Avenue M) and to consider Ordinance No. 8163.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Trenton Snow for Godwin Properties L.L.C. and introduced Ordinance No. 8163 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. 8163. 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, Lammers. 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. 8163 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, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8163 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8163 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

AMENDMENTS TO CITY CODE

Mayor Clouse opened the public hearing on the proposed amendments to the following chapters/sections of the City Code as follows: (a) Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" "Agricultural and Residential Types" to allow Animal Production in "District RR-1, Rural Residential District (Rural Standards)" and "District RR-2, Rural Residential District (Intermediate Standards)" as allowed by Section 46-102.B; (b) Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" "Civic

Use Types” to allow Day Care Home Services (Limited) as a permitted use in “District C-O, Office District” and “District CBD, Kearney Center Mixed Use District”; to allow Day Care Home Services (General) as a permitted use in “District C-O, Office District”, “District C-1, Limited Commercial District”, “District C-2, Community Commercial District”, “District CBD, Kearney Center Mixed Use District”, “District C-3, General Commercial District”, “District BP, Business Park District”; to allow Day Care Centers as a permitted use in “District C-O, Office District”, “District C-1, Limited Commercial District”, “District C-2, Community Commercial District”, “District C-3, General Commercial District”, “District BP, Business Park District” and to add Supplemental Regulations 46-104.C to Day Care Home Services (Limited), Day Care Home Services (General) and Day Care Centers; (c) Section 16-102 “Site Development Regulations” of Chapter 16 “District RR-1, Rural Residential District (Rural Standards)” to reduce the rear yard setback requirements from 100 feet to 50 feet; (d) Section 18-102 “Site Development Regulations” of Chapter 18 “District RR-2, Rural Residential District (Intermediate Standards)” to reduce the minimum depth of landscaping adjacent to the street right-of-way line (feet) from 50 feet to 40 feet to be consistent with front yard setbacks; (e) Section 19-102 “Site Development Regulations” of Chapter 19 “District R-1, Urban Residential Single-Family District (Low Density)” to add a note identifying Supplemental Regulation 47-104.E for rear yard setbacks for irregular lots; (f) Section 30-102 “Site Development Regulations” of Chapter 30 “District BP, Business Park District” to delete “minimum depth of landscaping adjacent to street right-of-way line (feet) and add language “minimum off-set of building for every 100 feet of horizontal distance for building articulation to correct misprint”; (g) Section 46-102 “Supplemental Use Regulations; Agricultural Uses”, Subparagraph B, “Keeping Animals in Residential Zoning Districts” of Chapter 46 “Supplemental Use Regulations” to delete the following language: “provided that any building housing such animals shall be at least 50 feet from any property line and 25 feet from any dwelling unit on the site” and “no barn or stable shall be located closer than 50 feet to any dwelling unit on the site or 50 feet from any property line, or 25 feet from any dwelling unit on the site to remove conflicting accessory building setbacks”; (h) Section 46-104 “Supplemental Use Regulations; Civic Uses”, Subparagraph C, “Day Care Homes Services and Day Care Centers” of Chapter 46 “Supplemental Use Regulations” to delete the language pertaining to item number 2 and item number 3 regarding “Day Care Home Services (General)” and “Day Care Centers” to remove conflicting parking requirements and identify section with parking requirements; (i) Section 47-105 “Accessory Buildings” of Chapter 47 “Supplemental Development Regulations” as it pertains to setbacks and general requirements for building construction in “District RR-1, Rural Residential District (Rural Standards)” and “District RR-2, Rural Residential District (Intermediate Standards)”; and (j) Section 49-103 “Schedule of Off-Street Parking Requirements” of Chapter 49 “Off-Street Parking” to amend Table 49-1: Minimum Off-Street Parking Requirements deleting language pertaining to “Day Care Services”, adding language pertaining to Day Care Home Services (Limited and General) requiring 2 off-street parking spaces and adding language pertaining to “Day Care Centers” to require 1 parking space per 300 square feet of building and to consider Ordinance No. 8164.

