

*Kearney, Nebraska*  
*July 24, 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 July 24, 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, and Bob Lammers. Absent: Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; and Peggy Eynetich, Deputy City Clerk were also present. Members of the media present included: Mike Konz – Kearney Hub and a representative from NTV.

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

## **I. ROUTINE BUSINESS**

### **INVOCATION/MOMENT OF SILENCE**

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

### **PLEDGE OF ALLEGIANCE**

Mayor Clouse led the Council members and audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

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

### **ORAL COMMUNICATIONS**

There was no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

**LAND USE MAP AMENDMENT FOR PROPERTY LOCATED NORTH OF TALMADGE STREET AND WEST OF 6TH AVENUE**

Public Hearings 1 through 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Paul and Linda Younes for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from General Commercial and Low Density Residential to General Commercial property described as a tract of land being part of Government Lot 6 and accretion, and part of Government Lot 9 and accretion, of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Talmadge Street and West of 6th Avenue) and consider Resolution No. 2018-104.

Craig Bennett from Miller & Associates presented this matter to the Council. The primary project is a two lot subdivision consisting of 17.75 acres. 3rd Street will go through the project and is being relocated; current zoning consists of C-2 and M-1 which will be rezoned to C-2/PD. Additionally there is an annexation for the plat as well as an unplatted area that will not be rezoned or platted for a total of 43.13 acres. The southern lot will contain 12.02 acres and the northern portion consists of 5.55 acres which will primarily be an outlet and will coexist with the hike/bike trail, bordered by the north channel of the Platte River.

Mr. Bennett described the infrastructure required for the project. Deviations requested include a 12.5 foot encroachment into the 25 foot setback to provide visibility, a height deviation for 85 feet to allow for a five story building and the reduction in the number of required stalls from 1010 to 836 as was similarly done on the south side of Talmadge.

Council Member Lammers questioned how parking has worked for the existing conference center since they have a similar use to what is being proposed. Mr. Bennett stated parking has been adequate for the hotels, existing and new restaurants and potential future office space in the area.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and adopt Resolution No. 2018-104 approving the application submitted by Miller & Associates for Paul and Linda Younes for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from General Commercial and Low Density Residential to General Commercial property described as a tract of land being part of Government Lot 6 and accretion, and part of Government Lot 9 and accretion, of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Talmadge Street and West of 6th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

**RESOLUTION NO. 2018-104**

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 Government Lot 6 and accretion, and part of Government Lot 9 and accretion, of Section 11, Township 8 North, Range 16 West of the 6th Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows: Referring to a brass cap at the Southwest corner of Government Lot 6 of Section 11 and assuming the West line of said Government Lot 6 as bearing N 01°06'47" E and all bearings contained herein are relative thereto; thence N 01°06'47" E on said West line a distance of 1065.11 feet to the North line of Talmadge Street, as platted in the City of Kearney, Buffalo County, Nebraska; thence S 86°38'39" E on said North line of Talmadge Street a distance of 446.78 feet to a 5/8" rebar with cap at the POINT OF BEGINNING; thence N 00°25'55" W a distance of 246.91 feet to a 5/8" rebar with cap; thence N 89°42'44" E a distance of 113.80 feet to a 5/8" rebar with cap; thence N 01°12'25" W a distance of 175.57 feet to a 5/8" rebar with cap; thence N 00°42'16" E a distance of 576.20 feet to the centerline of the North Channel of the Platte River; thence N 89°46'16" E on said centerline of the North Channel of the Platte River, and all courses following are on said centerline of the North Channel of the Platte River until otherwise described, a distance of 26.92 feet; thence S 69°34'31" E a distance of 99.55 feet; thence N 22°05'58" E a distance of 67.05 feet; thence N 13°11'09" W a distance of 262.30 feet; thence N 15°18'58" E a distance of 69.71 feet; thence N 58°04'45" E a distance of 54.00 feet; thence S 75°53'42" E a distance of 114.80 feet; thence S 34°10'34" E a distance of 62.81 feet; thence S 07°14'29" E a distance of 104.62 feet; thence S 62°55'45" E a distance of 173.86 feet; thence S 34°20'56" E a distance of 140.81 feet; thence S 07°35'10" E a distance of 141.32 feet; thence S 82°52'53" E a distance of 56.52 feet; thence N 38°32'18" E a distance of 37.84 feet; thence S 51°27'42" E leaving said centerline of the North Channel of the Platte River a distance of 33.45 feet to a 5/8" rebar with cap at the Northwest corner of Younes Center Fourth Addition to the City of Kearney, Buffalo County, Nebraska; thence S 03°21'47" W on the West line of said Younes Center Fourth Addition and then on the West line of 6th Avenue as platted in said Younes Center Fourth Addition and Younes Center Addition to the City of Kearney, Buffalo County, Nebraska a distance of 904.79 feet to a 5/8" rebar with cap on said North line of Talmadge Street; thence N 86°38'39" W on said North line of Talmadge Street a distance of 731.90 feet to the Point of Beginning, containing 17.75 acres more or less, all in Buffalo County, Nebraska from General Commercial and Low Density Residential to General Commercial, 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 General Commercial and Low Density Residential to General Commercial the use classification for a tract of land being part of Government Lot 6 and accretion, and part of Government Lot 9 and accretion, of Section 11, Township 8 North, Range 16 West of the 6th Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows: Referring to a brass cap at the Southwest corner of Government Lot 6 of Section 11 and assuming the West line of said Government Lot 6 as bearing N 01°06'47" E and all bearings contained herein are relative thereto;

