

*Kearney, Nebraska
December 12, 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 Tuesday, December 12, 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; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Director of Utilities; Andy Harter, Assistant Director of Public Works; Dan Lynch, Chief of Police; Jason Whalen, Fire Administrator, and Shawna Erbsen, Administrative Services Director were also present. Members of the media present included: Kyle LaBoria from KGFW and Mike Konz from the 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

Pastor John Watson provided the Invocation.

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.

RECOGNITION – KEARNEY VOLUNTEER FIRE DEPARTMENT FIREFIGHTER COURSE I

Mayor Clouse and Council Members recognized volunteer firefighters Josiah Gillming, Kevin Kalkowski, Bill Schaffnitt and Kyle Smith for completing the Firefighter I Course. Fire Chief Jim Tacha presented each with a plaque.

RECOGNITION – KEARNEY VOLUNTEER FIRE DEPARTMENT SERVICE AWARDS

Mayor Clouse and Council Members recognized the following volunteer firefighters: Delbert Bickford Jr., Jeremy Feusner, Anthony Hill, Kasey Potter, Robin Reeder, Dan Tenorio, Kortni Thompson and Eric VanHorn for 5 years of service; Shawn Munster and Terry Seals for 15 years of service; Terry Eirich for 30 years of service; and Gene Beerbohm and Jim Downing for 40 years of service. Fire Chief Jim Tacha presented each with Service Awards.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS**AMENDMENT TO LAND USE MAP FOR PROPERTY LOCATED AT 2314 AVENUE H**

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

Mayor Clouse opened the public hearing on the Application submitted by S & J Rentals, Inc. dba S & J Construction for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential to Office/Comm. Retail Mixed Uses property described as the North Half of Lot 8, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (2314 Avenue H) and consider Resolution No. 2017-201.

Jim Liljehorn of S & J Construction presented this matter to the Council. He stated S & J Rentals owns the property at 2400 Avenue H, which has been a shop and meeting place for roughly 27 years. He has been in business in Kearney for 38 years. S & J Rentals outgrew their space and are requesting a warehouse building that would house construction projects business.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt Resolution No. 2017-201 approving the Application submitted by S & J Rentals, Inc. dba S & J Construction for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential to Office/Comm. Retail Mixed Uses property described as the North Half of Lot 8, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (2314 Avenue H). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2017-201

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 the North Half of Lot 8, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska from Medium Density Residential to

Office/Comm. Retail Mixed Uses; 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/Comm. Retail Mixed Uses the use classification for the North Half of Lot 8, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONE PROPERTY LOCATED AT 2314 AVENUE H

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

Mayor Clouse opened the public hearing on the Application submitted by S & J Rentals, Inc. dba S & J Construction to rezone from District R-3, Urban Residential Multi-Family District (Medium Density) to District C-3, General Commercial District property described as the North Half of Lot 8, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (2314 Avenue H) and consider Ordinance No. 8199.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Application submitted by S & J Rentals, Inc. dba S & J Construction to rezone from District R-3, Urban Residential Multi-Family District (Medium Density) to District C-3, General Commercial District property described as the North Half of Lot 8, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska (2314 Avenue H) and introduced Ordinance No. 8199 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8199. 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. 8199 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 Lear seconded by Buschkoetter that Ordinance No. 8199 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. 8199 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.

DEVELOPMENT OF PROPERTY LOCATED WEST OF 17TH AVENUE AND SOUTH OF 54TH STREET

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

Mayor Clouse opened the public hearing on the Applications submitted by Buffalo Surveying Corporation for NP Land Development, Inc. to (1) vacate Lot 1, Block Two, Northridge Retirement Subdivision and consider Ordinance No. 8200; and (2) to rezone from District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and District R-1, Urban Residential Single-Family District (Low Density) property described as a tract of land being part of Lot 1, Block Two, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street) and consider Ordinance No. 8201.

Mitch Humphrey presented this matter to the Council. The site is located to the south of the Northridge Retirement Development which is located at the intersection of 17th Avenue and 54th Street (the east/west street) and there is a vacant piece of property to the south of the area which contains 8.86 acres. The zoning for the property is R-3/PD with single family residential located to the south known as Castle Ridge Development.

NP Land Development would like to develop the site into single family residential housing located a distance away from the intersection of 54th Street and 17th Avenue. The portion of the site that is going to be zoned to Single Family R-1 would contain a total of 5.89 acres leaving 2.97 acres as R-3/PD. NP Land Development needs to vacate the large lot so they can come back with a preliminary plat which has been approved by the Planning Commission and City staff has reviewed.

From 17th Avenue, there is 960 feet of frontage along 54th Street and NP Land Development would like to be sure that they can develop the lots with a little bit longer length of street. The developer is going to connect 54th Street to 19th Avenue in the future so a neighborhood can be created. The land use map needs to be amended from Medium Density Residential to Low Density Residential to accommodate the single family housing units that will be developed.

Council Member Bushkoetter asked if Lot 1 will be hard to develop with the 20 foot drop

from one corner to the other. Mr. Humphrey stated fortunately with the development, the dirt balances out well on the lot. The developer needs to create the detention cell on the southeast corner so the drop will not be a real problem.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by Application submitted by Buffalo Surveying Corporation for NP Land Development, Inc. to (1) vacate Lot 1, Block Two, Northridge Retirement Subdivision and consider Ordinance No. 8200; and (2) to rezone from District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and District R-1, Urban Residential Single-Family District (Low Density) property described as a tract of land being part of Lot 1, Block Two, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street) and introduced Ordinance Nos. 8200 and 8201 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8200 and 8201. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 8200 and 8201 by number. Roll call of those in favor of the passage of said ordinances on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Lammers that Ordinance Nos. 8200 and 8201 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 Nos. 8200 and 8201 were 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.