Assistant City Manager, Paul Briseno presented this matter to the Council. There are three main areas to this recommendation. The first area is mainly housekeeping as there was a lot of duplication found in City Code and include Sections 30-102 and 19-102. The two main areas of discussion involve day cares. The first item is to allow day

care centers within commercial areas as permitted. Currently, they are required as a conditional use permit. There have not been any issues with these centers in the past and the thought is to make them allowable within a commercial area as long as they have met the requirements of City Code. The other items noted within day care are parking conflicts. Within residential allowable day cares, staff wanted to note that two off-street parking that can be met by a two car garage and the parking pad in front of a home. However for centers, the City was requiring parking based on how many children which is hard to regulate. Staff conducted an analysis of peer cities and is now recommending one parking stall for every 300 square feet.

The other item involves RR-1 and RR-2 adjustments specifically involving setbacks. A number of items involving setbacks have appeared before the Board of Adjustment over the past few years (8 total). These changes would allow the relaxation of setbacks so that property owners could fully utilize their sites. Specifically with RR-1, the rear yard setbacks adjust from 100 feet down to 50 feet. For RR-1 and RR-2 accessory buildings, the side yard setback adjusted from 25 feet down to 15 feet and rear yard setback from 50 feet down to 25 feet. In addition, allowing buildings to comply with the regulations to be built immediately on the site. Previously, accessory buildings could not be built before the primary building so this change takes out that language and allows staff to work with the property owners.

Council Member Nikkila for clarification on the parking spot requirements for day cares. Assistant City Manager stated that the two spot parking requirements was for residential day care providers and the 300 square feet for one parking stall is for commercial day cares.

Assistant City Manager stated that as long as property owners meet the use requirement, they can build the accessory building before the primary building. Council Member Nikkila appreciates staff looking into a solution for this issue.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the proposed amendments and introduced Ordinance No. 8164 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. 8164. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8164 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8164 be passed,

approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8164 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ADOPTION OF THE KEARNEY HOUSING STUDY

Mayor Clouse opened the public hearing on the Adoption of the Kearney Housing Study as part of the Kearney Comprehensive Plan and consider Resolution No. 2017-126.

Assistant City Manager Paul Briseno presented this matter to the Council. The housing study was a nine month process that included a steering committee comprised of nine members including members of CRA, Planning Commission, schools and other key members of the community. There were approximately 1,600 participants who completed the questionnaire. There were also about 125 people who participated in the on-site workshops to try and understand housing and how it impacts our community.

The consultant outlined trends, demographics, construction redevelopment that currently exist and provided projections moving forward. The consultant anticipates roughly about 200 units are required moving forward which is currently met. There were a lot of misconceptions that were clarified within this report. One of the misconceptions was that Kearney has expensive housing. Staff asked that the consultants examine this thoroughly and understand with data, is this statement true or is it a misconception. Kearney's housing stock is about 1980's whereas Grand Island and Hastings are about 1960's. Citizens are getting a better value for their dollar in Kearney. Importantly, if you take out the students that truly impact the analysis, Kearney is right there with peer communities. There is a lot of varying data that needs to be examined before making the blanket statement that Kearney housing is more expensive.

The consultant recommended mobility through a variety of housing stock including possibly targeting retirees looking to downsize which would allow for more space and mobility for younger families to move into those types of homes or with the current, existing housing market, young families finding opportunities in those existing neighborhoods where they can renovate a house and make it their own. Staff is seeing a lot of this occurring which is nice as it reinvigorates the older neighborhoods. The study mentioned a number of assets within our community and the consultant noted how important it is to have the community build around those existing assets such as parks and streets. In this morning's budget meeting, it was stated that for a home valued at \$180,000, the City will receive approximately \$200 a year. So it is important to understand the impact of growing homes in our community to our operations and infrastructure moving forward. If the housing study is approved, it will become part of the Comprehensive Plan.

Council Member Nikkila stated that he appreciated the data. Some strategic plans can be unrealistic but this plan seems to be in the middle. The recommendations were feasible to consider and possible options moving forward. Council Member Lammers

stated that it was unique to see the growth in Kearney over the past five years has been around 13% which is a significant growth in spite of having supposed high value homes. When people buy more expensive homes, this frees up other homes in our community that are not as expensive.