thence N 01°06'47" E on said West line a distance of 1065.11 feet to the North line of Talmadge Street, as platted in the City of Kearney, Buffalo County, Nebraska; thence S 86°38'39" E on said North line of Talmadge Street a distance of 446.78 feet to a 5/8" rebar with cap at the POINT OF BEGINNING; thence N 00°25'55" W a distance of 246.91 feet to a 5/8" rebar with cap; thence N 89°42'44" E a distance of 113.80 feet to a 5/8" rebar with cap; thence N 01°12'25" W a distance of 175.57 feet to a 5/8" rebar with cap; thence N 00°42'16" E a distance of 576.20 feet to the centerline of the North Channel of the Platte River; thence N 89°46'16" E on said centerline of the North Channel of the Platte River, and all courses following are on said centerline of the North Channel of the Platte River until otherwise described, a distance of 26.92 feet; thence S 69°34'31" E a distance of 99.55 feet; thence N 22°05'58" E a distance of 67.05 feet; thence N 13°11'09" W a distance of 262.30 feet; thence N 15°18'58" E a distance of 69.71 feet; thence N 58°04'45" E a distance of 54.00 feet; thence S 75°53'42" E a distance of 114.80 feet; thence S 34°10'34" E a distance of 62.81 feet; thence S 07°14'29" E a distance of 104.62 feet; thence S 62°55'45" E a distance of 173.86 feet; thence S 34°20'56" E a distance of 140.81 feet; thence S 07°35'10" E a distance of 141.32 feet; thence S 82°52'53" E a distance of 56.52 feet; thence N 38°32'18" E a distance of 37.84 feet; thence S 51°27'42" E leaving said centerline of the North Channel of the Platte River a distance of 33.45 feet to a 5/8" rebar with cap at the Northwest corner of Younes Center Fourth Addition to the City of Kearney, Buffalo County, Nebraska; thence S 03°21'47" W on the West line of said Younes Center Fourth Addition and then on the West line of 6th Avenue as platted in said Younes Center Fourth Addition and Younes Center Addition to the City of Kearney, Buffalo County, Nebraska a distance of 904.79 feet to a 5/8" rebar with cap on said North line of Talmadge Street; thence N 86°38'39" W on said North line of Talmadge Street a distance of 731.90 feet to the Point of Beginning, containing 17.75 acres more or less, all in Buffalo County, Nebraska.

PASSED AND APPROVED THIS 24TH DAY OF JULY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**REZONING OF PROPERTY LOCATED NORTH OF TALMADGE STREET AND WEST OF 6TH AVENUE**

Public Hearings 1 through 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Paul and Linda Younes to rezone from District C-2, Community Commercial District and District M-1, Limited Industrial District to District C-2/PD, Community Commercial/Planned Development Overlay District property described as a tract of land being part of Government Lot 6 and accretion, and part of Government Lot 9 and accretion, of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Talmadge Street and West of 6th Avenue) and consider Ordinance No. 8258.

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 Paul and Linda Younes to rezone from District C-2, Community Commercial District and District M-1, Limited Industrial District to District C-2/PD, Community Commercial/Planned Development Overlay District property described as a tract of land being part of Government Lot 6 and accretion, and part of Government Lot 9 and accretion, of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Talmadge Street and West of 6th Avenue) and introduced Ordinance No. 8258 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. 8258. 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. Nay: None. Nikkila absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8258 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. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8258 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8258 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 YOUNES CENTER SIXTH ADDITION**

Public Hearings 1 through 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Paul and Linda Younes for the Final Plat and Subdivision Agreement for Younes Center Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 6 and accretion, and part of Government Lot 9 and accretion, of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Talmadge Street and West of 6th Avenue) and consider Resolution No. 2018-105.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Lammers to adopt Resolution No. 2018-105 approving the application submitted by Miller & Associates for Paul and Linda Younes for the Final Plat and Subdivision Agreement for Younes Center Sixth Addition, an addition to the

City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 6 and accretion, and part of Government Lot 9 and accretion, of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Talmadge Street and West of 6th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

### **RESOLUTION NO. 2018-105**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Younes Center Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of Government Lot 6 and accretion, and part of Government Lot 9 and accretion, of Section 11, Township 8 North, Range 16 West of the 6th Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows: Referring to a brass cap at the Southwest corner of Government Lot 6 of Section 11 and assuming the West line of said Government Lot 6 as bearing N 01°06'47" E and all bearings contained herein are relative thereto; thence N 01°06'47" E on said West line a distance of 1065.11 feet to the North line of Talmadge Street, as platted in the City of Kearney, Buffalo County, Nebraska; thence S 86°38'39" E on said North line of Talmadge Street a distance of 446.78 feet to a 5/8" rebar with cap at the POINT OF BEGINNING; thence N 00°25'55" W a distance of 246.91 feet to a 5/8" rebar with cap; thence N 89°42'44" E a distance of 113.80 feet to a 5/8" rebar with cap; thence N 01°12'25" W a distance of 175.57 feet to a 5/8" rebar with cap; thence N 00°42'16" E a distance of 576.20 feet to the centerline of the North Channel of the Platte River; thence N 89°46'16" E on said centerline of the North Channel of the Platte River, and all courses following are on said centerline of the North Channel of the Platte River until otherwise described, a distance of 26.92 feet; thence S 69°34'31" E a distance of 99.55 feet; thence N 22°05'58" E a distance of 67.05 feet; thence N 13°11'09" W a distance of 262.30 feet; thence N 15°18'58" E a distance of 69.71 feet; thence N 58°04'45" E a distance of 54.00 feet; thence S 75°53'42" E a distance of 114.80 feet; thence S 34°10'34" E a distance of 62.81 feet; thence S 07°14'29" E a distance of 104.62 feet; thence S 62°55'45" E a distance of 173.86 feet; thence S 34°20'56" E a distance of 140.81 feet; thence S 07°35'10" E a distance of 141.32 feet; thence S 82°52'53" E a distance of 56.52 feet; thence N 38°32'18" E a distance of 37.84 feet; thence S 51°27'42" E leaving said centerline of the North Channel of the Platte River a distance of 33.45 feet to a 5/8" rebar with cap at the Northwest corner of Younes Center Fourth Addition to the City of Kearney, Buffalo County, Nebraska; thence S 03°21'47" W on the West line of said Younes Center Fourth Addition and then on the West line of 6th Avenue as platted in said Younes Center Fourth Addition and Younes Center Addition to the City of Kearney, Buffalo County, Nebraska a distance of 904.79 feet to a 5/8" rebar with cap on said North line of Talmadge Street; thence N 86°38'39" W on said North line of Talmadge Street a distance of 731.90 feet to the Point of Beginning, containing 17.75 acres more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the 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 inhabits 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 24TH DAY OF JULY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