AMENDMENT TO LAND USE MAP FOR PROPERTY LOCATED WEST OF 17TH AVENUE AND SOUTH OF 54TH STREET

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 Corporation for NP Land Development, Inc. for an amendment to the Land

Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential to Low Density Residential property described as a tract of land being part of Lot 1, Block Two, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street) and consider Resolution No. 2017-202.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt Resolution No. 2017-202 approving the Application submitted by Buffalo Surveying Corporation for NP Land Development, Inc. for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Medium Density Residential to Low Density Residential property described as a tract of land being part of Lot 1, Block Two, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2017-202

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being part of Lot 1, Block Two, now vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section Twenty-seven, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, now an addition to the City of Kearney, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Northeast Quarter of Section 27 and assuming the East line of the Northeast Quarter of said Section 27 as bearing SOUTH and all bearings contained herein are relative thereto; thence on the East line of the Northeast Quarter, SOUTH a distance of 1437.56 feet to the Southeast Corner of said Northridge Retirement Subdivision, said point also being the Northeast Corner of Castle Ridge Fifth, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving the East line of the Northeast Quarter of said Section 27 on the line common to the South line of said Northridge Retirement Subdivision and the North line of said Castle Ridge Fifth, S 89°06'05" W a distance of 50.0 feet to the ACTUAL PLACE OF BEGINNING, said point being the Southeast Corner of said Lot 1, Block Two, Northridge Retirement Subdivision, and said point also being the Northeast Corner of Lot 13, Block One of said Castle Ridge Fifth; thence on the line common to said Lot 1, Block Two, Northridge Retirement Subdivision and said Lot 1, Block Two, Castle Ridge Fifth, S 89°06'05" W a distance of 252.00 feet to the Northwest Corner of said Lot 13, Block One, Castle Ridge Fifth, said point also being the Northeast Corner of Lot 7, Castle Ridge Sixth, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing on the South line of said Lot 1, Block Two, Northridge Retirement Subdivision, and on the line common to the South line of said Lot 1, Block Two, Northridge Retirement Subdivision and the North line of said Castle Ridge Sixth, S 89°06'05" W a distance of 70.19 feet; thence leaving the South line of said Lot 1, Block Two, Northridge Retirement

Subdivision, NORTH parallel with the West line of said Lot 1, Block Two, Northridge Retirement Subdivision a distance of 401.43 feet to a point on the North line of said Lot 1, Block Two, Northridge Retirement Subdivision, said point also being on the South line of 54th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence on the North line of said Lot 1, Block Two, Northridge Retirement Subdivision and the South line of said 54th Street, N 89°33'08" E a distance of 322.14 feet to the Northeast Corner of said Lot 1, Block Two, Northridge Retirement Subdivision, said point also being on the West line of 17th Avenue, a street in the City of Kearney, Buffalo County, Nebraska; thence on the East line of said Lot 1, Block Two, Northridge Retirement Subdivision and the West line of said 17th Avenue, SOUTH a distance of 401.10 feet to the place of beginning, containing 2.97 acres, more or less, Buffalo County, Nebraska; together with a tract of land being part of Lot 1, Block Two, now vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, now an addition to the City of Kearney, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Northeast Quarter of Section 27 and assuming the East line of the Northeast Quarter of said Section 27 as bearing SOUTH and all bearings contained herein are relative thereto; thence on the East line of the Northeast Quarter of said Section 27, SOUTH a distance of 1437.56 feet to the Southeast Corner of said Northridge Retirement Subdivision, said point also being the Northeast Corner of Castle Ridge Fifth, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving the East line of the Northeast Quarter of said Section 27 on the line common to the South line of said Northridge Retirement Subdivision and the North line of said Castle Ridge Fifth, S 89°06'05" W a distance of 50.0 feet to the Southeast Corner of said Lot 1, Block Two, Northridge Retirement Subdivision, said point also being the Northeast Corner of Lot 13, Block One of said Castle Ridge Fifth; thence on the line common to said Lot 1, Block Two, Castle Ridge Fifth and said Lot 1, Block Two, Northridge Retirement Subdivision, S 89°06'05" W a distance of 252.00 feet to the Northwest Corner of said Lot 13, Block One, Castle Ridge Fifth, said point also being the Northeast Corner of Lot 7, Castle Ridge Sixth, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing on the South line of said Lot 1, Block Two, Northridge Retirement Subdivision, and on the line common to the South line of said Lot 1, Block Two, Northridge Retirement Subdivision and the North line of said Castle Ridge Sixth, S 89°06'05" W a distance of 70.19 feet to the ACTUAL PLACE OF BEGINNING; thence continuing on the line common to the South line of said Lot 1, Block Two, Northridge Retirement Subdivision and the North line of said Castle Ridge Sixth, S 89°06'05" W a distance of 223.72 feet; thence continuing on the line common to the South line of said Lot 1, Block Two Northridge Retirement Subdivision and the North line of said Castle Ridge Sixth, if extended, S 89°17'06" W a distance of 416.27 feet to the Southwest Corner of said Lot 1, Block Two, Northridge Retirement Subdivision; thence on the West line of line of said Lot 1, Block Two, Northridge Retirement Subdivision, NORTH a distance of 400.51 feet to the Northwest Corner of said Lot 1, Block Two, Northridge Retirement Subdivision, said point also being on the South line of 54th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence on the North line of said Lot 1, Block Two, Northridge Retirement Subdivision and the South line of said 54th Street, N 89°33'08" E a distance of 640.00 feet; thence leaving the South line of said Lot 1, Block Two, Northridge Retirement Subdivision and the South line of said 54th Street, SOUTH parallel with the West line of said Lot 1, Block Two, Northridge Retirement Subdivision a distance of

