

Kearney, Nebraska
May 22, 2018
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 May 22, 2018 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; Rod Wiederspan, Director of Public Works; Dan Lillis, Engineering Assistant II; Eric Hellriegel, Project Coordinator; Dan Lynch, Chief of Police; Jason Whalen, Fire Administrator and Shawna Erbsen, Administrative Services Director were also present. Members of the media present included: 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

Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATE UTILITY EASEMENTS LOCATED IN LAKE VILLA ESTATES AND REZONE PROPERTY LOCATED AT 11 SOUTH CENTRAL AVENUE

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

Mayor Clouse announced that due to a conflict of interest, Council Member Lear has excused himself from Council Chambers at the hour of 5:32 p.m., and has abstained from any action toward Public Hearings 1 and 2.

Mayor Clouse opened Public Hearing 1 pertaining to the Application submitted by Dan Lindstrom, Attorney for KAAPA Ethanol Holdings, LLC for KAAPA Ethanol Holdings, LLC to (1) vacate a 10 foot wide utility easement; together with a 20 foot wide utility easement, both located in Lot 2, Block 2, Lake Villa Estates and consider Ordinance No. 8243; and (2) to rezone from District C-2, Community Commercial District to District C-2/PD, Community Commercial/Planned Development Overlay District property described as Lot 1 and Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 South Central Avenue) and consider Ordinance No. 8244. Planning Commission recommended approval.

Dan Lindstrom, Attorney for KAAPA Ethanol Holdings LLC, presented this matter to the Council. As the sewer line was not built in the original easement; KAAPA needs to vacate the original easement and then create an easement on the north side once the infrastructure is built. The property has recently been rezoned to C-2 and they are now requesting it be rezoned to C-2/PD because the lot size after expansion will be over four acres. Pictures were shown of the parking areas and what the building itself will look like.

Mayor Clouse questioned the deviation that came through the planning commission if it was an issue. Mr. Lindstrom stated that KAAPA did not have an issue due to the fact Central Avenue was built to rural standards and will eventually be updated so rather than tear the sidewalk, KAAPA would prefer to wait to see what happens in terms of paving.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Applications submitted by Dan Lindstrom, Attorney for KAAPA Ethanol Holdings, LLC for KAAPA Ethanol Holdings, LLC for property located at 11 South Central Avenue and introduced Ordinance No. 8243 vacating a 10 foot wide utility easement; together with a 20 foot wide utility easement, both located in Lot 2, Block 2, Lake Villa Estates and introduced Ordinance No. 8244 rezoning from District C-2, Community Commercial District to District C-2/PD, Community Commercial/Planned Development Overlay District and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Nikkila seconded the motion to close the hearing and

suspend the rules for Ordinance Nos. 8243 and 8244. President of the Council asked for discussion or if anyone in the audience was interested in the ordinances. No one responded. Clerk called the roll which resulted as follows: Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear abstained. Motion carried.

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. 8243 and 8244 by number. Roll call of those in favor of the passage of said ordinances on the first reading resulted as follows Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear abstained. Motion carried. Ordinances were read by number.

Moved by Nikkila seconded by Buschkoetter that Ordinance Nos. 8243 and 8244 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear abstained. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinances, Ordinance Nos. 8243 and 8244 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 PLANS FOR PROPERTY LOCATED AT 11 SOUTH CENTRAL AVENUE

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

Mayor Clouse announced that due to a conflict of interest, Council Member Lear has excused himself from Council Chambers at the hour of 5:36 p.m., and has abstained from any action toward Public Hearings 1 and 2.

Mayor Clouse opened the Public Hearing 2 on the Application submitted by Dan Lindstrom, Attorney for KAAPA Ethanol Holdings, LLC for KAAPA Ethanol Holdings, LLC for Planned District Development Plan Approval for the proposed construction of a business office building on property to be zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1 and Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 South Central Avenue) and consider Resolution No. 2018-57. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2018-57 approving the Application submitted by Dan Lindstrom, Attorney for KAAPA Ethanol Holdings, LLC for KAAPA Ethanol Holdings, LLC for Planned District Development Plan Approval for the proposed construction of a business office building on property to be zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1 and Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 South Central Avenue). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Nikkila. Nay: None. Lear abstained. Motion carried.

RESOLUTION NO. 2018-57

WHEREAS, Dan Lindstrom, Attorney for KAAPA Ethanol Holdings, LLC for KAAPA Ethanol Holdings, LLC have applied for Planned District Development Plan Approval for the construction of a business office building on property to be zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1 and Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 South Central Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Dan Lindstrom, Attorney for KAAPA Ethanol Holdings, LLC for KAAPA Ethanol Holdings, LLC for Planned District Development Plan Approval for the construction of a business office building on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1 and Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 South Central Avenue) be approved subject to the following deviations:

1. The construction of the required public sidewalk along the street frontage is not required before the Certificate of Occupancy is issued for the first phase of development. The owner agrees at its expense to construct said sidewalk to City specifications in the future with the improvement of South Central Avenue or within 60 days of the time City Council deems such sidewalk necessary.

PASSED AND APPROVED THIS 22ND DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONE PROPERTY LOCATED EAST OF 4TH AVENUE AND SOUTH OF 44TH STREET

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

Mayor Clouse opened the Public Hearing 3 on the Application submitted by Jordan Starostka for Todd Booth to rezone from District C-2/PD, Community Commercial/Planned Development Overlay District to District C 3/PD, General Commercial/Planned Development Overlay District property described as Lot 1, Block Two, Windsor Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (East of 4th Avenue and South of 44th Street) and consider Ordinance No. 8245. Planning Commission recommended approval.

Jordan Starostka of Starostka Group Unlimited, presented this matter to the Council. The lot is located east of 4th Avenue and south of 44th Street. The current zoning does not allow for a standalone collision center. The surrounding area is all zoned C-2/PD with some C-3 located 1,200 feet to the north. The Future Land Use map shows the lot is MU-2 or office commercial retail mixed use which is compatible zoning of C-3. Platte Valley Augo is going to have a three lot campus. The campus will have 24 additional required parking spaces for the collision center. The owner will continue to store damaged vehicles on the north side of the current building. The building will be a 12,000 square foot metal building with masonry veneer facing the street with access from the

north and south of the existing lot. The campus will include a future enclosed fence that could house 20 cars with an additional 24 cars on a separate location on the lot with an enclosed fence.