### **ANNEXATION OF YOUNES CENTER SIXTH ADDITION**

Public Hearings 1 through 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Paul and Linda Younes for the annexation of Younes Center Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 6 and accretion, and part of Government Lot 9 and accretion, of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Talmadge Street and West of 6th Avenue) and consider Resolution No. 2018-106.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and adopt Resolution No. 2018-106 approving the application submitted by Miller & Associates for Paul and Linda Younes for the annexation of Younes Center Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of Government Lot 6 and accretion, and part of Government Lot 9 and accretion, of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Talmadge Street and West of 6th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

### **RESOLUTION NO. 2018-106**

WHEREAS, an Application has been submitted by Miller & Associates for Paul and Linda Younes for the inclusion of Younes Center Sixth Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of Government Lot 6 and accretion, and part of Government Lot 9 and accretion, of Section 11, Township 8 North, Range 16 West of the 6th Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows: Referring to a brass cap at the Southwest corner of Government Lot 6 of Section 11 and

assuming the West line of said Government Lot 6 as bearing N 01°06'47" E and all bearings contained herein are relative thereto; thence N 01°06'47" E on said West line a distance of 1065.11 feet to the North line of Talmadge Street, as platted in the City of Kearney, Buffalo County, Nebraska; thence S 86°38'39" E on said North line of Talmadge Street a distance of 446.78 feet to a 5/8" rebar with cap at the POINT OF BEGINNING; thence N 00°25'55" W a distance of 246.91 feet to a 5/8" rebar with cap; thence N 89°42'44" E a distance of 113.80 feet to a 5/8" rebar with cap; thence N 01°12'25" W a distance of 175.57 feet to a 5/8" rebar with cap; thence N 00°42'16" E a distance of 576.20 feet to the centerline of the North Channel of the Platte River; thence N 89°46'16" E on said centerline of the North Channel of the Platte River, and all courses following are on said centerline of the North Channel of the Platte River until otherwise described, a distance of 26.92 feet; thence S 69°34'31" E a distance of 99.55 feet; thence N 22°05'58" E a distance of 67.05 feet; thence N 13°11'09" W a distance of 262.30 feet; thence N 15°18'58" E a distance of 69.71 feet; thence N 58°04'45" E a distance of 54.00 feet; thence S 75°53'42" E a distance of 114.80 feet; thence S 34°10'34" E a distance of 62.81 feet; thence S 07°14'29" E a distance of 104.62 feet; thence S 62°55'45" E a distance of 173.86 feet; thence S 34°20'56" E a distance of 140.81 feet; thence S 07°35'10" E a distance of 141.32 feet; thence S 82°52'53" E a distance of 56.52 feet; thence N 38°32'18" E a distance of 37.84 feet; thence S 51°27'42" E leaving said centerline of the North Channel of the Platte River a distance of 33.45 feet to a 5/8" rebar with cap at the Northwest corner of Younes Center Fourth Addition to the City of Kearney, Buffalo County, Nebraska; thence S 03°21'47" W on the West line of said Younes Center Fourth Addition and then on the West line of 6th Avenue as platted in said Younes Center Fourth Addition and Younes Center Addition to the City of Kearney, Buffalo County, Nebraska a distance of 904.79 feet to a 5/8" rebar with cap on said North line of Talmadge Street; thence N 86°38'39" W on said North line of Talmadge Street a distance of 731.90 feet to the Point of Beginning, containing 17.75 acres more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on July 20, 2018 on the inclusion of Younes Center Sixth 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 Younes Center Sixth 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 July 24, 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 Younes Center Sixth 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 Younes Center Sixth 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 24TH DAY OF JULY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**REVISED PLANNED DISTRICT DEVELOPMENT FOR PROPERTY LOCATED  
NORTH OF TALMADGE STREET, SOUTH OF NORTH CHANNEL PLATTE RIVER  
AND WEST OF 6TH AVENUE**

Public Hearings 1 through 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Paul and Linda Younes for Revised Planned District Development Plan Approval for the proposed construction of a hotel and conference center on property to be zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being part of Government Lot 6 and accretion, and part of Government Lot 9 and accretion, of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Talmadge Street and West of 6th Avenue) and consider Resolution No. 2018-107.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2018-107 approving the application submitted by Miller & Associates for Paul and Linda Younes for Revised Planned District Development Plan Approval for the proposed construction of a hotel and conference center on property to be zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being part of Government Lot 6 and accretion, and part of Government Lot 9 and accretion, of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Talmadge Street and West of 6th Avenue). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