401.43 feet to the place of beginning, containing 5.89 acres, more or less, Buffalo County, Nebraska from Medium Density Residential to Low Density Residential; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Medium Density Residential to Low Density Residential the use classification for a tract of land being part of Lot 1, Block Two, now vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section Twenty-seven, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, now an addition to the City of Kearney, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Northeast Quarter of Section 27 and assuming the East line of the Northeast Quarter of said Section 27 as bearing SOUTH and all bearings contained herein are relative thereto; thence on the East line of the Northeast Quarter, SOUTH a distance of 1437.56 feet to the Southeast Corner of said Northridge Retirement Subdivision, said point also being the Northeast Corner of Castle Ridge Fifth, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving the East line of the Northeast Quarter of said Section 27 on the line common to the South line of said Northridge Retirement Subdivision and the North line of said Castle Ridge Fifth, S 89°06'05" W a distance of 50.0 feet to the ACTUAL PLACE OF BEGINNING, said point being the Southeast Corner of said Lot 1, Block Two, Northridge Retirement Subdivision, and said point also being the Northeast Corner of Lot 13, Block One of said Castle Ridge Fifth; thence on the line common to said Lot 1, Block Two, Northridge Retirement Subdivision and said Lot 1, Block Two, Castle Ridge Fifth, S 89°06'05" W a distance of 252.00 feet to the Northwest Corner of said Lot 13, Block One, Castle Ridge Fifth, said point also being the Northeast Corner of Lot 7, Castle Ridge Sixth, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing on the South line of said Lot 1, Block Two, Northridge Retirement Subdivision, and on the line common to the South line of said Lot 1, Block Two, Northridge Retirement Subdivision and the North line of said Castle Ridge Sixth, S 89°06'05" W a distance of 70.19 feet; thence leaving the South line of said Lot 1, Block Two, Northridge Retirement Subdivision, NORTH parallel with the West line of said Lot 1, Block Two, Northridge Retirement Subdivision a distance of 401.43 feet to a point on the North line of said Lot 1, Block Two, Northridge Retirement Subdivision, said point also being on the South line of 54th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence on the North line of said Lot 1, Block Two, Northridge Retirement Subdivision and the South line of said 54th Street, N 89°33'08" E a distance of 322.14 feet to the Northeast Corner of said Lot 1, Block Two, Northridge Retirement Subdivision, said point also being on the West line of 17th Avenue, a street in the City of Kearney, Buffalo County, Nebraska; thence on the East line of said Lot 1, Block Two, Northridge Retirement Subdivision and the West line of said 17th Avenue, SOUTH a distance of 401.10 feet to the place of beginning, containing 2.97 acres, more or less, Buffalo County, Nebraska; together with a tract of land being part of Lot 1, Block Two, now vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of

Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, now an addition to the City of Kearney, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Northeast Quarter of Section 27 and assuming the East line of the Northeast Quarter of said Section 27 as bearing SOUTH and all bearings contained herein are relative thereto; thence on the East line of the Northeast Quarter of said Section 27, SOUTH a distance of 1437.56 feet to the Southeast Corner of said Northridge Retirement Subdivision, said point also being the Northeast Corner of Castle Ridge Fifth, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving the East line of the Northeast Quarter of said Section 27 on the line common to the South line of said Northridge Retirement Subdivision and the North line of said Castle Ridge Fifth, S 89°06'05" W a distance of 50.0 feet to the Southeast Corner of said Lot 1, Block Two, Northridge Retirement Subdivision, said point also being the Northeast Corner of Lot 13, Block One of said Castle Ridge Fifth; thence on the line common to said Lot 1, Block Two, Castle Ridge Fifth and said Lot 1, Block Two, Northridge Retirement Subdivision, S 89°06'05" W a distance of 252.00 feet to the Northwest Corner of said Lot 13, Block One, Castle Ridge Fifth, said point also being the Northeast Corner of Lot 7, Castle Ridge Sixth, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing on the South line of said Lot 1, Block Two, Northridge Retirement Subdivision, and on the line common to the South line of said Lot 1, Block Two, Northridge Retirement Subdivision and the North line of said Castle Ridge Sixth, S 89°06'05" W a distance of 70.19 feet to the ACTUAL PLACE OF BEGINNING; thence continuing on the line common to the South line of said Lot 1, Block Two, Northridge Retirement Subdivision and the North line of said Castle Ridge Sixth, S 89°06'05" W a distance of 223.72 feet; thence continuing on the line common to the South line of said Lot 1, Block Two Northridge Retirement Subdivision and the North line of said Castle Ridge Sixth, if extended, S 89°17'06" W a distance of 416.27 feet to the Southwest Corner of said Lot 1, Block Two, Northridge Retirement Subdivision; thence on the West line of line of said Lot 1, Block Two, Northridge Retirement Subdivision, NORTH a distance of 400.51 feet to the Northwest Corner of said Lot 1, Block Two, Northridge Retirement Subdivision, said point also being on the South line of 54th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence on the North line of said Lot 1, Block Two, Northridge Retirement Subdivision and the South line of said 54th Street, N 89°33'08" E a distance of 640.00 feet; thence leaving the South line of said Lot 1, Block Two, Northridge Retirement Subdivision and the South line of said 54th Street, SOUTH parallel with the West line of said Lot 1, Block Two, Northridge Retirement Subdivision a distance of 401.43 feet to the place of beginning, containing 5.89 acres, more or less, Buffalo County, Nebraska.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

FINAL PLAT AND SUBDIVISION AGREEMENT FOR NORTHRIDGE ESTATES

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 Corporation for NP Land Development, Inc. for the Final Plat and Subdivision Agreement for Northridge Estates of Kearney, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being Lot 1, Block Two, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street) and consider Resolution No. 2017-203.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt Resolution No. 2017-203 approving the Application submitted by Buffalo Surveying Corporation for NP Land Development, Inc. for the Final Plat and Subdivision Agreement for Northridge Estates of Kearney, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being Lot 1, Block Two, to be vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 17th Avenue and South of 54th Street). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2017-203