Council Member Lammers questioned if there are any concerns from neighbors? Mr. Starostka stated no, he has not received any concerns from surrounding neighbors.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Application submitted by Jordan Starostka for Todd Booth and introduced Ordinance No. 8245 rezoning from District C-2/PD, Community Commercial/Planned Development Overlay District to District C-3/PD, General Commercial/Planned Development Overlay District property described as Lot 1, Block Two, Windsor Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (East of 4th Avenue and South of 44th Street) 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 Lammers seconded the motion to close the hearing and suspend the rules for Ordinance No. 8245. 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. 8245 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 Lammers seconded by Nikkila that Ordinance No. 8245 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. 8245 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 PLANS FOR PROPERTY LOCATED EAST OF 4TH AVENUE AND SOUTH OF 44TH STREET

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

Mayor Clouse opened the Public Hearing 4 on the Application submitted by Jordan Starostka for Todd Booth for Planned District Development Plan Approval for the proposed construction of a collision center on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Block Two, Windsor Estates Seventh Addition, an addition to the City of Kearney,

Buffalo County, Nebraska (East of 4th Avenue and South of 44th Street) and consider Resolution No. 2018-58. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt Resolution No. 2018-58 approving the Application submitted by Jordan Starostka for Todd Booth for Planned District Development Plan Approval for the proposed construction of a collision center on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Block Two, Windsor Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (East of 4th Avenue and South of 44th Street). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2018-58

WHEREAS, Jordan Starostka for Todd Booth have applied for Planned District Development Plan Approval for the construction of a collision center on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Block Two, Windsor Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (East of 4th Avenue and South of 44th Street).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Jordan Starostka for Todd Booth for Planned District Development Plan Approval for the construction of a collision center on property zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Block Two, Windsor Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (East of 4th Avenue and South of 44th Street) be approved.

PASSED AND APPROVED THIS 22ND DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONE PROPERTY LOCATED SOUTH OF 39TH STREET, NORTH OF 34TH STREET, AND WEST OF GRAND AVENUE

Public Hearings 5, 6, 7 and 8 were discussed together but voted on separately.

Mayor Clouse opened the Public Hearing 5 on the Application submitted by Jordan Starostka for Danny Starostka to rezone from District AG, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, North of 34th Street, and West of Grand Avenue) and consider Ordinance No. 8246. Planning Commission recommended approval.

Jordan Starostka presented this matter to the Council. One-third of the lots have already

been sold from the first phase of this project, Millennial Estates Addition. Millennial Estates Second will be offering the option of a three car garage with five yard setbacks to the north. There will be two bedroom, two bath duplexes on the east side with no deviations. In the southwest corner of the subdivision, three car houses will be offered and the streets will be the same size as Millennial Estates Addition. Mr. Starostka described a map where the driveways will be located and as shown on the final plat. The detention cell will be to the northeast. The streets will be 32 feet with Avenue X remaining the traditional 36 feet. The three car garages will be 120 square feet larger than the current home garages. Street corners will have single bedroom duplexes. The egress windows, A/C and power will be located in the back of the house. With the duplex layout, both backyards will be next to each other.

Council Member Lammers stated that with the previous approval of the 32 foot street deviation, meant to encourage different price range homes, can Mr. Starostka describe how much are homes selling for? Mr. Starostka stated the homes are starting at \$204,900 up to \$239,900 depending on requested finishing's and whether the basement is finished.

Council Member Lammers questioned if there was any concern expressed regarding narrower streets and the three car garages? Mr. Starostka stated that he had not heard concerns and most people are using the third garage stall for storage.

Mayor Clouse questioned the layout of the driveways and how the designated parking will be. Mr. Starostka stated by laying out the driveways, this will force people to park in certain areas which allows firefighters to use the area to swing in and out.

Mayor Clouse questioned if the fire department agreed with the design? Assistant City Manager Paul Briseno stated firefighters would like an 18 foot path so it is up to the developers on how to provide that path. With a Planned Development, you have the ability to identify and designate where people can park and allow for the path of turning for the fire department.

Council Member Buschkoetter noted that with a three car garage, three vehicles will be able to park on the driveway. Council Member Nikkila questioned if the deviations noted in the Resolution were the same deviations as noted in Phase 1 of Millennial Estates of Addition. Assistant City Manager stated that is correct.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by Jordan Starostka for Danny Starostka and introduced Ordinance No. 8246 rezoning from District AG, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, North of 34th Street, and West of Grand Avenue) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of

the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8246. 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. 8246 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. 8246 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. 8246 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 AND SUBDIVISION AGREEMENT FOR MILLENNIAL ESTATES SECOND ADDITION

Public Hearings 5, 6, 7 and 8 were discussed together but voted on separately.

Mayor Clouse opened the Public Hearing 6 on the Application submitted by Jordan Starostka for Danny Starostka for the Final Plat and Subdivision Agreement for Millennial Estates Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, North of 34th Street, and West of Grand Avenue) and consider Resolution No. 2018-59. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to close the hearing and adopt Resolution No. 2018-59 approving the Application submitted by Jordan Starostka for Danny Starostka for the Final Plat and Subdivision Agreement for Millennial Estates Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, North of 34th Street, and West of Grand Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2018-59

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Millennial Estates Second Addition, an addition

to the City of Kearney, Buffalo County, Nebraska for a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Commencing at North Quarter corner of Section 31, Township 9 North, Range 15 West; thence on an assumed bearing on N 89°39'25" E, along the North line of the Northeast Quarter, a distance of 125.28 feet, thence S 00°33'39" W a distance of 40.29 feet to a point on the South Right-of-Way line of 39th Street, said point also being the Northwest corner of a tract surveyed by W.A. Humphrey, L.S. #224, revised on 2/4/1991, thence continuing S 00°33'39" W, along said tract surveyed by W.A. Humphrey, L.S. #224, revised on 2/4/1991, a distance of 743.62 feet to the Point of Beginning; thence N 89°47'19" E a distance of 209.98 feet; thence S 00°21'03" E a distance of 37.88 feet; thence N 89°39'10" E a distance of 811.49 feet; thence N 00°21'03" W a distance of 781.86 feet to a point on the South Right-of-Way line of 39th Street; thence N 89°37'58" E, along said South Right-of-Way line of 39th Street, a distance of 66.00 feet; thence S 00°21'03" E a distance of 377.00 feet; thence N 89°38'57" E a distance of 109.32 feet; thence S 00°21'03" E a distance of 509.89 feet; thence S 89°38'57" W a distance of 109.32 feet; thence S 00°21'03" E a distance of 70.00 feet; thence S 89°38'57" W a distance of 129.00 feet; thence S 00°21'03" E a distance of 115.00 feet; thence S 89°38'57" W, along the North line of Block Two, Millennial Estates Addition, a distance of 748.49 feet to the Northwest corner of Lot 12, Block Three, Millennial Estates Addition; thence N 82°44'13" W, along the North line of said Millennial Estates Addition, a distance of 60.53 feet to the Northeast corner of Lot 18, Block One, said Millennial Estates Addition, and also being the West Right-of-Way line of Avenue V; thence S 89°47'19" W, along said North line of Millennial Estates Addition, a distance of 155.07 feet; thence N 00°33'39" E a distance of 320.03 feet to the Point of Beginning, said tract contains a calculated area of 415,226.20 square feet or 9.532 acres more or less of which 3.014 acres is new dedicated Road Right-of-Way, 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 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 22ND DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ANNEXATION OF MILLENNIAL ESTATES SECOND ADDITION

Public Hearings 5, 6, 7, and 8 were discussed together but voted on separately.