**RESOLUTION NO. 2018-107**

WHEREAS, Miller & Associates for Paul and Linda Younes have applied for Revised Planned District Development Plan Approval for the construction of a hotel and convention center on property to be zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being part of Government Lot 6 and accretion, and part of Government Lot 9 and accretion, of Section 11, Township 8 North, Range 16 West of the 6th Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows: Referring to a brass cap at the Southwest corner of Government Lot 6 of Section 11 and assuming the West line of said Government Lot 6 as bearing N 01°06'47" E and all bearings contained herein are relative thereto; thence N 01°06'47" E on said West line a distance of 1065.11 feet to the North line of Talmadge Street, as platted in the City of Kearney, Buffalo County, Nebraska; thence S 86°38'39" E on said North line of Talmadge Street a distance of 446.78 feet to a 5/8" rebar with cap at the POINT OF BEGINNING; thence N 00°25'55" W a distance of 246.91 feet to a 5/8" rebar with cap;

thence N 89°42'44" E a distance of 113.80 feet to a 5/8" rebar with cap; thence N 01°12'25" W a distance of 175.57 feet to a 5/8" rebar with cap; thence N 00°42'16" E a distance of 576.20 feet to the centerline of the North Channel of the Platte River; thence N 89°46'16" E on said centerline of the North Channel of the Platte River, and all courses following are on said centerline of the North Channel of the Platte River until otherwise described, a distance of 26.92 feet; thence S 69°34'31" E a distance of 99.55 feet; thence N 22°05'58" E a distance of 67.05 feet; thence N 13°11'09" W a distance of 262.30 feet; thence N 15°18'58" E a distance of 69.71 feet; thence N 58°04'45" E a distance of 54.00 feet; thence S 75°53'42" E a distance of 114.80 feet; thence S 34°10'34" E a distance of 62.81 feet; thence S 07°14'29" E a distance of 104.62 feet; thence S 62°55'45" E a distance of 173.86 feet; thence S 34°20'56" E a distance of 140.81 feet; thence S 07°35'10" E a distance of 141.32 feet; thence S 82°52'53" E a distance of 56.52 feet; thence N 38°32'18" E a distance of 37.84 feet; thence S 51°27'42" E leaving said centerline of the North Channel of the Platte River a distance of 33.45 feet to a 5/8" rebar with cap at the Northwest corner of Younes Center Fourth Addition to the City of Kearney, Buffalo County, Nebraska; thence S 03°21'47" W on the West line of said Younes Center Fourth Addition and then on the West line of 6th Avenue as platted in said Younes Center Fourth Addition and Younes Center Addition to the City of Kearney, Buffalo County, Nebraska a distance of 904.79 feet to a 5/8" rebar with cap on said North line of Talmadge Street; thence N 86°38'39" W on said North line of Talmadge Street a distance of 731.90 feet to the Point of Beginning, containing 17.75 acres more or less, all in Buffalo County, Nebraska (North of Talmadge Street and West of 6th Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates for Paul and Linda Younes for Revised Planned District Development Plan Approval for the construction of a hotel and conference center on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being part of Government Lot 6 and accretion, and part of Government Lot 9 and accretion, of Section 11, Township 8 North, Range 16 West of the 6th Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows: Referring to a brass cap at the Southwest corner of Government Lot 6 of Section 11 and assuming the West line of said Government Lot 6 as bearing N 01°06'47" E and all bearings contained herein are relative thereto; thence N 01°06'47" E on said West line a distance of 1065.11 feet to the North line of Talmadge Street, as platted in the City of Kearney, Buffalo County, Nebraska; thence S 86°38'39" E on said North line of Talmadge Street a distance of 446.78 feet to a 5/8" rebar with cap at the POINT OF BEGINNING; thence N 00°25'55" W a distance of 246.91 feet to a 5/8" rebar with cap; thence N 89°42'44" E a distance of 113.80 feet to a 5/8" rebar with cap; thence N 01°12'25" W a distance of 175.57 feet to a 5/8" rebar with cap; thence N 00°42'16" E a distance of 576.20 feet to the centerline of the North Channel of the Platte River; thence N 89°46'16" E on said centerline of the North Channel of the Platte River, and all courses following are on said centerline of the North Channel of the Platte River until otherwise described, a distance of 26.92 feet; thence S 69°34'31" E a distance of 99.55 feet; thence N 22°05'58" E a distance of 67.05 feet; thence N 13°11'09" W a distance of 262.30 feet; thence N 15°18'58" E a distance of 69.71 feet; thence N 58°04'45" E a distance of 54.00 feet; thence S 75°53'42" E a distance of 114.80 feet; thence S 34°10'34" E a distance of 62.81 feet; thence S 07°14'29" E a distance of 104.62 feet; thence S 62°55'45" E a distance of 173.86 feet; thence S 34°20'56" E a distance of

140.81 feet; thence S 07°35'10" E a distance of 141.32 feet; thence S 82°52'53" E a distance of 56.52 feet; thence N 38°32'18" E a distance of 37.84 feet; thence S 51°27'42" E leaving said centerline of the North Channel of the Platte River a distance of 33.45 feet to a 5/8" rebar with cap at the Northwest corner of Younes Center Fourth Addition to the City of Kearney, Buffalo County, Nebraska; thence S 03°21'47" W on the West line of said Younes Center Fourth Addition and then on the West line of 6th Avenue as platted in said Younes Center Fourth Addition and Younes Center Addition to the City of Kearney, Buffalo County, Nebraska a distance of 904.79 feet to a 5/8" rebar with cap on said North line of Talmadge Street; thence N 86°38'39" W on said North line of Talmadge Street a distance of 731.90 feet to the Point of Beginning, containing 17.75 acres more or less, all in Buffalo County, Nebraska (North of Talmadge Street and West of 6th Avenue) be approved subject to the following deviations:

1. Increase the allowable building height by 40 feet. The maximum allowable building height in C-2 zoning districts is 45 feet; the applicant is requesting 85 feet in order to allow construction of a five story hotel.
2. Allow the proposed building to encroach 12.5 feet into the 25 foot building setback as shown on the Development Plan.
3. Decrease the required parking spaces by 174 spaces from 1,010 required parking spaces to 836 provided parking spaces.