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Northridge Estates of Kearney, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being Lot One, Block Two, now vacated, Northridge Retirement Subdivision, a subdivision being part of the East Half of the Northeast Quarter of Section 27, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, now an addition to the City of Kearney, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Northeast Quarter of Section 27 and assuming the East line of the Northeast Quarter of said Section 27 as bearing SOUTH and all bearings contained herein are relative thereto; thence on the East line of the Northeast Quarter of said Section 27, SOUTH a distance of 1437.56 feet to the Southeast Corner of said Northridge Retirement Subdivision, said point also being the Northeast Corner of Castle Ridge Fifth, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving the East line of the Northeast Quarter of said Section 27 on the line common to the South line of said Northridge Retirement Subdivision and the North line of said Castle Ridge Fifth, S 89°06'05" W a distance of 50.0 feet to the ACTUAL PLACE OF BEGINNING, said point being the Southeast Corner of said Lot 1, Block Two, Northridge Retirement Subdivision, and said point also being the Northeast Corner of Lot 13, Block One of said Castle Ridge Fifth; thence on the line common to said Lot 1, Block Two, Northridge Retirement Subdivision and said Lot 1, Block Two, Castle Ridge Fifth, S 89°06'05" W a distance of 252.00 feet to the Northwest Corner of said Lot 13, Block One, Castle Ridge Fifth, said point also being the Northeast Corner of Lot Seven, Castle Ridge Sixth, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing on the South line of said Lot 1, Block Two, Northridge Retirement Subdivision, and on the line common to the South line of said Lot 1, Block Two, Northridge Retirement Subdivision and the North line of said Castle Ridge Sixth, S 89°06'05" W a distance of 293.91 feet; thence continuing on the line common to the

South line of said Lot 1, Block Two Northridge Retirement Subdivision and the North line of said Castle Ridge Sixth, if extended, S 89°17'06" W a distance of 416.27 feet to the Southwest Corner of said Lot 1, Block Two, Northridge Retirement Subdivision; thence on the West line of said Lot 1, Block Two, Northridge Retirement Subdivision, NORTH a distance of 400.51 feet to the Northwest Corner of said Lot 1, Block Two, Northridge Retirement Subdivision, said point also being on the South line of 54th Street, a street in the City of Kearney, Buffalo County, Nebraska; thence on the North line of said Lot 1, Block Two, Northridge Retirement Subdivision and the South line of said 54th Street, N 89°33'08" E a distance of 962.14 feet, said point also being on the West line of 17th Avenue, a street in the City of Kearney, Buffalo County, Nebraska; thence on the East line of said Lot 1, Block Two, Northridge Retirement Subdivision and the West line of said 17th Avenue, SOUTH a distance of 401.10 feet to the place of beginning, containing 8.86 acres, more or less, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

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

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONE PROPERTY LOCATED SOUTHWEST CORNER OF 56TH STREET AND 15TH AVENUE

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Grand West, LLC to rezone from District AG, Agricultural District to District C-2, Community Commercial District property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue) and consider Ordinance No. 8202.

Craig Bennett of Miller & Associates presented this matter to the Council. The subdivision is a one lot subdivision to be known as Silverton Addition that is located south of 56th Street and west of 15th Avenue, currently where Mead Lumber is located.

The current zoning is Ag and the property is outside of the City limits so the developer is asking the property to be zoned from Ag to C-2 which would be consistent with the zoning that is across from the property. The current Land Use Map shows the site as MU2 and the proposed planning and zoning change would be consistent with the existing Future Land Use Map so no change would be needed for the commercial and retail development.

The Preliminary Plat shows the basic drainage from west to east to 15th Avenue and a cul-da-sec which would be 55th Street Place, coming off of 15th Avenue on the east. Access would be off of 15th Avenue for public ingress/egress. The Final Plat would be for a one lot subdivision to be known as Silverton Addition along with the dedication of 55th Street Place.

Mr. Bennett discussed the current utilities available for the site and Infrastructure Feasibility Plan.

Council Member Nikkila asked if the cul-da-sec is a temporary item until the other parts of the surrounding areas get developed or will the cul-da-sec remain permanently. Mr. Bennett stated the cul-da-sec will permanently remain. The developer is dedicating public right-of-way off of 15th Avenue and currently the L-shaped parcel around the property will most likely be developed into one to three lots.

There is a fiber optic line that goes across the property and the developer is trying to avoid that line. As far as a through street going through the property, that will be the terminus point.

Council Member Buschkoetter asked about the right in, right out and if there will be a median created. Mr. Bennett stated there is another phase of the project which will create a median so drivers will not be able to cut across.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by Miller & Associates for Grand West, LLC to rezone from District AG, Agricultural District to District C-2, Community Commercial District property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue) and introduced Ordinance No. 8202 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. 8202. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and

adopted. City Clerk read Ordinance No. 8202 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. 8202 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. 8202 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.

SUBDIVISION AGREEMENT AND FINAL PLAT FOR SILVERTON ADDITION

Public Hearings 6, 7 and 8 were discussed together but voted on separately. Public Hearing 7 was amended on Monday, December 11, 2017 by adding the Subdivision Agreement for Silverton Addition.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Grand West, LLC for the Final Plat and Subdivision Agreement for Silverton Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue) and consider Resolution No. 2017-204.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt Resolution No. 2017-204 approving the Application submitted by Miller & Associates for Grand West, LLC for the Final Plat and Subdivision Agreement for Silverton Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2017-204

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Silverton Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Northwest Quarter of the Northwest Quarter, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the Northwest Quarter of Section 26 and assuming the North line of said Northwest Quarter as bearing S 89°38'16" E and all bearings contained herein are relative thereto; thence S 89°38'16" E on said North line of the Northwest Quarter a

distance of 350.03 feet; thence S 00°22'34" W a distance of 50.00 feet to a 5/8" rebar w/cap on the South line of 56th Street and the ACTUAL POINT OF BEGINNING; thence S 89°38'16" E on said South line of 56th Street a distance of 399.65 feet to a 5/8" rebar w/cap on the West line of 15th Avenue as platted on Fountain Hills Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 00°22'34" W on said West line of 15th Avenue a distance of 305.25 feet to a 5/8" rebar w/cap; thence N 89°38'16" W parallel with said South line of 56th Street a distance of 332.56 feet to a 5/8" rebar w/cap; thence on a tangent curve to the Left having a central angle of 48°11'23", a radius of 30.00 feet, an arc length of 25.23 feet; and a chord bearing S 66°16'03" W a distance of 24.49 feet to a 5/8" rebar w/cap; thence on a tangent curve to the Right having a central angle of 228°12'12", a radius of 60.00 feet, an arc length of 238.97 feet, and a chord bearing N 23°43'32" W a distance of 109.54 feet to a 5/8" rebar w/cap; thence N 00°22'34" E parallel with said West line of 15th Avenue a distance of 215.25 feet to Point of Beginning, containing 2.96 Acres, more or less, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ANNEXATION OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 56TH STREET AND 15TH AVENUE