Mayor Clouse opened the Public Hearing 7 on the Application submitted by Jordan Starostka for Danny Starostka for the annexation of Millennial Estates Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, North of 34th Street, and West of Grand Avenue) and consider Resolution No. 2018-60. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt Resolution No. 2018-60 approving the Application submitted by Jordan Starostka for Danny Starostka for the annexation of Millennial Estates Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, North of 34th Street, and West of Grand Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2018-60

WHEREAS, an Application has been submitted by Jordan Starostka for Danny Starostka for the inclusion of Millennial Estates Second Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Commencing at North Quarter corner of Section 31, Township 9 North, Range 15 West; thence on an assumed bearing on N 89°39'25" E, along the North line of the Northeast Quarter, a distance of 125.28 feet, thence S 00°33'39" W a distance of 40.29 feet to a point on the South Right-of-Way line of 39th Street, said point also being the Northwest corner of a tract surveyed by W.A. Humphrey, L.S. #224, revised on 2/4/1991, thence continuing S 00°33'39" W, along said tract surveyed by W.A. Humphrey, L.S. #224, revised on 2/4/1991, a distance of 743.62 feet to the Point of Beginning; thence N 89°47'19" E a distance of 209.98 feet; thence S 00°21'03" E a distance of 37.88 feet; thence N 89°39'10" E a distance of 811.49 feet; thence N 00°21'03" W a distance of 781.86 feet to a point on the South Right-of-Way line of 39th Street; thence N 89°37'58" E, along said South Right-of-Way line of 39th Street, a distance of 66.00 feet; thence S 00°21'03" E a distance of 377.00 feet; thence N 89°38'57" E a distance of 109.32 feet; thence S 00°21'03" E a distance of 509.89 feet; thence S 89°38'57" W a distance of 109.32 feet; thence S 00°21'03" E a distance of 70.00 feet; thence S 89°38'57" W a distance of 129.00 feet; thence S 00°21'03" E a distance of 115.00 feet; thence S 89°38'57" W, along the North line of Block Two, Millennial Estates Addition, a distance of 748.49 feet to the Northwest corner of Lot 12, Block Three, Millennial Estates Addition; thence N 82°44'13" W, along the North line of said Millennial Estates Addition, a distance of 60.53 feet to the Northeast corner of Lot

18, Block One, said Millennial Estates Addition, and also being the West Right-of-Way line of Avenue V; thence S 89°47'19" W, along said North line of Millennial Estates Addition, a distance of 155.07 feet; thence N 00°33'39" E a distance of 320.03 feet to the Point of Beginning, said tract contains a calculated area of 415,226.20 square feet or 9.532 acres more or less of which 3.014 acres is new dedicated Road Right-of-Way, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on April 20, 2018 on the inclusion of Millennial Estates Second 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 Millennial Estates Second 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 May 8, 2018 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 Millennial Estates Second 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 Millennial Estates Second 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 22ND DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

DEVELOPMENT PLANS FOR MILLENNIAL ESTATES SECOND ADDITION

Public Hearings 5, 6, 7, and 8 were discussed together but voted on separately.

Mayor Clouse opened the Public Hearing 8 on the Application submitted by Jordan Starostka for Danny Starostka for Planned District Development Plan Approval for construction of a subdivision on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, North of 34th Street, and West of Grand Avenue) and consider Resolution No. 2018-61. Planning Commission recommended approval.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt Resolution No. 2018-61 approving the Application submitted by Jordan Starostka for Danny Starostka

for Planned District Development Plan Approval for construction of a subdivision on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, North of 34th Street, and West of Grand Avenue). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2018-61

WHEREAS, Jordan Starostka for Danny Starostka have applied for Planned District Development Plan Approval for the construction of a subdivision on property to be zoned District R-2PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Commencing at North Quarter corner of Section 31, Township 9 North, Range 15 West; thence on an assumed bearing on N 89°39'25" E, along the North line of the Northeast Quarter, a distance of 125.28 feet, thence S 00°33'39" W a distance of 40.29 feet to a point on the South Right-of-Way line of 39th Street, said point also being the Northwest corner of a tract surveyed by W.A. Humphrey, L.S. #224, revised on 2/4/1991, thence continuing S 00°33'39" W, along said tract surveyed by W.A. Humphrey, L.S. #224, revised on 2/4/1991, a distance of 743.62 feet to the Point of Beginning; thence N 89°47'19" E a distance of 209.98 feet; thence S 00°21'03" E a distance of 37.88 feet; thence N 89°39'10" E a distance of 811.49 feet; thence N 00°21'03" W a distance of 781.86 feet to a point on the South Right-of-Way line of 39th Street; thence N 89°37'58" E, along said South Right-of-Way line of 39th Street, a distance of 66.00 feet; thence S 00°21'03" E a distance of 377.00 feet; thence N 89°38'57" E a distance of 109.32 feet; thence S 00°21'03" E a distance of 509.89 feet; thence S 89°38'57" W a distance of 109.32 feet; thence S 00°21'03" E a distance of 70.00 feet; thence S 89°38'57" W a distance of 129.00 feet; thence S 00°21'03" E a distance of 115.00 feet; thence S 89°38'57" W, along the North line of Block Two, Millennial Estates Addition, a distance of 748.49 feet to the Northwest corner of Lot 12, Block Three, Millennial Estates Addition; thence N 82°44'13" W, along the North line of said Millennial Estates Addition, a distance of 60.53 feet to the Northeast corner of Lot 18, Block One, said Millennial Estates Addition, and also being the West Right-of-Way line of Avenue V; thence S 89°47'19" W, along said North line of Millennial Estates Addition, a distance of 155.07 feet; thence N 00°33'39" E a distance of 320.03 feet to the Point of Beginning, said tract contains a calculated area of 415,226.20 square feet or 9.532 acres more or less of which 3.014 acres is new dedicated Road Right-of-Way, all in Buffalo County, Nebraska (south of 39th Street, north of 34th Street, and west of Grand Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Jordan Starostka for Danny Starostka for Planned District Development Plan Approval for the construction of a subdivision on property zoned District R-2PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Commencing at North Quarter corner of Section 31, Township 9 North, Range 15 West; thence on an assumed