PASSED AND APPROVED THIS 24TH DAY OF JULY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**ANNEXATION OF PROPERTY LOCATED WEST OF CHERRY AVENUE, EAST OF KEARNEY EAST EXPRESSWAY, NORTH OF HIGHWAY 30 AND SOUTH OF 39TH STREET INCLUDING A PORTION NORTH OF 39TH STREET AND A PORTION EAST OF CHERRY AVENUE**

Mayor Clouse opened the public hearing on the proposed annexation of the following tracts of land: an area of land being part of Government Lot 6 and accretion, part of Government Lot 7 and accretion, part of Government Lot 9 and accretion, and all of Lot 1, Gealy's Addition, a subdivision being part of Government Lot 6, all in Section 11, Township 8 North, Range 16 West of the 6th Principal Meridian, Buffalo County, Nebraska (North of Talmadge Street, South of North Channel Platte River and West of 6th Avenue).

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the public hearing and approve the annexation of the following tracts of land: an area of land being part of Government Lot 6 and accretion, part of Government Lot 7 and accretion, part of Government Lot 9 and accretion, and all of Lot 1, Gealy's Addition, a subdivision being part of Government Lot 6, all in Section 11, Township 8 North, Range 16 West of the 6th Principal Meridian, Buffalo County, Nebraska (North of Talmadge Street, South of North Channel Platte River and West of 6th Avenue). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

**CONDITIONAL USE PERMIT TO VIAERO WIRELESS FOR 3821 2ND AVENUE**

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates, Applicant, for Mountain Tower & Land LLC, a Colorado Limited Liability Company and Jon Becker on behalf of Viaero Wireless, Owner, for a Conditional Use Permit to locate a telecommunications tower site on property zoned District C-2, Community Commercial District and described as Lots 19 and 20, and the North 110 feet of Lots 15, 16, 17, 18, all in Baker's Subdivision to the City of Kearney, Buffalo County, Nebraska (3821 2nd Avenue) and to consider Ordinance No. 8259.

Craig Bennett from Miller and Associates presented this matter to the Council. The project is located south of 39th Street and east of 2nd Avenue. The property is currently zoned C-2 and has a building located on it that will be demolished. The tower will be located southeast of the existing building. A new building will be constructed and the tower will be painted the same color as the building. The tower would be a single column and 59 feet high.

Mayor Clouse stated he and City Manager Michael Morgan had observed a similar Viaero tower in Grand Island and reported it was done nicely.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the application submitted by Miller & Associates, Applicant, for Mountain Tower & Land LLC, a Colorado Limited Liability Company and Jon Becker on behalf of Viaero Wireless, Owner, for a Conditional Use Permit to locate telecommunications tower site on property zoned District C-2, Community Commercial District and described as Lots 19 and 20, and the North 110 feet of Lots 15, 16, 17, 18, all in Baker's Subdivision to the City of Kearney, Buffalo County, Nebraska (3821 2nd Avenue) and introduced Ordinance No. 8259 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. 8259. 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, Lammers. Nay: None. Nikkila absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8259 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, Lammers. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 8259 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance,

Ordinance No. 8259 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.

#### **IV. CONSENT AGENDA**

Moved by Lear seconded by Buschkoetter that Subsections 1 through 18 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

1. Approve Minutes of Special Meeting held July 10, 2018, Minutes of Regular Meeting held July 10, 2018, Minutes of Special Meeting held July 11, 2018 and Minutes of Special Joint Meeting held July 11, 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 \$97.01 smcs; 3gstore.com \$1,142.81 co; Accessdata Group \$1,187.15 smcs; Ace Irrigation \$430.07 smcs; Acushnet \$1,436.78 smcs; Adobe \$29.99 smcs; Advance Auto \$134.28 smcs; Alfred Benesch \$97,049.83 co; All Makes Auto \$4,204.74 smcs; Amazon \$10,798.92 smcs,co; American \$329.92 smcs; American First Aid \$1,701.29 smcs; Americinn \$198.16 smcs; Anderson Ford Lincoln \$191,897.00 co; Apple Market \$36.92 smcs; ARC \$1,200.00 smcs; Ask Supply \$797.03 smcs; ASP Enterprises \$794.04 smcs; Associated Bag Co. \$1,987.52 smcs; Aurora Coop \$132.32 smcs; Auto Value \$1,770.04 smcs; Awards Unlimited \$300.90 smcs; B&H Photo \$720.73 co; Baker & Taylor \$5,579.14 smcs; Barney Building & Land \$6,792.50 smcs; Baseball Hall of Fame \$150.00 smcs; Batterys sharks.com \$32.89 co; Becker,J \$137.50 smcs; Bike Shed \$44.99 smcs; Blackstone Audio \$120.00 smcs; Blessing \$24,004.12 co; BlueCross BlueShield \$147,496.72 smcs; Boogaarts \$9.00 smcs; Bosselman \$4,379.32 smcs; Broadfoot's \$135.00 smcs; Buffalo Co. Sheriff \$149,181.42 smcs; Buffalo Co. Treasurer \$15.00 co; Buffalo Outdoor Power \$2,099.13 smcs,co; Buggy Bath \$20.00 smcs; Builders \$1,065.35 co; Bumber to Bumber \$15.18 smcs; Cabela's \$572.69 smcs; Canva \$10.00 smcs; Carolina Software \$650.00 co; Carquest \$74.12 smcs; Carrot Top \$628.51 smcs; Cart Guy \$2,211.43 smcs; Casey's \$49.41 smcs; Cash Wa \$4,601.63 smcs; CDW Government \$1,270.25 smcs,co; Center Point Publishing \$75.96 smcs; Central District Health \$3,001.00 smcs; Central Fire & Safety \$28.50 smcs; Central Hydraulic \$134.51 smcs; Central NE Bobcat \$1,351.06 smcs; Central States Wire \$4,480.47 co; Charter \$776.19 smcs; Chemsearch \$305.00 smcs; Chesterman \$1,216.60 smcs; Chicken Coop \$50.00 smcs; Chief Supply \$161.99 smcs; Christensen,CK \$20.00 smcs; Cintas \$216.99 smcs; City Glass \$19.92 smcs; City of Ky \$25,666.28 smcs,ps; Coldspring \$470.75 smcs; Conroy,B \$51.00 smcs; Construction Rental \$1,346.61 smcs,co; Control Yours \$200.00 smcs; Coolshirts \$95.27 smcs; Copycat \$156.54 smcs; Core & Main \$83,359.10 smcs,co; Creative Teacher \$76.38 smcs; Credit Management \$102.55 ps; Cricut \$459.99 smcs; Crop Production \$243.39 smcs; Crouch Recreation \$162.00 co; Culligan \$111.50 smcs; Culver's \$30.00 smcs;