Council Member Nikkila asked what is the next step on following up with the study. Assistant City Manager stated that it is multi-faceted. The City Manager has directed staff to examine existing policies and work with other community agencies that work on housing to see where there are additional opportunities.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt Resolution No. 2017-126 approving the adoption of the Kearney Housing Study as part of the Kearney Comprehensive Plan. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2017-126

WHEREAS, Planning Commission authorized RDG Consulting to perform a housing study for the City of Kearney in October 2016; and

WHEREAS, the housing study's steering committee was comprised of representatives from Planning Commission, Kearney Schools, University of Nebraska – Kearney, Community Redevelopment Authority, and Kearney Economic Development who met six times to provide input and guide the study; and

WHEREAS, the housing study engaged over 1,600 individuals with a perception survey and discussed housing issues during face to face meetings with eight different stakeholder groups consisting of 120-plus participants; and

WHEREAS, historical trends, population, demographics, economy, and the conditions of the housing market were looked at to understand the current housing situation; and

WHEREAS, the primary issues and opportunities uncovered through public engagement, the market analysis, and neighborhood inventory were summarized and strategic housing goals were developed; and

WHEREAS, the housing study concluded with establishing a path forward for support of possible programs to meet Kearney's current and future housing needs; and

WHEREAS, Planning Commission recommended the Kearney Housing Study be adopted as an amendment to the 2016 Kearney Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Kearney Housing Study be adopted as an amendment to the 2016 Kearney Comprehensive Plan is hereby accepted and approved. The Housing Study, marked as Exhibit 1 is attached hereto and made a part hereof.

PASSED AND APPROVED THIS 11TH DAY OF JULY, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated the Consent Agenda was amended on Monday, July 10, 2017 by adding Subsection 8.

Moved by Lammers seconded by Nikkila that Subsections 1 through 8 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held June 27, 2017.

2. Approve the following Claims:

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

Acushnet \$1,182.20 smcs; Alfred Benesch \$20,676.24 co; Amazon \$3,605.36 smcs; American First Aid \$59.65 smcs; Andersen,J \$70.31 smcs; Anderson Bros \$1,288.09 smcs; Anderson,B \$91.80 smcs; Ask Supply \$1,182.46 smcs; Aspen Black Productions \$700.00 smcs; Athey,M \$8.22 smcs; Baker & Taylor \$816.27 smcs; Bamford \$74.52 smcs; Barney Abstract \$350,581.25 co; Bells Construction \$1,140.00 co; Berglund,E \$4,482.08 smcs; Blackstone Audio \$361.96 smcs; Blessing \$518,252.14 co; Blue26 Security \$25.00 smcs; BlueCross/BlueShield \$159,771.37 smcs; Borrego,G \$790.50 co; Bosselman \$16,138.11 smcs; Brooks,B \$32.41 smcs; Bruha,S \$360.00 smcs; Buffalo Co \$3,520.00 smcs; Buffalo Co Treasurer \$15.00 co; Builders \$590.79 smcs,co; Burgos,B \$500.00 smcs; Butterfield Alpaca Ranch \$60.00 smcs; Capital Business \$163.53 smcs; Cash Wa \$5,259.38 smcs; Center Point Publishing \$74.01 smcs; Central Contracting \$3,000.00 smcs; Central Hydraulic \$1,170.28 smcs; Charter \$61.92 smcs; Chesterman \$295.60 smcs; Chief Supply \$61.96 smcs; Cigna \$8,783.05 smcs; City of Ky \$543,719.24 smcs,ps; Clinebell,J \$140.00 smcs; Community Health Charities \$9.00 ps; Copycat \$2,967.75 smcs; Cornhusker Cleaning \$433.67 smcs; Crane River Theater \$1,252.50 smcs; Creighton University \$150.00 smcs; Cummins \$32,000.00 co; D&M Security \$70.50 smcs; D&D Industries \$102.00 smcs; DAS State Accounting \$5,941.52 smcs; Dawson Public Power \$28,792.01 smcs; Depository Trust \$274,580.00 ds; Deterding's Alternatives \$1,632.00 smcs; Dish \$207.06 smcs; Double L Enterprises \$238.91 smcs; DPC Industries \$13,095.85 smcs; Duffy,P \$215.00 smcs; Dutton-Lainson \$410.44 smcs,co; Eagle Distributing \$1,042.50 smcs; Eakes \$96.93 smcs; Evers,B \$495.00 smcs; Express Distribution \$110.00 smcs; Felsburg Holt & Ullevig \$1,512.50 smcs; Fiddelke \$120.00 smcs; Fines,S \$7.73 smcs; Fireguard \$793.42 smcs; Fisher,B \$30.00 smcs; Freeman,S \$26.00 smcs; Frontier \$9,652.64 smcs; Fruit,T \$42.88 smcs; Fyr-Tek \$1,037.60 smcs; Glantz,K \$131.49 smcs; Halvorson,L \$500.00 smcs; Havranek,K \$5.85 smcs; HD Supply \$51,346.12 smcs,co; HM Life Insurance \$40,944.74 smcs; HOA Solutions \$712.50 smcs; Hoehner Turf \$205.03 smcs; Hometown Leasing \$423.12 smcs; ICMA \$38,548.10 ps; Insperity Business \$2,268.00 smcs; IRS \$174,644.59 ps; Jack's Uniforms \$6,239.27 smcs; James,D \$90.00 smcs; JCB Delivery \$21.75 smcs; JCI Industries \$5,353.00 smcs; Johnson Bros \$283.24 smcs; Johnson Hardware \$553.00 smcs; Jones Automotive \$1,123.50 smcs; Jump-A-