bearing on N 89°39'25" E, along the North line of the Northeast Quarter, a distance of 125.28 feet, thence S 00°33'39" W a distance of 40.29 feet to a point on the South Right-of-Way line of 39th Street, said point also being the Northwest corner of a tract surveyed by W.A. Humphrey, L.S. #224, revised on 2/4/1991, thence continuing S 00°33'39" W, along said tract surveyed by W.A. Humphrey, L.S. #224, revised on 2/4/1991, a distance of 743.62 feet to the Point of Beginning; thence N 89°47'19" E a distance of 209.98 feet; thence S 00°21'03" E a distance of 37.88 feet; thence N 89°39'10" E a distance of 811.49 feet; thence N 00°21'03" W a distance of 781.86 feet to a point on the South Right-of-Way line of 39th Street; thence N 89°37'58" E, along said South Right-of-Way line of 39th Street, a distance of 66.00 feet; thence S 00°21'03" E a distance of 377.00 feet; thence N 89°38'57" E a distance of 109.32 feet; thence S 00°21'03" E a distance of 509.89 feet; thence S 89°38'57" W a distance of 109.32 feet; thence S 00°21'03" E a distance of 70.00 feet; thence S 89°38'57" W a distance of 129.00 feet; thence S 00°21'03" E a distance of 115.00 feet; thence S 89°38'57" W, along the North line of Block Two, Millennial Estates Addition, a distance of 748.49 feet to the Northwest corner of Lot 12, Block Three, Millennial Estates Addition; thence N 82°44'13" W, along the North line of said Millennial Estates Addition, a distance of 60.53 feet to the Northeast corner of Lot 18, Block One, said Millennial Estates Addition, and also being the West Right-of-Way line of Avenue V; thence S 89°47'19" W, along said North line of Millennial Estates Addition, a distance of 155.07 feet; thence N 00°33'39" E a distance of 320.03 feet to the Point of Beginning, said tract contains a calculated area of 415,226.20 square feet or 9.532 acres more or less of which 3.014 acres is new dedicated Road Right-of-Way, all in Buffalo County, Nebraska (south of 39th Street, north of 34th Street, and west of Grand Avenue) be approved subject to the following deviations:

1. Site area of 5,980 square feet for 12 single-family residential lots.
2. 52-foot lot width (12 lots), 54.5-foot lot width (1 lot), 67-foot lot width (10 lots), and 64-foot lot width (5 lots).
3. 20-foot rear yard setback for 3 duplex lots.
4. 5-foot side yard setback for 19 single-family residential lots.
5. 32-foot urban local street width with an 18 foot minimum cartway 100% of the time, a minimum of 4 on-premise parking spaces per single-family residential lots, and the use of cluster mailboxes.
6. One sanitary and water service per R-2 lots being noted as single-family on the final plat to inform future owners of the limitation.
7. Subject to a Subdivision Agreement between the Owner and the city.
8. Subject to the City and the Owner coming to an agreement on the connection of Avenue X to Grand Avenue.

PASSED AND APPROVED THIS 22ND DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Lear seconded by Buschkoetter that Subsections 1 through 21 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held May 8, 2018.

2. Approve the following Claims:

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

1000bulbs.com \$251.88 smcs; 24hrtees \$513.00 smcs; 3gstore.com \$1,142.81 co; 4imprint \$571.03 smcs; ABC Catalog \$157.46 smcs; Ace Irrigation \$775.69 smcs; Adobe \$29.99 smcs; Advance Auto \$249.40 smcs,ps; Alfred Benesch \$79,862.06 co; All American Boot Mfg. \$412.01 smcs; All City Garage Door \$2,942.00 smcs; All Makes \$3,836.85 smcs; Ally B Designs \$765.00 smcs; Aluraimi,A \$29.92 smcs; Amazon \$5,696.75 smcs,co; American \$99.00 smcs; American Fence \$85.39 smcs; American First Aid \$95.40 smcs; American Legion \$39.85 smcs; Apple Market \$20.22 smcs; ARC \$800.00 smcs; Ask Supply \$527.75 smcs; Associated Bag \$662.33 smcs; Aurora Coop \$727.36 smcs; Aussie Hydraulics \$182.67 smcs; Auto Value \$1,246.65 smcs; Baker & Taylor \$4,145.97 smcs; Barney Building \$4,704.00 smcs; Batterysharks.com \$32.89 co; Baudville \$95.20 smcs; Bensch,M \$15.28 smcs; Best Buy \$42.79 smcs; Biddlecome,M \$53.14 smcs; Big Red Auto Glass \$400.00 smcs; Blackstone Audio Books \$240.00 smcs; Blick Art \$96.28 smcs; Bluecross Blueshield \$260,473.62 smcs; Boardtronics \$220.78 smcs; Bosselman \$41,420.41 smcs; Bowman,M \$350.00 smcs; Broadfoot's \$572.50 smcs; Buerer,M \$19.00 smcs; Buffalo Outdoor \$1,484.78 smcs,co; Builders \$1,649.62 smcs; Bullex \$855.23 smcs; Buzz's Marine \$29.99 smcs; Cabela's \$159.98 smcs; Canva \$26.00 smcs; Capstone Press \$3,620.18 smcs; Carquest \$131.37 smcs; Casey's \$142.59 smcs; Cash Wa \$6,406.13 smcs,co; CDW \$600.00 smcs; Cellebrite USA \$3,400.00 smcs; Cenex \$16.00 smcs; Center Point Publishing \$75.96 smcs; Central Hydraulic \$665.88 smcs; Central NE Bobcat \$77.38 smcs; Central Rest Products \$82.78 smcs; Century Lumber \$10.04 smcs; CH Diagnostic \$640.00 smcs; Charter \$768.83 smcs; Chemsearch \$305.00 smcs; Chesterman \$747.35 smcs; Chicken Coop \$50.00 smcs; CHS Agri Service Center \$1,362.62 smcs; Cintas \$224.77 smcs; City of Ky \$54,098.38 smcs,ps; Coaster \$1,497.00 ps; Coldspring \$364.66 smcs; Columbia University \$600.00 smcs; Comfort Inn \$226.12 smcs; Compass \$2,000.00 smcs; Conrad Fire \$599.19 smcs; Construction Rental \$569.86 smcs; Control Yours \$200.00 smcs; Copycat \$615.69 smcs; Core & Main \$6,273.42 smcs; Corky Creations \$300.00 smcs; Corner Store \$38.39 smcs; Cornhusker Cleaning \$60.01 smcs; Creative Teacher \$17.00 smcs; Credit Management \$246.47 ps; Cruz,O \$25.43 smcs; Culligan \$270.00 smcs; Cummins \$472.00 smcs; Cutter & Buck \$155.64 smcs; D & M Security \$110.00 smcs; Danko Emergency \$1,201.60 smcs; Daphne's Headcovers \$94.74 smcs; Daylight Donuts \$41.50 smcs; Dell \$18,267.18 smcs,co; Delozier,S \$13.67 smcs; Demco \$34.06 smcs; Depository Trust \$165,703.75 ds; Desantiago,N \$130.78 smcs; Deterding's \$13,515.54 smcs; Dish \$118.03 smcs; Dmilaco \$222.70 smcs; Dobberstein Roofing \$250.00 smcs; DPC Industries \$13,086.86 smcs; Dreamstime.com \$25.00 smcs; Eagle Distributing \$1,703.25 smcs; Eakes \$1,832.64 smcs; Earl May \$104.55 smcs; EB 2018 Nat'l \$350.00 smcs; E-Conolight \$149.98 smcs; Ehrlich-Rentokil \$147.00 smcs; Eileen's Cookies \$18.00 smcs; Elliott Equipment \$4,000.47 smcs; EMC