Cummins \$903.72 smcs; D & M Security \$70.50 smcs; Danko Emergency \$1,919.51 smcs; Dawson Public Power \$43,654.69 smcs; Daylight Donuts \$51.87 smcs; Dell \$899.00 co; Demco \$259.97 smcs; Desert Snow \$599.00 smcs; Deterdings \$1,103.55 smcs; Digi Key \$22.67 smcs; Digidirect \$315.00 co; Dish \$118.03 smcs; Dollar General \$99.49 smcs; DPC Industries \$23,486.43 smcs; Dreamstime.com \$25.00 smcs; Dutton-Lainson \$161.40 smcs; Eagle Distribution \$3,227.75 smcs; Eakes \$3,254.14 smcs; Earl May \$45.97 smcs; Earthgrains \$13.50 smcs; Ebsco \$251.00 smcs; Ed Roehr Safety \$1,470.40 smcs; Ehrlich-Rentokil \$147.00 smcs; Elliott Equipment \$4,450.00 smcs; EMC Insurance \$11,189.87 smcs; Enterprise \$274.89 smcs; Evers,B \$585.00 smcs; Expression Wear \$52.00 ps; Eyemed \$766.72 smcs; Facebook \$182.04 smcs; Fairbanks \$16.51 smcs; Family Fresh \$124.75 smcs; Family Practice \$84.43 ps; Farmers Union \$52.80 smcs; Faro Technologies \$1,495.00 smcs; Fastenal \$225.13 smcs; Federal Signal \$13,769.70 co; Fiddelke \$290.00 smcs; First National Bank \$40.00 smcs; Flaherty,T \$108.00 smcs; Foster and Freeman USA \$3,599.37 smcs; Frontier \$6,067.49 smcs; Fun Express \$47.32 smcs; Gale/Cengage \$414.87 smcs; Gall's \$359.27 smcs; Garrett Tires \$16,407.55 smcs; GCSAA \$195.00 smcs; General Traffic Control \$1,994.69 smcs; GI Physical Therapy \$135.00 smcs; Go Daddy \$210.48 smcs; Grainger \$654.51 smcs; Hach \$689.67 smcs; Hall,S \$44.50 ps; Hampton Inns \$219.72 smcs; Hassett,J \$67.80 ps; Heartland Hobby \$1,170.00 smcs; Hill,M \$20.00 smcs; Hilltop Pet Clinic \$30.99 smcs; Hobby-Lobby \$362.02 smcs; Holiday Inn Express \$596.62 smcs; Holmes Plumbing \$1,349.67 smcs; Hometown Leasing \$157.20 smcs; Horizon Designs \$625.00 smcs; Humanities Nebraska \$100.00 smcs; Hy-vee \$51.42 smcs; ICMA \$6,828.12 ps; Idexx Distribution \$916.31 smcs; Int'l Public Mgmt. \$1,424.90 smcs; IRS \$165,283.36 ps; ItBikes \$260.00 smcs; J&A Traffic \$10,924.50 smcs; Jack Lederman \$556.08 smcs; Jack's Uniforms \$1,105.57 smcs; JCI Industries \$5,764.71 smcs; Jimmy Johns \$120.14 smcs; John E. Reid and Assoc. \$575.00 smcs; Johnson Brothers of NE \$809.68 smcs; Johnson,J \$45.00 smcs; Johnstone Supply \$602.02 smcs; Jones,B \$15.00 smcs; Ky Ace \$35.97 smcs; Ky Animal Shelter \$7,381.25 smcs; Ky Centre Vac \$109.95 smcs; Ky Chamber Comm \$50.00 smcs; Ky Cinema 8 \$200.00 smcs; Ky Clinic \$224.00 ps; Ky Concrete \$29,559.27 co; Ky Crete & Block \$782.68 smcs,co; Ky Hub \$2,056.64 smcs; Ky Literacy Council \$1,000.00 smcs; Ky Power Sports \$322.85 smcs; Ky Quality Sew \$1,191.98 smcs; Ky Towing \$400.00 smcs; Ky Warehouse \$1,937.34 smcs; Ky Winlectric \$1,818.48 smcs; Ky Winnelson \$678.90 smcs; Kelly Supply \$1,709.75 smcs; Konica Minolta \$108.38 smcs; Kum & Go \$30.89 smcs; Kustom Signals \$15,172.00 smcs; Landmark Implement \$2,019.04 smcs; Lange Structural Group \$750.00 smcs; Laptop Battery Express \$310.00 co; Law Enforcement Training \$200.00 smcs; LED Lighting \$787.74 smcs; Lifeguard Store \$119.98 smcs; Little Caesars \$227.55 smcs; Lockmobile \$45.00 smcs; L-Tron \$25.50 co; Mac Faucets \$163.19 smcs; Mac Tools \$205.99 smcs; Macqueen Equipment \$1,290.72 smcs; Magic Cleaning \$400.00 smcs; Marlatt Machine \$293.86 smcs; Mascoelectr \$180.64 smcs; Masek Golf Car \$57.76 smcs; Masters True Value \$531.84 smcs; Matheson \$629.36 smcs; May,E \$47.25 ps; Mead Lumber \$323.58 co; Meadowlark Hills Golf \$12.84 smcs; Menards \$4,434.82 smcs; Midwest Connect \$800.54 smcs; Midwest Laboratories \$274.50 smcs; Midwest Turf \$619.87 smcs; Mirror Image \$71.60 smcs; MMF Pos \$23.68 smcs; Molina,F \$41.74 smcs; Moonlight Embroidery \$2,279.11 smcs; Mountain Truck & Equipment \$33,950.00 co; MPH Industries \$172.88 smcs; Municipal Supply \$15,467.67 smcs; NCH Software \$40.41 smcs; NE Child Support Pymt Ctr \$1,991.97 ps; NE Dept Environmental \$18,018.70 smcs; NE Dept of Revenue \$99,240.23 smcs; NE DOL/Boiler Inspection \$60.00 smcs;