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Grand West, LLC for the annexation of Silverton Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue) and consider Resolution No. 2017-205.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt Resolution No. 2017-205 approving the Application submitted by Miller & Associates for Grand West, LLC for the annexation of Silverton Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest

Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of 56th Street and 15th Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2017-205

WHEREAS, an Application has been submitted by Miller & Associates for Grand West, LLC for the inclusion of Silverton Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the Northwest Quarter of Section 26 and assuming the North line of said Northwest Quarter as bearing S 89°38'16" E and all bearings contained herein are relative thereto; thence S 89°38'16" E on said North line of the Northwest Quarter a distance of 350.03 feet; thence S 00°22'34" W a distance of 50.00 feet to a 5/8" rebar w/cap on the South line of 56th Street and the ACTUAL POINT OF BEGINNING; thence S 89°38'16" E on said South line of 56th Street a distance of 399.65 feet to a 5/8" rebar w/cap on the West line of 15th Avenue as platted on Fountain Hills Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 00°22'34" W on said West line of 15th Avenue a distance of 305.25 feet to a 5/8" rebar w/cap; thence N 89°38'16" W parallel with said South line of 56th Street a distance of 332.56 feet to a 5/8" rebar w/cap; thence on a tangent curve to the Left having a central angle of 48°11'23", a radius of 30.00 feet, an arc length of 25.23 feet; and a chord bearing S 66°16'03" W a distance of 24.49 feet to a 5/8" rebar w/cap; thence on a tangent curve to the Right having a central angle of 228°12'12", a radius of 60.00 feet, an arc length of 238.97 feet, and a chord bearing N 23°43'32" W a distance of 109.54 feet to a 5/8" rebar w/cap; thence N 00°22'34" E parallel with said West line of 15th Avenue a distance of 215.25 feet to Point of Beginning, containing 2.96 Acres, more or less, Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on November 16, 2017 on the inclusion of Silverton Addition within the corporate limits and recommended the Kearney City Council approve said application; and

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

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on December 12, 2017 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the land to be platted as Silverton Addition shall be included within the corporate limits of the City of Kearney, Buffalo County, Nebraska, that the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules and regulations of the City of Kearney.

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

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

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) Section 48-105 "Bufferyard Provisions" of Chapter 48 "Landscaping and Screening Standards" to add language to sub-item A requiring bufferyards be free of paved areas, access ways, storage, or other disturbances; remove current sub-item B language on landscaping in the bufferyard; update sub-item C to amend and remove language regarding bufferyards incorporating into other areas on property; add sub-item 3 language on requirements of bufferyard landscaping; add language on the appropriate site design and criteria for bufferyards; add language on the incorporation of stormwater detention and utility easements into bufferyards; (b) Section 48-106 "Screening Standards" of Chapter 48 "Landscaping and Screening Standards" to remove the entire current Section 48-106 and combine with Section 48-105 "Bufferyard Provisions" and to add language on appropriate site design and criteria; the incorporation of stormwater detention and utility easements into screening areas; (c) Section 48-107 "Parking Lot Landscaping" of Chapter 48 "Landscaping and Screening Standards" and all corresponding sub-items replaced as Section 48-106 "Parking Lot Landscaping"; (d) Section 48-108 "Tree Plantings" of Chapter 48 "Landscaping and Screening Standards" and all corresponding sub-items replaced as Section 48-107 "Tree Plantings"; and (e) Section 48-109 "General Provisions" of Chapter 48 "Landscaping and Screening Standards" and all corresponding sub-items replaced as Section 48-108 "General Provisions" and consider Ordinance No. 8203.

Assistant City Manager Paul Briseno presented this matter to the Council. The request comes from a number of developers who have asked for more options within bufferyards. Currently there is the only option of evergreen trees or a fence. Unfortunately with a lot of the development or re-development, there are areas where more landscape opportunities would be beneficial.

The City Staff worked with a local landscaper to come up with a number of options of different plant materials, fences or berms that would be incorporated into City Code to give developers a menu of options to choose from to work with the development and the different layout that is allowable within in the site the developer is working with.

Within the code change allows the developer to utilize the bufferyard or green space to make quality and quantity measures of stormwater so it is multi-fasted and allows the developer to maximize the current site.

Council Member Buschkoetter asked about the maintenance, that is still an expectation of the bufferyard agreement correct. Mr. Briseno stated that is correct.

Council Member Lammers asked was there a basis for the six foot high berms, is that a standard size. Mr. Briseno stated usually the berms come up to the fences and right now the City requires six foot fences as far as the berms being that high, it might be

something that stormwater touch on. His assumption is to keep that vision still at the same standard.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the proposed amendments and introduced Ordinance No. 8203 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8203. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8203 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 Lear seconded by Buschkoetter that Ordinance No. 8203 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. 8203 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.

PERMANENT WATER LINE EASEMENT AND A PERMANENT SANITARY SEWER MAIN EASEMENT

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent Water Main Easement and a Permanent Sanitary Sewer Main Easement on property described as a strip of land 20.0 feet in width being part of Lot 5, Ingersoll Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2017-206.