Insurance \$2,438.39 smcs; Engineered Controls \$258.00 smcs; Enterprise \$54.63 smcs; Erickson,A \$36.27 smcs; ESRI \$1,210.00 smcs; Evident \$1,354.65 smcs; Expression Wear \$442.00 smcs,ps; Eyemed \$784.99 smcs; Facebook \$126.98 smcs; Faith Christian School \$100.00 smcs; Family Fresh \$59.88 smcs; Fastenal \$703.90 smcs; Faucetdirect.com \$83.98 smcs; FBI Nat'l Academy \$120.00 smcs; Fedex \$28.41 smcs; Fiberweb \$41,047.33 co; Fiest,S \$45.04 smcs; Fisher,K \$26.10 smcs; Flaherty,T \$414.00 smcs; Fleetpride \$1,570.80 smcs; Fort Bend Services \$5,653.44 smcs; Friesen Cheverlot \$39.50 smcs; Frontier \$198.20 smcs; Fun Express \$34.70 smcs; Gale \$1,607.39 smcs; Garrett Tires \$406.72 smcs; Gear for Sports \$2,377.55 smcs; Geiser,R \$12,120.17 co; Gelpro \$634.80 smcs; Golden Corral \$482.21 smcs; Graham Tire \$1,068.16 smcs; Grainger \$825.09 smcs; Grand Island Physical \$37.50 ps; Granquartz Tucker \$52.13 smcs; Gulick,M \$88.97 smcs; Hach \$277.24 smcs; Hahn,S \$400.00 smcs; Help Care \$5,000.00 smcs; Henderson,G \$705.35 smcs; HOA Solutions \$3,055.75 smcs; Hobby-Lobby \$118.84 smcs; Holmes Plumbing \$903.39 smcs; Hy Vee \$1,347.53 smcs; ICMA \$5,362.86 ps; Idexx Distribution \$502.66 smcs;Inland Truck Parts \$155.46 smcs; Int'l Code Council \$95.00 smcs; IRS \$148,302.05 ps; Jack Lederman \$101.17 smcs; Jack's Uniforms \$678.29 smcs; Jameson Painting \$4,000.00 co; Jendco Safety \$29.30 smcs; JJ Keller \$995.00 smcs;Johnston,D \$100.00 smcs; Johnstone Supply \$269.72 smcs; Jump-A-Roo \$1,400.00 smcs; Ky Ace \$123.12 smcs; Ky Centre Vac \$12.00 smcs; Ky Comm. Theatre \$18.00 smcs; Ky Concrete \$5,997.68 smcs; Ky Crete & Block \$3,819.99 smcs; Ky Hub \$929.20 smcs; Ky Power Sports \$130.95 smcs; Ky Quality Sewing \$14.99 smcs; Ky Service Center \$15.00 smcs; Ky Warehouse \$176.76 smcs; Ky Winlectric \$10,710.14 smcs,co; Ky Winnelson \$69.55 smcs; Keller,J \$83.63 smcs; Kelly Supply \$705.91 smcs; Killion, Christine \$85.11 smcs; Kimball Midwest \$417.10 smcs; Konica Minolta \$542.27 smcs; Kwik Shop \$13.00 smcs; Landmark Implement \$1,493.86 smcs; Laplink \$64.15 co; Laptop Battery Express \$155.00 co; Larue Distributing \$71.20 smcs; Lawson Products \$62.45 smcs; Lawyer Nursery \$37.77 smcs; Lempka,L \$6.05 smcs; Lifeguard Store \$779.88 smcs; Linkedin \$98.00 smcs; Lockmobile \$13.60 smcs; Logan Contractors \$526.67 smcs; Mac Faucets \$432.10 smcs; Mac Tools \$36.00 smcs; Magnum Electronics \$202.11 smcs; Maize Ky Equipment \$228.28 smcs; Marlatt Machine \$3,152.30 smcs; Masek Golf Car \$60.31 smcs; Masters True Value \$592.17 smcs; Matheson \$278.36 smcs; MDI Worldwide \$784.85 smcs; Menards \$3,395.35 smcs; Merryman \$67.01 smcs; Messener \$98.78 smcs; Microfilm Imaging \$5.00 smcs; Mid American Signal \$749.00 smcs; Midwest Connect \$6,560.31 smcs; Milco Environmental \$5,928.50 smcs; Miller & Associates \$6,300.00 smcs; Miller Signs \$944.00 smcs; Miller,C \$20.00 co; Mirror Image \$193.80 smcs; Mohawk Resources \$22,029.70 co; Moonlight Embroidery \$2,312.68 smcs; MPH Industries \$2,367.86 co; Mt. Carmel Home \$70.00 smcs; Municipal Supply \$16,329.88 smcs; Murphy Tractor \$1,626.29 smcs; Myers,J \$150.00 smcs; National Pen Co \$59.44 smcs; Nays Online Store \$329.71 smcs; NCL of Wisconsin \$1,105.18 smcs; NE Child Support Pyt Ctr \$2,320.13 ps; NE Dept Environmental \$150.00 smcs; NE Dept HHS \$115.00 smcs; NE DOL/Boiler Inspection \$24.00 smcs; NE License Beverage Assn. \$200.00 smcs; Ne Machinery \$1,342.89 smcs; NE Plan Zone \$800.00 smcs; NE Safety \$255.00 smcs; NE Truck Center \$1,941.95 smcs; Nebraska Equipment \$29,400.00 co; Nebraskaland Distributors \$1,821.65 smcs; Nelson,D \$19.08 smcs; Nelson,K \$20.49 smcs; Network Fleet \$94.75 smcs; NFPA \$175.00 smcs; Nicolen,M \$100.00 smcs; Northern Tool \$427.86 smcs; Northwest Electric \$120.59 smcs; Northwestern Energy \$8,961.75 smcs; NSVFA \$440.00 smcs; OCLC \$690.87 smcs; Odey's \$443.88 smcs; Office Max \$1,250.89 smcs,co; Officenet \$352.92 smcs; O'Keefe Elevator \$246.00