NE Equipment \$297.21 smcs; NE Library Assn. \$100.00 smcs; NE Main Street Assn. \$350.00 smcs; NE Peterbilt \$20.77 smcs; NE Softball Assn. \$120.00 smcs; NE Truck Center \$29,278.99 smcs; Nebraskaland Distributing \$2,043.75 smcs; Network Fleet \$94.75 smcs; Network Solutions \$39.99 smcs; Noller Electric \$2,990.09 co; Northgate Veterinary \$622.19 smcs; Northwestern \$4,797.84 smcs; Northwestern University \$4,200.00 smcs; No-Spill Systems \$152.35 smcs; NRG Media \$180.00 smcs; OCLC \$690.32 smcs; Office Max \$3,733.72 smcs; Office Supply \$64.53 smcs; O'Keefe Elevator \$630.84 smcs; Olson,J \$445.00 smcs; O'Reilly Auto \$789.49 smcs; Orscheln \$1,811.22 smcs; Otterbox \$39.95 smcs; Outdoor Custom Sports \$1,297.44 smcs; Outdoor Recreation \$661.00 smcs; Overhead Door \$80.00 smcs; Owens,J \$93.75 smcs; Paper Tiger Shredding \$79.90 smcs; Paperworks.com \$120.30 smcs; Paramount \$341.48 smcs; Payflex Systems \$4.25 smcs; Pelican Int'l \$49.58 smcs; Penguin Random House \$58.75 smcs; Penworthy \$277.21 smcs; Pep Co. \$87.34 smcs; Pet Kingdom \$267.95 smcs; Pet Pick Ups \$1,200.10 smcs; PGA Member Info \$489.00 smcs; Physio Control \$4,114.73 smcs; Pickle Ball Central \$84.95 smcs; Pizza Hut \$25.34 smcs; Platinum Awards \$82.25 smcs; Platte Valley Auto \$825.62 smcs; Platte Valley Comm. \$318.60 smcs; Platte Valley Laboratories \$62.50 smcs; Postage Refill \$500.00 smcs; Pot Of Gold \$185.00 smcs; Power Tech \$482.58 smcs; Presto-X \$234.00 smcs; Prosocki,C \$64.80 smcs; PSS/CSS Presentation \$573.68 co; Public Agency Training \$700.00 smcs; Quest Software \$1,365.46 smcs; Quill \$305.94 smcs; Ready Mixed Concrete \$7,972.86 smcs,co; Reams \$1,644.00 smcs; Recorded Books \$1,559.23 smcs; Redman's Shoes \$102.99 smcs; Reinke's \$277.64 smcs; Republic National \$1,007.47 smcs; Resource Management \$2,448.96 smcs; Rest & Relaxation Tours \$41,300.00 smcs; Russell's Appliance \$1,199.00 co; S&S Worldwide \$259.49 smcs; Sahling Kenworth \$443.39 smcs; Sandry Fire \$585.06 smcs; Sapp Brothers \$42,835.14 smcs; Schake,L \$475.00 smcs; Schmitt, Dwaine \$51.00 smcs; Schwan's \$2,954.44 smcs; Sears \$124.98 smcs; Secretary of State \$150.00 smcs; Sedcatch \$505.51 smcs; Sherwinn Williams \$1,703.81 smcs; Shotkoski Services \$621.89 smcs; SHRM \$398.00 smcs; Shumacher Brothers \$50.00 smcs; Sign Center \$1,893.07 co; Signwarehouse \$358.37 smcs; Siskiyou Gifts \$136.80 smcs; Siteone Landscape \$2,023.70 smcs; Small Engine \$44.51 smcs; Smartsign \$19.95 smcs; Southern Glazers \$1,567.16 smcs; Sprinkler Warehouse \$1,561.07 smcs; SR Publishing \$14.95 smcs; State of NE/Dept Labor \$816.00 ps; Steinbrink's \$2,083.67 smcs; Steinbrook,S \$93.75 smcs; Straight Line Striping \$18,528.00 smcs; Super Stolie \$450.00 smcs; Supplyworks \$1,840.65 smcs; SWANA \$212.00 smcs; Swimoutlet.com \$206.14 smcs; Taillon,R \$40.00 smcs; Tamisiea,M \$13.07 ps; Target \$21.76 smcs; Techsoup \$141.00 co; Thunderhead Brewing \$13.58 smcs; Tielke's Sandwiches \$96.53 smcs; Titan Machinery \$188.00 smcs; Tnemec \$197.95 smcs; Tractor-Supply \$1,068.57 smcs; Travelocity \$1,263.72 smcs; Tri Co Glass \$91.25 smcs; Tri-Cities Group \$185.67 smcs; TVH Parts \$574.05 smcs; Union Bank & Trust \$75,653.63 ps; Unique Management \$375.90 smcs; Unites States Treasury \$1,037.26 smcs; UPS Store \$34.55 smcs; Urbanec,V \$25.80 ps; USA Communications \$319.89 smcs; USPS \$311.24 smcs; Valentine,B \$10.50 ps; Valley Forklift \$24.07 smcs; Van Diest Supply \$508.55 smcs; Verizon \$40.01 smcs; Vern Waskom Co. \$1,577.76 smcs; Vertive Services \$1,807.95 smcs; Waggoner Plumbing \$5,328.00 smcs; Waldinger Corp. \$922.92 smcs; Walgreens \$150.06 smcs; Wal-mart \$3,271.60 smcs; Walters Eclectic \$105.00 smcs; Ward Laboratories \$19.25 smcs; Warren-T Plumbing \$400.00 smcs; Waterlink \$668.73 smcs; Wausau Tile \$564.11 smcs; Whalen,J \$140.00 smcs; Whalen,S \$120.00 smcs; Wilco Life Ins. Co. \$19.00 ps; Witte,K \$187.50 smcs; Wood,C \$44.65 ps; WPCI \$262.50 ps; Zoro Tools