Director of Utilities Tony Jelinek presented this matter to the Council. He stated the easements that the City is being granted are for the Benchmark project which Phase I of the project is Dunkin Donuts, Moes and such. The easements are to contain the City's public infrastructure to serve the projects and the future Phase II which is to the south of the property. Currently the infrastructure for Phase I is in and Phase II is under construction currently and the easement is included with tonight's documents.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution

No. 2017-206 approving the proposed acquisition for a Permanent Water Line Easement and a Permanent Sanitary Sewer Main Easement on property described as a strip of land 20.0 feet in width being part of Lot 5, Ingersoll Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2017-206

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Water Main Easement and a Permanent Sanitary Sewer Main Easement and voted in favor to proceed with the acquisition; and

WHEREAS, WeisCo Properties, LLC, a Nebraska Limited Liability Company has granted to the City of Kearney, Nebraska a Permanent Water Main Easement and a Permanent Sanitary Sewer Main Easement as follows:

PERMANENT WATER MAIN EASEMENT

A strip of land 20.0 feet in width being part of Lot 5, Ingersoll Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, with said strip of land being 10.0 feet on each side of the following described centerline: Referring to the Northeast Corner of the South 214.1 feet of said Lot 5, said point also being on the West line of 3rd Avenue a street in the City of Kearney, Buffalo County, Nebraska, and assuming the East line of said Lot 5 and the West line of said 3rd Avenue as bearing N 00°01'12" W and all bearings contained herein are relative thereto; thence on the East line of said Lot 5 and the West line of said 3rd Avenue, N 00°01'12" W a distance of 13.53 feet to the ACTUAL PLACE OF BEGINNING; thence leaving the East line of said Lot 5 and the West line of said 3rd Avenue, S 89°58'48" W a distance of 71.10 feet to the point of termination. The sidelines of the aforescribed strip of land to be extended or shortened as necessary to begin on the East line of said Lot 5 and on the West line of said 3rd Avenue, Buffalo County, Nebraska.

PERMANENT SANITARY SEWER MAIN EASEMENT

A strip of land 20.0 feet in width being part of Lot Five 5, Ingersoll Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska, with said strip of land being 10.0 feet on each side of the following described centerline: Referring to the Northwest Corner of said Lot 5, said point also being on the South line of 11th Street a street in the City of Kearney, Buffalo County, Nebraska, and assuming the North line of said Lot 5 and the South line of said 11th Street as bearing S 89°21'37" E and all bearings contained herein are relative thereto; thence on the North line of said Lot 5 and the South line of said 11th Street, S 89°21'37" E a distance of 39.62 feet to the ACTUAL PLACE OF BEGINNING; thence leaving the North line of said Lot 5 and the South line of said 11th Street, S 01°02'02" W a distance of 433.00 feet to the point of termination. The sidelines of the aforescribed strip of land to be extended or shortened as necessary to begin on the North line of said Lot 5 and on the South line of said 11th Street, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Water Main Easement and a Permanent Sanitary Sewer Main Easement granted by WeisCo Properties, LLC, a Nebraska

Limited Liability Company to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Clouse seconded by Lammers that Subsections 1 through 11 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held November 28, 2017.

2. Approve the following Claims:

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

Air Travel Group \$22,652.80 smcs; Alfred Benesch \$30,219.09 co; Amazon \$4,244.27 smcs; Arch \$75,000.00 smcs; Arrow Striping \$6,220.00 smcs; Ask Supply \$2,971.67 smcs; Associated Bag \$364.24 smcs; Aurora Coop \$85.68 smcs; B2 Environment \$175.00 smcs; Baker & Taylor \$5,961.54 smcs; Bamford \$250.00 smcs; Banzhaf, J \$60.00 smcs; Beissel-Heath, M \$30.00 smcs; Blackstone Audio \$320.00 smcs; Blessing Construction \$705,011.19 smcs; BlueCross/BlueShield \$185,621.97 smcs; Bolte, C \$122.40 smcs; Bosselman \$9,063.90 smcs; Bridgett Lavene Consulting \$1,666.67 smcs; Broadfoot's \$3,037.00 smcs; Buffalo Co. Register Deeds \$52.00 smcs; Buffalo Co. Treasurer \$95.96 smcs; Capital Business \$220.91 smcs; Cash-Wa \$505.85 smcs; CDW Government \$5,700.00 co; Center Point Publishing \$75.96 smcs; Chambers, D \$100.00 smcs; Chesterman \$332.70 smcs; Chief Supply \$833.82 smcs; CIGNA \$7,145.89 smcs; City of Ky \$57,657.63 ps; Coates, F \$15.85 smcs; Consolidated Management \$367.05 smcs; DAS/State of Ne \$5,906.63 smcs,co; Dawson Public Power \$3,362.71 smcs; Depository Trust \$54,371.25 ds; Dish \$94.03 smcs; DPC Industries \$5,737.53 smcs; Eakes \$405.66 smcs; Enforcement Video \$3,389.25 co, smcs; Ensley Electrical \$79,301.70 co; Entenmann-Rovin \$105.50 smcs; Envirotech \$5,803.71 smcs; Epp, K \$6.71 smcs; Expression Wear \$750.00 ps; Family Practice \$600.00 smcs; Farmers Union \$26.40 smcs; Flaherty, T \$492.00 smcs; Frontier \$72.40 smcs; Gale/Cengage Learning \$1,129.31 smcs; Galls \$136.10 ps; Garrett Tires \$78.45 smcs; GD Concrete \$119,116.80 co; Grey House Publishing \$1,400.00 smcs; Grimes, J \$31.73 smcs; Grimes, S \$31.00 smcs; Habitat for Humanity \$161.77 smcs; Hawthorne Jewelry \$5,098.00 ps; HM Life Insurance \$40,614.53 smcs; Hoffman, J \$546.75 co; Hometown Leasing \$157.20 smcs; IACP Net \$1,225.00 smcs; ICMA Retirement \$5,119.47 ps; Infogroup \$2,968.00 smcs; IRS \$161,860.14 ps; Jack & Kitty-Zinghoppers \$412.50 smcs; Jack Lederman \$121.50 smcs; Jack's Uniforms \$866.06 smcs; Joyce, J \$36.89 smcs; Ky High School \$2,000.00 smcs; Ky Hub \$1,398.68 smcs; Ky