smcs; One Call Concepts \$424.68 smcs; O'Reilly Automotive \$1,414.15 smcs; Orscheln \$538.30 smcs; Ostdiek,E \$20.90 smcs; Overhead Door \$80.00 smcs; Paddleboard Direct \$2,790.00 co; Paramount \$92.96 smcs; Park Catalog \$4,047.00 smcs; Parts Town \$429.73 smcs; Partwarehouse.com \$107.48 smcs; Party America \$38.56 smcs; Paypal*joeylecc \$560.00 smcs; Paypal*sys-manage \$508.61 co; Penworthy \$182.36 smcs; Pep Co. \$87.34 smcs; Perkins \$157.37 smcs; Physio Control \$827.00 smcs; Pitney Bowes \$116.01 smcs; Platinum Awards \$101.50 smcs; Platt Electric \$184.15 smcs; Platte Valley Auto \$719.41 smcs;Platte Valley Comm. \$4,709.70 smcs; Platte Valley Laboratories \$62.50 smcs; Presto-X \$156.00 smcs; Proactive Sports \$825.07 smcs; Provantage \$108.30 smcs; Public Agency Training \$475.00 smcs; QA Balance \$125.00 smcs; Quality Memorials \$1,247.00 smcs; Quill \$889.86 smcs; Ramada \$359.80 smcs; Ramold,B \$44.65 smcs; Reams \$24.06 smcs; Recorded Books \$251.03 smcs; Redbox \$13.11 smcs; Redekit \$7,840.00 smcs; Reinke's \$182.28 smcs; Resource Mgmt \$501.12 smcs; Rocheford,J \$20.94 smcs; Roesler,A \$93.74 smcs; Rogue Fitness \$858.18 smcs,co; Running Awards \$206.60 smcs; Russell,T \$17.48 smcs; Sackett,N \$10.35 smcs; Safelite Autoglass \$351.75 smcs; Sahling Kenworth \$992.75 smcs; Saum,G \$15.28 smcs; School District #7 \$7,055.15 smcs; School Safety \$525.00 smcs; Schultze,J \$0.64 smcs; Seton Identification \$415.48 smcs; Sherwin Williams \$692.05 smcs; Siddons Martin \$155.77 smcs; Silverstone \$4,720.00 smcs; Siteone Landscape \$2,962.04 smcs; Small Engine \$139.17 smcs; Snap-on Tools \$37.80 smcs; Southwest \$354.95 smcs; Stagecoach \$33.00 smcs; Starks,S \$39.07 smcs; Steinbrink's \$884.92 smcs; Stitch \$35.00 ps; Stoney Creek \$1,572.48 smcs; Strong Towns \$25.00 smcs; Supplyhouse.com \$23.20 smcs; Supplyworks \$1,012.02 smcs; T&T Mobile Washing \$374.50 smcs; Tanahashi,Y \$17.48 smcs; Tapco \$3,488.30 smcs; Target \$579.68 co; Techsoup \$29.00 smcs; Thompson Co. \$66.42 smcs; Tielke Enterprises \$136.94 smcs; Tiger Press \$1,867.00 smcs; Titan Machinery \$749.00 smcs; Titleist \$333.58 smcs; Total Vision Group \$55.04 smcs; Totallypromotional.com \$101.25 smcs; Tractor Supply \$687.52 smcs,co; Trade Well Pallet \$1,960.00 smcs; Trugreen \$202.00 smcs; Turner Body Shop \$120.00 smcs; Twh*ambirontrustwave \$191.54 smcs; Tyler Technologies \$3,840.00 smcs; Uline \$51.67 smcs; Union Bank & Trust \$74,681.76 ps; Unique Management \$214.80 smcs; United Seeds \$1,210.00 smcs; UPS Store \$38.38 smcs; Urwiller,D \$15.65 smcs; USA Blue Book \$495.90 smcs; USA Communications \$154.95 smcs; USPS \$423.69 smcs,co; Van Diest Supply \$8,361.05 smcs; Van Wall \$774.39 smcs; Vermont Systems \$1,620.00 smcs; Vestil Manufacturing \$81.84 smcs; Viaero Event Center \$8,000.00 smcs; Victra Ky Mall \$94.14 smcs; Video Kingdom \$159.98 smcs; Wal-mart \$3,267.09 smcs,co; Walter's Electric \$638.49 smcs; Warren,T \$44.44 smcs; Warrington,D \$340.40 smcs; Water Safety \$33.60 smcs; Wells Fargo \$78,890.32 ds,co; When To Work \$240.00 smcs; Wick's Sterling Trucks \$158.66 smcs; Wiha Quality Tools \$507.56 smcs; Wilco Life \$19.00 ps; Williams,M \$129.71 smcs; World Herald \$99.95 smcs; WPCI \$350.00 ps; WPSG \$237.33 smcs; Wragge,P \$215.00 smcs; Yanda's \$123.12 smcs; Yellow Van Cleaning \$175.00 smcs; Yourmembership.com \$150.00 smcs; Ziegelbein,T \$15.27 smcs; Zimmerman Printing \$72.65 smcs; Zoro Tools \$108.68 smcs; Payroll Ending 05/12/2018 -- \$475,324.05. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set June 12, 2018 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Timothy Franco submitted by CMO, Inc. dba Knights of Columbus 1728 located at 1900 Central Avenue in connection with their Class I-027979 liquor license.

5. Adopt Resolution No. 2018-69 approving Application and Certificate for Payment No. 1 in the amount of \$116,797.50 submitted by GD Concrete Construction, Inc. and approved by Miller & Associates for the 2017 Part 4 Improvements for the construction of raised left turn lane medians located at 56th Street at the intersection of 17th Avenue, 2nd Avenue at the intersection of 54th Street and to maximize the left turn lane stacking capabilities on 2nd Avenue at the 48th and 52nd Street intersections.

RESOLUTION NO. 2018-69

WHEREAS, GD Concrete Construction, Inc. of Overton, Nebraska has performed services in connection with the 2017 Part 4 Improvements for the construction of raised left turn lane medians located at 56th Street at the intersection of 17th Avenue, 2nd Avenue at the intersection of 54th Street and to maximize the left turn lane stacking capabilities on 2nd Avenue at the 48th and 52nd Street intersections, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$116,797.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

| | |
|--|---------------------|
| Original Contract Sum | <u>\$322,222.00</u> |
| Contract Sum To Date | 322,222.00 |
| Gross Amount Due | 129,775.00 |
| Retainage (10%) | 12,977.50 |
| Amount Due to Date | 116,797.50 |
| Less Previous Certificates for Payment | <u>.00</u> |
| Current Payment Due | \$116,797.50 |

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

PASSED AND APPROVED THIS 22ND DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution No. 2018-70 approving the Annexation Agreement between the City of Kearney and L & S Industries, for Lots 21, 22, 23 and 24, Kearney Industrial Park, a subdivision being part of Government Lots 1 and 4 and part of the North Half of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (4100 East 39th Street).

RESOLUTION NO. 2018-70

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement for Annexation between the City of Kearney and L & S Industries, Inc., a Nebraska Corporation for a tract of land described as Lots 21, 22, 23 and 24, Kearney Industrial Park, a subdivision being part of Government Lots 1 and 4 and part of the North Half of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska said property located at 4100 East 39th Street be and is hereby accepted.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Agreement on behalf of the City of Kearney for the annexation of the respective property.