Roo \$1,000.00 smcs; Ky Area United Way \$977.85 ps; Ky Concrete \$98.00 smcs; Ky Hub \$238.60 smcs; Konica Minolta \$323.63 smcs; Kowalek,G \$150.12 smcs; Magic Cleaning \$5,490.00 smcs; Malone,D \$116.85 co; Matheson \$35.96 smcs; Mead Lumber \$194.96 co; Menards \$346.38 smcs,co; Metro Forms \$2,573.00 smcs; Mid-NE Garage Doors \$250.00 smcs; Midwest Breathing \$147.83 smcs; Midwest Connect \$6,738.14 smcs; Midwest Storage Solutions \$2,216.07 smcs; Miller & Associates \$11,350.00 smcs; Municipal Supply \$5,707.71 smcs; NE Child Support \$1,766.36 ps; NE Dept. of Revenue \$71,688.90 ps; NE Games & Parks \$10,000.00 co; NE Library Commission \$7,136.00 smcs; NE Public Health \$247.00 smcs; NE Safety & Fire \$190.00 smcs; NE Salt & Grain \$4,835.76 smcs; Nebraskaland Distributors \$2,584.50 smcs; Newsbank \$1,258.40 smcs; Northwestern Energy \$1,723.32 smcs; Nova Fitness \$340.00 ps; Olsson Associates \$21,353.27 co; O'Rourke,G \$57.12 smcs; Paramount \$105.33 smcs; Payflex \$552.50 ps; Penguin Random House \$56.25 smcs; Penworthy \$175.54 smcs; Pep Co. \$86.34 smcs; Ping \$709.35 smcs; Platte Valley Comm. \$75.00 smcs; Platte Valley Laboratories \$62.50 smcs; Prascher,L \$31.00 smcs; Presto-X \$119.00 smcs; Progressive Electric \$103.59 smcs; Pulliam,R \$40.00 smcs; Recek,D \$46.92 smcs; Recorded Books \$252.67 smcs; Red Willow Co. \$1,075.00 smcs; Resource Management \$575.04 smcs; Rheome Tree \$1,210.00 smcs; Rich,T \$50.00 smcs; S&S Striping \$1,347.32 smcs; Sampson Construction \$95,614.00 co; Schmidt,B \$100.00 smcs; School District #7 \$463.85 smcs; Schram-Bodey,C \$425.00 smcs; Sertage SRC Finance \$436.80 smcs; Sign Center \$408.00 smcs; Small,J \$32.70 smcs; Solko,K \$4.22 smcs; SOS Portable Toilets \$70.00 smcs; State Fire Marshal Training \$650.00 smcs,ps; Suburban Fire Protection \$112.50 ps; Suchsland,T \$23.30 smcs; Superior \$5,456.61 smcs; Supplyworks \$538.06 smcs; Tacha,J \$50.00 smcs; Takei,S \$16.16 smcs; Theis,J \$80.00 smcs; Theron Milo \$350.00 smcs; Thompson,J \$50.19 smcs; Tielke's \$54.39 smcs; Trade Well Pallet \$1,960.00 smcs; Tye Law Firm \$13,171.72 smcs; Union Bank & Trust \$73,741.42 ps; USA Communications \$155.95 smcs; Van Diet Supply Co \$520.50 smcs; Verizon \$1,600.42 smcs; Village Uniform \$326.96 smcs; Wasteworks \$650.00 smcs; Yant Equipment \$277.32 smcs; Payroll Ending 06/24/17 -- \$505,539.59. 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 applications for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to dispense alcoholic liquor as follows:

- a) Inside The Archway located at 3060 East 1st Street on Saturday, July 29, 2017 from 3:00 p.m. until 1:00 a.m. for business event;
- b) Inside the Rustic Patch located at 2110 Central Avenue on Wednesday, August 2, 2017 from 4:00 p.m. to 10:00 p.m. for a business after hours event; and
- c) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, August 5, 2017 from 11:00 a.m. until 10:00 p.m. for a family reunion.

4. Approve the recommendation from the Development Services Division on the annual renewal for manufactured home court licenses to East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue and L & M Mobile Home Park, 1110 Central Avenue until May 31, 2018.

5. Approve the application to extend Conditional Use Permit No. 2013-03 submitted by Shannon Schmidt to locate a day care facility at 506 East 26th Street for a period of two years.

6. Adopt Resolution No. 2017-127 accepting the public improvements consisting of a water main constructed under a Developer Constructed Infrastructure Agreement for Lot 2, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2017-127

WHEREAS, on the 26th day of June, 2016 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2016-119 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Sun Development Co. to construct the public improvements for water for Lot 2, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for water to serve the property described as Lot 2, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 11TH DAY OF JULY, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2017-128 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Lots 3, 4, 5, 6, 7 of Block One; Lot 1 of Block Two; Lots 1 and 14 of Block Three; and Lot 1 of Block Four, Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2017-128

WHEREAS, on the 23rd day of February, 2016 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2016-38 authorizing the President of the Council to execute the Developer Constructed Infrastructure

Agreement between the City of Kearney and Camron Inc., to construct the public improvements for paving, water, sanitary sewer, and storm sewer for Lots 3, 4, 5, 6, 7 of Block One; Lot 1 of Block Two; Lots 1 and 14 of Block Three; and Lot 1 of Block Four, Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for paving, water, sanitary sewer, and storm sewer to serve the property described as Lots 3, 4, 5, 6, 7 of Block One; Lot 1 of Block Two; Lots 1 and 14 of Block Three; and Lot 1 of Block Four, Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 11TH DAY OF JULY, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. ADDENDUM ITEM. Adopt Resolution No. 2017-129 approving the request for a 30-day extension for the filing of the final plat and subdivision agreement for Millennial Estates Addition submitted by Olsson Associates.

RESOLUTION NO. 2017-129

WHEREAS, the City Council passed and approved Resolution No. 2017-49 on April 11, 2017 approving the final plat and subdivision agreement for Millennial Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska which was to be filed with the Buffalo County Register of Deeds no later than July 11, 2017;

WHEREAS, on July 10, 2017, the City of Kearney received a written request from Olsson Associates requesting a 30-day extension for the filing of the final plat and subdivision agreement for Millennial Estates Addition.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the 30-day extension for the filing of the final plat and subdivision agreement for Millennial Estates Addition is hereby accepted and approved. The Request for Extension, marked as Exhibit 'A', is hereby attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF JULY, 2017.

ATTEST:
LAUREN BRANDT

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL

CITY CLERK

AND EX-OFFICIO MAYOR

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

None.

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Lear that the Open Account Claim in the amount of \$85,832.19 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Lear, Nikkila,. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council Member Nikkila thanked Scott Hayden and the Park and Recreation Department for their efforts on providing Community Olympics. He also thanked the Utilities Department for providing more access to an additional recycling bin. He is excited to see the data backs up whether the extra bin is beneficial.

Council Member Lammers wished everyone a happy and safe Cruise Nite week. Council Member Buschkoetter also thanked the Cruise Nite volunteers and the law enforcement for all of their efforts to make this a positive event.

CLOSED SESSION

Moved by Lear seconded by Buschkoetter that Council adjourn into closed session at 6:03 p.m. for the protection of the public interest to discuss real estate matters. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss real estate matters. According to law, the Council has the option to reconvene back into open session and may take any formal action it deems appropriate.

Moved by Buschkoetter seconded by Lear that Council reconvene in regular session at 6:21 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 6:21 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear,. Nay: None.

Motion carried.

ATTEST:

**LAUREN BRANDT
CITY CLERK**

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