Powersports \$1,028.10 smcs; Ky Winlectric \$17,609.99 smcs; King,M \$31.00 smcs; Konica Minolta \$322.21 smcs; Lang,A \$17.07 smcs; Larue Distributing \$53.40 smcs; League of Kansas Municipalities \$130.00 smcs; Librarica \$907.35 smcs; Lombard,J \$368.00 smcs; Magic Cleaning \$6,940.00 smcs; Matheson \$26.80 smcs; McDonald,P \$100.00 smcs; Meier,B \$1,957.00 smcs; Michael Todd \$2,783.14 smcs; Microfilm Imaging \$530.00 smcs; Midway \$39,789.00 co; Midwest Connect \$7,241.00 smcs; Midwest Pump \$6,164.10 smcs; Miller Signs \$3,483.00 smcs; Miracle Recreation \$1,747.43 co; Municipal Emergency \$938.01 ps; Municipal Supply \$1,987.20 smcs; NCMA \$100.00 smcs; NE Child Support Pyt Ctr \$2,336.70 ps; NE Dept HHS \$115.00 smcs; Northwestern Energy \$2,563.00 smcs; Nuttelman Fencing \$6,500.00 smcs; Office Solutions \$68.30 smcs; O'Keefe Elevator \$430.44 smcs; One Call Concepts \$409.65 smcs; Panowicz,A \$5.34 smcs; Paramount \$80.33 smcs; Paul B. Davis Custom \$28,247.40 co; Payflex \$42.50 smcs; Pitney Bowes \$60.00 smcs; Potter,B \$100.00 smcs; Presto-X \$152.00 smcs; Pulliam,R \$40.00 smcs; Recorded Books \$44.98 smcs; Rich,T \$50.00 smcs; Safelite \$427.90 smcs; Salter,J \$26.50 smcs; Sapp Bros \$91,802.28 smcs; Schindler Elevator \$1,236.00 smcs; School District #7 \$4,562.45 smcs; Schroeder,J \$800.00 smcs; See Clear Cleaning \$350.00 smcs; Silverstone Group \$4,720.00 smcs; Steffensmeier,J \$1,250.00 smcs; Steinbrink's Landscaping \$4,700.00 smcs; Stelling,J \$240.00 smcs; Suchsland,T \$166.15 smcs; Supplyworks \$274.58 smcs; Tacha,J \$50.00 smcs; Thomson Reuters - West \$436.56 smcs; Tri County Glass \$2,053.00 smcs; Tye Law Firm \$13,454.66 smcs; Union Bank & Trust \$78,123.59 ps; US Postal Service \$112.00 smcs; Van Diest Supply Co. \$5,193.00 smcs; Village Uniform \$317.55 smcs; Wilco Life Insurance \$19.00 ps; Willimas,D \$50.62 smcs; Xavier University \$69.00 smcs; Yancy,A \$8.04 smcs; Payroll Ending 12/09/2017 -- \$426,146.49; Longevity Pay for 2017 -- \$63,629.74. 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. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class IK-122176 liquor license application and manager application for James Boland submitted by WRG-Cellar, LLC, dba The Cellar Restaurant located at 3901 North 2nd Avenue.

4. Adopt Resolution No. 2017-207 approving Change Order No. 1 for a decrease in the amount of \$10,956.00, Application and Certificate for Payment No. 2-Final in the amount of \$129,944.10 and accept the Certificate of Substantial Completion submitted by Wilke Contracting Corp. and approved by Oak Creek Engineering for the construction of the 2016 Part 4 Improvements; Avenue M Hike/Bike Trail (Bid A; Pedestrian Bridge).

RESOLUTION NO. 2017-207

WHEREAS, Wilke Contracting Corporation of Kearney, Nebraska has performed services in connection with Bid A (Pedestrian Bridge) of the 2016 Part 4 Improvements; M Avenue Hike/Bike Trail and Pedestrian Bridge, and the City's engineer, Oak Creek Engineering, have filed with the City Clerk Change Order No. 1 showing an decrease to the contract sum in the amount of \$10,956.00, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Oak Creek Engineering have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$129,944.10 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$243,398.40
Change Order No. 1 (12-12-2017)	<u>- 10,956.00</u>
Contract Sum To Date	232,442.40
Gross Amount Due	232,442.40
Retainage (0%)	.00
Amount Due to Date	232,442.40
Less Previous Certificates for Payment	<u>102,498.30</u>
Current Payment Due	\$129,944.10

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of October 10, 2017 as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 2-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

5. Adopt Resolution No. 2017-208 accepting the water and sanitary sewer improvements constructed under a Developer Constructed Infrastructure Agreement for Lot 5, Ingersoll Subdivision between the City of Kearney and WeisCo Properties, LLC.

RESOLUTION NO. 2017-208

WHEREAS, on the 12th day of July, 2016 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2016-113 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and WeisCo Properties, LLC for water and sanitary sewer improvements to serve Lot 5, Ingersoll Subdivision, 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 and sanitary sewer improvements to serve the property described as Lot 5, Ingersoll Subdivision, 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 12TH DAY OF DECEMBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution No. 2017-209 approving the following Agricultural Leases at the Kearney Regional Airport from January 1, 2018 until December 31, 2018: B & B Bendfeldt Farms and Brenda Bendfeldt (176.6 irrigated acres and 50 dry land soybean acres); Kirk Potter and Jason Potter (40.8 irrigated acres); Don Hendrickson (193.5 irrigated acres); Gary Henderson (38 irrigated acres); Lee Potter (62 irrigated acres); Ron Hendrickson (75 dry land hay acres); and David Fleming (364.36 non-irrigated acres, 216 irrigated acres and 60 acres pivot irrigated acres).