PASSED AND APPROVED THIS 22ND DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2018-71 approving the Annexation Agreement between the City of Kearney and Dy-Na Tool & Mold, Inc., for Lot 11, Kearney Industrial Park, a subdivision being part of Government Lots 1 and 4 and part of the North Half of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (4200 East 39th Street).

RESOLUTION NO. 2018-71

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement for Annexation between the City of Kearney and DY-NA Tool & Mold, Inc., a Nebraska Corporation for a tract of land described as Lot 11, Kearney Industrial Park, a subdivision being part of Government Lots 1 and 4 and part of the North Half of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska said property located at 4200 East 39th Street be and is hereby accepted.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Agreement on behalf of the City of Kearney for the annexation of the respective property.

PASSED AND APPROVED THIS 22ND DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Accept the Proposals received for the Patriot Park playground structure and award the Proposal submitted by Creative Sites in the amount of \$82,758.00.

9. Adopt Resolution No. 2018-72 approving the Developer Constructed Infrastructure Agreement for Millennial Estates Second Addition between the City of Kearney and Jordan Starostka, Member of Starostka Group, Unlimited Inc., a Nebraska Corporation for the construction of paving, water, sanitary sewer and storm sewer for Millennial

Estates Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2018-72

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Millennial Estates Second Addition" between the City of Kearney and Jordan Starostka, Member of Starostka Group, Unlimited Inc., a Nebraska Corporation for the construction of paving, water, sanitary sewer and storm sewer for Millennial Estates Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 22ND DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class CK-122588 liquor license application and manager application for Yousef Ghamedi submitted by Cunningham's Lakeside Inc. dba Cunningham's Journal located at 610 Talmadge Street, Suite A.

11. Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court licenses until May 31, 2019: Restrictions Permit Applications as follows:

- a) Cornhusker Mobile Home Park, 1115 Avenue C;
- b) Countryside Mobile Park, 1920 15th Avenue;
- c) Merriweather Mobile Home Village, 914 West 17th Street;
- d) Rodeo Court, 2414 West 24th Street;
- e) R-Villa East, 2500, 2719, 2803 West 24th Street;
- f) R-Villa West, 2500, 2719, 2803 West 24th Street;
- g) R-Villa South, 2500, 2719, 2803 West 24th Street;
- h) Valley View Mobile Home Court, 2701 and 2801 Grand Avenue; and
- i) Villa Park, 2703 West 24th Street.

12. Adopt Resolution No. 2018-73 approving Application and Certificate for Payment No. 9 in the amount of \$2,917.68 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. 2018-73

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 Application and Certificate for Payment No. 9 in the amount of \$2,917.68 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 (11/28/2017) | + <u>4,858.37</u> |
| Contract Sum To Date | 2,738,129.01 |
| Gross Amount Due | 1,962,328.32 |
| Retainage (5%) | - <u>98,116.42</u> |
| Amount Due to Date | 1,864,211.90 |
| Less Previous Certificates for Payment | <u>1,861,294.22</u> |
| Current Payment Due | \$ 2,917.68 |

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 9 as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Adopt Resolution No. 2018-74 approving Application and Certificate for Payment No. 10 in the amount of \$359,283.50 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. 2018-74

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 Application and Certificate for Payment No. 10 in the amount of \$359,283.50 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 (11/28/2017) | + <u>4,858.37</u> |
| Contract Sum To Date | 2,738,129.01 |
| Gross Amount Due | 2,340,521.47 |
| Retainage (5%) | - <u>117,026.07</u> |

| | |
|--|---------------------|
| Amount Due to Date | 2,223,495.40 |
| Less Previous Certificates for Payment | <u>1,864,211.90</u> |
| Current Payment Due | \$ 359,283.50 |

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 10 as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

14. Adopt Resolution No. 2018-75 approving Application and Certificate for Payment No. 3 in the amount of \$60,970.80 submitted by Blessing, LLC and approved by Miller & Associates for the 2017 Part 2 Improvements consisting of Paving Improvement District No. 2017-986 and Water District No. 2017-586 for Country Club Lane from 39th Street south to the south lot line of Lot 3, Block 1, Aspen Meadows Third Addition.

RESOLUTION NO. 2018-75

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2017 Part 2 Improvements consisting of Paving Improvement District No. 2017-986 and Water District No. 2017-586 for Country Club Lane from 39th Street south to the south lot line of Lot 3, Block 1, Aspen Meadows Third Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$60,970.80 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

| | |
|--|---------------------|
| Original Contract Sum | \$365,152.20 |
| Change Order #1 (4-24-2018) | <u>+ \$6,353.13</u> |
| Contract Sum To Date | 371,505.33 |
| Gross Amount Due | 212,411.86 |
| Retainage (10%) | - 10,620.59 |
| Amount Due to Date | 201,791.27 |
| Less Previous Certificates for Payment | <u>- 140,820.47</u> |
| Current Payment Due | \$ 60,970.80 |

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 3, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

15. Adopt Resolution No. 2018-76 establishing a retirement health saving plan for City of Kearney Police Officers.

RESOLUTION NO. 2018-76

**RESOLUTION FOR ADOPTION OF THE VANTAGECARE
RETIREMENT HEALTH SAVINGS (RHS) PROGRAM**

PLAN NUMBER: 803776

NAME OF EMPLOYER: CITY OF KEARNEY, NEBRASKA

WHEREAS, the City of Kearney has employees (police officers) rendering valuable services; and

WHEREAS, the establishment of a retiree health savings plan for such police officers serves the interests of the City of Kearney by enabling it to provide reasonable security regarding such employees' (police officers') health needs during retirement, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the City of Kearney has determined that the establishment of the retiree health savings plan (the "Program") serves the above objectives.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City of Kearney adopts the ICMA Retirement Corporation's VantageCare Retirement Health Savings (the "Program") through the City of Kearney's integral part trust ("Trust") and the City of Kearney's welfare benefits plan ("Plan").

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with the City of Kearney, Nebraska serving as trustee for the exclusive benefit of Plan participants and their survivors, and the assets of the Plan shall not be diverted to any other purpose prior to the satisfaction of all liabilities of the Plan. The City of Kearney has executed the Declaration of Trust of the City of Kearney Integral Part Trust in the form of the sample trust made available by the ICMA Retirement Corporation.

BE IT FURTHER RESOLVED that the Director of Finance shall be the coordinator and contact for the Program and shall receive necessary reports, notices, etc.

PASSED AND APPROVED THIS 22ND DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

16. Approve the application for a Special Designated License submitted by Hi-Brand Kearney LLC dba Old Chicago in connection with their IK-066969 liquor license to cater and dispense alcoholic liquors in an outdoor 115' x 60' fenced area located in the parking lot of Old Chicago, 115 South 2nd Avenue on Wednesday, June 13, 2018 from 4:00 p.m. until 11:00 p.m. for an Old Chicago Mini Tour Launch Party.

17. Adopt Resolution No. 2018-77 approving the revised City of Kearney Personnel Manual.

RESOLUTION NO. 2018-77

WHEREAS, the City of Kearney has adopted a Personnel Manual since September 1, 1973, and has for several years prior to that time, maintained a cohesive personnel program including standard rules and regulations; and

WHEREAS, on August 22, 2006, the City Council formally adopted the revised Personnel Manual of the City of Kearney as the embodiment of the City’s rules and regulations governing personnel matters; as amended by the City Council on December 26, 2007 by Resolution No. 2007-264, amended on October 28, 2014 by Resolution No. 2014-224, amended on October 25, 2016 by Resolution No. 2016-184, amended on March 27, 2018 by Resolution No. 2018-41; and

WHEREAS, the City Manager and administrative staff have made several revisions and essential changes to the latest version of the Personnel Manual adopted on August 22, 2006, as amended in 2007, 2014, 2016, and 2018 and have recommended the adoption of a newly revised Personnel Manual; and

WHEREAS, the City Council having reviewed these recommended revisions and changes, finds them to be appropriate and necessary to the continued effective performance of duties by employees of the City.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Personnel Manual adopted on August 22, 2006, as amended in 2007, 2014, 2016 and 2018, be and are hereby repealed.

BE IT FURTHER RESOLVED that the newly revised Personnel Manual be and is hereby adopted and will become effective immediately. A copy of the newly revised Personnel Manual, marked Exhibit “A”, is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to implement the policies and provisions of the said Personnel Manual in the fairest and most constructive manner possible.

PASSED AND APPROVED THIS 22ND DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

18. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Applications for the Nebraska Kidney Association for the Share A Spare Color Run 2018 and Kearney Kidney Walk to temporarily close the northbound lane of East 1st Street from Avenue M to The Archway Parking Lot (located west of the building) on June 9, 2018.

19. Approve the application for a Special Designated License submitted by Miretta Vineyards & Winery Inc., dba Miletta Vista Winery in connection with their YK-077615 liquor license to cater and dispense alcoholic liquors inside the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, June 30, 2018 from 8:30 a.m. until 4:30 p.m. for a craft fair.

20. Accept the Proposals received for the removal and installation of concrete curb and ADA curb ramps on 29th Street between 2nd Avenue and 6th Avenue and award the Proposal submitted by Nielsen Contracting LLC in the amount of \$47,232.50.

21. Accept the Proposals received for the removal of sidewalk and the installation of ADA curb ramps between Avenue A and Avenue E and between 31st Street and 39th Street and award the Proposal submitted by S&J Construction in the amount of \$23,660.00.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8247 REPEALING ORDINANCE NO. 8205 AND AMENDING SALARY ORDINANCE

Council Member Buschkoetter introduced Ordinance No. 8247 repealing Ordinance No. 8205 and amend the Salary Ordinance reflecting the reclassification of an Evidence Technician and Permit Technician position and the addition position of Senior Plans Examiner, 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 suspend the rules for Ordinance No. 8247. 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. 8247 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 Clouse seconded by Lammers that Ordinance No. 8247 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. 8247 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

REDEVELOPMENT PROJECT FOR 11 SOUTH CENTRAL AVENUE

Mayor Clouse opened for discussion the redevelopment project submitted by KAAPA Ethanol Holdings, LLC for Redevelopment Area #9 for an area described as Lot 1 and Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 South Central Avenue) and to consider Resolution No. 2018-68.

Assistant City Manager, Paul Briseno, presented this matter to the Council. This item was previously before City Council for the rezoning of the property. The current value of the properties at the location is \$779,575. The new estimated value after the project is

complete is approximately \$2 million. KAAPA has identified TIF eligible costs which include such things as demolition, site work infrastructure upgrades within the site.

CRA did recommend approval not to exceed \$884,535 in TIF eligible costs which is 90% of the annual increment for taxes beginning in 2019 for the construction of the facility, which is roughly 13,000 square feet on a 4.16 acre site. Staff and CRA recommend approval for the application.

Moved by Lammers seconded by Nikkila to approve the finding that the redevelopment project set forth in the application submitted by KAAPA Ethanol Holdings, LLC would not be economically feasible without the use of tax-increment financing, that the proposed redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing and, that the costs and benefits of the proposed redevelopment project are found to be in the long term best interests of the community; and further move that the redevelopment project be granted 90 percent of the annual increment in real estate taxes, not to exceed the lessor of \$884,535, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2019 and to adopt Resolution No. 2018-68 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with KAAPA Ethanol Holdings, LLC. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear abstained. Motion carried.

RESOLUTION NO. 2018-68

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

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

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

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area #9 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

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

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

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

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific

Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as Lot 1 and Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 603741115); and

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

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

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as Lot 1 and Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 603741115) is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

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

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

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as Lot 1 and Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 603741115) shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

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

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

respective public bodies.

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

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

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

PASSED AND APPROVED THIS 22ND DAY OF MAY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

KEARNEY AD HOC HOUSING COMMITTEE REPORT

Mayor Clouse opened for discussion the consideration to accept the Kearney Ad Hoc Housing Committee Report.

Assistant City Manager Paul Briseno presented this matter to the Council. In 2017, a housing study was conducted for the City of Kearney and roughly 1,600 people participated. In June 2017, City Council directed the City Manager to create an Ad Hoc Committee to look at opportunities and come up with options to recommend back to the City Council. Nine members were identified and met monthly to look over best management practices opportunities that were outlined within the report.

The committee did identify two to three initiatives which are included in the Council packet with a goal of achieving \$225,000 single family homes or less through sustainable programs. The committee does recommend that City Council accept the report; specifically the first phase with the three items recommended, which are a reduced setback/lot size and street width reductions within a residential development, infill development and workforce housing investment fund and tax increment financing.

Council Member Lammers asked if there was any discussion about mobile home housing or similar type housing. Assistant City Manager stated not specifically mobile homes. There was discussion on rentals and the type of rentals the City has throughout the community.

Council Member Nikkila thanked the Assistant City Manager for leading the process as Council Member Nikkila thought it was a good balance of discussion on what can be

done and should be done versus the role the market has. There was a general sentiment that subsidies are not what the City should be doing but getting to look at some of the policies and current tools that are used.

Moved by Nikkila seconded by Lear to accept the Kearney Ad Hoc Housing Committee and integrate findings as appropriate. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

OPEN ACCOUNT CLAIM

Moved by Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$2,524.21 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

City Manager Michael Morgan congratulated Assistant City Manager Paul Briseno on his recent promotion to City Manager of Brookings, South Dakota and thanked him for his service to the City of Kearney over the course of the past three years.

Council Members congratulated the Kearney High Girls Track team on a second place finish at the recent State Track Meet, the Kearney High Boys with a sixth place finish and Kearney High Boys Soccer on their first ever State Championship victory.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 6:07 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**