RESOLUTION NO. 2017-209

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed on behalf of the City of Kearney, Nebraska to execute the following Agriculture Lease Agreements on property located at the Kearney Regional Airport from January 1, 2018 until December 31, 2018:

- B & B Bendfeldt Farms and Brenda Bendfeldt (176.6 irrigated acres) – annual cash rent is \$40,206;
- B & B Bendfeldt Farms and Brenda Bendfeldt (50 dry land soybean acres) – annual cash rent is \$4,401;
- David R. Fleming (364.36 non-irrigated acres) – annual cash rent is \$32,064;
- David R. Fleming (276.12 irrigated acres) – annual cash rent is \$68,604;
- Gary Henderson (38 irrigated acres) – annual cash rent is \$8,361;
- Don Hendrickson, dba Agrident, Inc. (193.5 irrigated acres) – annual cash rent is \$42,570;
- Ron Hendrickson, dba Agrident, Inc. (75 acres dry land hay) – annual cash rent is \$4,125;
- Lee Potter (62 irrigated acres) – annual cash rent is \$13,641; and
- Kirk W. Potter and Jason Potter (40.8 irrigated acres) – annual cash rent is \$8,976.

A copy of the Agreements, marked Exhibits "1", "2", "3", "4", "5", "6", "7", "8", "9" are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2017.

ATTEST:
LAUREN BRANDT

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL

CITY CLERK

AND EX-OFFICIO MAYOR

7. Approve the recommendation from the Park & Recreation Department requesting the Advisory Board of Park and Recreation Commissioner be forwarded a naming request for the east side of the Harmon Park Rock Garden submitted by the Kearney Public Schools Foundation.

8. Adopt Resolution No. 2017-210 repealing Resolution No. 2017-159 and adopt the 2017-2018 Comprehensive Fee Schedule amending the utility rates for outside of city limit connection services beginning January 1, 2018.

RESOLUTION NO. 2017-210

WHEREAS, the Mayor and City Council of the City of Kearney have established fees for items and services provided to its citizens; and

WHEREAS, the Comprehensive Fee Schedule setting forth the fees for such items and services to be provided during the 2017-2018 fiscal year was adopted by Resolution No. 2017-159 on September 12, 2017 by the City Council; and

WHEREAS, the Comprehensive Fee Schedule attached hereto as Exhibit "A" sets out the proposed fees for such items and services to be provided during the 2017-2018 fiscal year beginning on January 1, 2018; and

WHEREAS, it is recommended that such Comprehensive Fee Schedule be adopted.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Comprehensive Fee Schedule attached hereto as Exhibit "A" is hereby approved and adopted with an effective date of January 1, 2018.

BE IT FURTHER RESOLVED that Resolution No. 2017-159 be and is hereby repealed in its entirety as of January 1, 2018.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Adopt Resolution No. 2017-211 to remove parking on both sides of: 35th Street from 17th Avenue west a distance of 415 feet AND 17th Avenue north from 35th Street a distance of 310 feet.

RESOLUTION NO. 2017-211

WHEREAS, the Development Services Department, Public Works Department and the Police Department have reviewed the situation and found that there is an apparent safety concern with traffic and have recommended that both sides of 35th Street from 17th Avenue west a distance of 415 feet be designated as "No Parking" at any time;

WHEREAS, the Development Services Department, Public Works Department and the Police Department additional recommend that both sides of 17th Avenue north from 35th Street a distance of 310 feet be designated as "No Parking" at any time.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that both sides of 35th Street from 17th Avenue west a distance

of 415 feet AND both sides of 17th Avenue north from 35th Street a distance of 310 feet be and is hereby designated as "No Parking" at any time.

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

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Adopt Resolution No. 2017-212 approving Change Order No. 1 showing a decrease in the amount of \$13,714.54, Application and Certificate for Payment No. 4-Final in the amount of \$225,876.10, and accept the Certificate of Substantial Completion submitted by BSB Construction, Inc. and approved by Miller & Associates for the construction of Landfill Expansion, Cell 8 at the Kearney Area Solid Waste Landfill.

RESOLUTION NO. 2017-212

WHEREAS, BSB Construction, Inc. of Curtis, Nebraska has performed services in connection with the construction of Landfill Expansion, Cell 8 at the Kearney Area Solid Waste Landfill, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$13,714.54 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, BSB Construction, Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$225,876.10 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 605,790.76
Change Order No. 1 (12-12-2017)	- <u>13,714.54</u>
Contract Sum To Date	592,076.22
Gross Amount Due	592,076.22
Retainage (0%)	.00
Amount Due to Date	592,076.22
Less Previous Certificates for Payment	- <u>366,200.12</u>
Current Payment Due	\$ 225,876.10

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of November 9, 2017, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 4-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2017-213 approving Change Order No. 2 showing an increase in the amount of \$4,858.37 submitted by Blessing, LLC and approved by Miller & Associates for the 2016 Part 3 Improvements for 56th Street from 4th Avenue to 19th Avenue and 17th Avenue from 50th Street to west City limits; AND 2013 Part 10 Improvements for Talmadge Street from 2nd Avenue to 4th Avenue.

RESOLUTION NO. 2017-213

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2016 Part 3 Improvements for 56th Street from 4th Avenue to 19th Avenue and 17th Avenue from 50th Street to west City limits; AND 2013 Part 10 Improvements for Talmadge Street from 2nd Avenue to 4th Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an increase in the amount of \$4,858.37 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$2,572,124.59
Change Order No. 1 (9/26/2017)	+ 161,146.05
Change Order No. 2 (12/12/2017)	+ <u>4,858.37</u>
Contract Sum To Date	\$2,738,129.01

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2 as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2017.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8204 AMENDING SECTION 8-804 OF CHAPTER 8 "POLICE" OF CITY CODE

Council Member Lammers introduced Ordinance No. 8204 amending Section 8-804 "Specific Limits" of Article 8 "Speed Limitations" of Chapter 8 "Police" of the Code of the City of Kearney to adjust the various speed limits on U.S. Highway 30 24th/25th Street, 48th Street, 56th Street and 17th Avenue and adding new distance locations on U.S. Highway 30 24th/25th Street, 56th Street and 17th Avenue, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to suspend the rules for

Ordinance No. 8204. 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. 8204 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. 8204 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. 8204 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.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Lammers seconded by Nikkila that the Open Account Claim in the amount of \$81,204.32 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council Member Lammers congratulated SoCore and the City of Kearney on the completion of the solar park.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 6:06 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**