\$2,256.89 smcs; Payroll Ending 7-7-2018-- \$519,421.34. 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 August 14, 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 Class D-121959 liquor license application and manager application for Brian Fausch submitted by Bosselman Pump & Pantry, Inc. dba Pump & Pantry #40 located at 1616 2nd Avenue.
- 5. Approve the recommendation from the Development Services Division on the annual renewal for manufactured home court license to East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue until May 31, 2019.
- 6. Adopt Resolution No. 2018-108 approving the Developer Constructed Infrastructure Agreement; Lot 2, Frederick’s Third Addition between the City of Kearney and Kenneth and Linda Anderson for water main improvements to serve Lot 2, Frederick’s Third Addition.

**RESOLUTION NO. 2018-108**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled “Developer Constructed Infrastructure Agreement for Lot 2, Frederick’s Third Addition” between the City of Kearney and Kenneth and Linda Anderson, for the construction of a water main improvement to serve Lot 2, Frederick’s Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 24TH DAY OF JULY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

- 7. Adopt Resolution No. 2018-109 approving Application and Certificate for Payment No. 1 in the amount of \$188,559.59 submitted by The Diamond Engineering Co. and approved by Olsson Associates for the 2017 Part 3 Improvements consisting of Paving Improvement District No. 2017-987 for 11th Street from the west right-of-way line of 14th Avenue to the west right-of-way line of 7th Avenue.

**RESOLUTION NO. 2018-109**

WHEREAS, The Diamond Engineering Co. of Grand Island, Nebraska, has performed services in connection with 2017 Part 3 Improvements consisting of Paving

Improvement District No. 2017-987 for 11th Street from the west right-of-way line of 14th Avenue to the west right-of-way line of 7th Avenue, and Olsson Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$188,559.59 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 1,127,674.65
Contract Sum To Date	1,127,674.65
Gross Amount Due	209,510.65
Retainage (10%)	- <u>20,951.07</u>
Amount Due to Date	188,559.59
Less Previous Certificates for Payment	- <u>0.00</u>
Current Payment Due	\$ 188,559.59

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 are hereby accepted and approved. PASSED AND APPROVED THIS 24TH DAY OF JULY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

8. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application submitted by the Kearney Police Department to temporarily close Avenue B from Railroad Street to 21st Street from 7:30 a.m. until 3:00 p.m. on Saturday, August 18, 2018.

9. Adopt Resolution No. 2018-110 appointing citizens to serve on the Advisory Board of Park & Recreation Commissioners, Airport Advisory Board, Board of Adjustment, Community Redevelopment Authority, Downtown Improvement Board, Golf Advisory Board, Kearney Housing Agency, Library Advisory Board, Planning Commission and Senior Services Advisory Board.

**RESOLUTION NO. 2018-110**

WHEREAS, Resolution No. 2005-96 calls for Citizen Board/Commission member appointments to be made by resolution submitted by the Mayor to the City Council for final approval; and

WHEREAS, vacancies currently exist on certain Boards/Commissions.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following persons, as proposed by the Mayor of the City of Kearney, Nebraska, are hereby appointed to the designated Boards/Commissions for the term indicated:

**ADVISORY BOARD OF PARK & RECREATION COMMISSIONERS**

Nicole Mailahn reappointed to July 31, 2023

Marta Moorman (County Appointment) reappointed to July 31, 2023

**AIRPORT ADVISORY BOARD**

Jacob Barth reappointed to July 31, 2023

**BOARD OF ADJUSTMENT**

Marty Madden reappointed to July 31, 2021

Brian Moore reappointed to July 31, 2021

**COMMUNITY REDEVELOPMENT AUTHORITY**

Larry Butler reappointed to July 31, 2023

**DOWNTOWN IMPROVEMENT BOARD**

Chais Meyer reappointed to July 31, 2023

Joe Johnson appointed to fulfill term of Ron Lieske to July 31, 2021

**GOLF ADVISORY BOARD**

Chet Graham reappointed to July 31, 2022

Megan Uphoff appointed to succeed Pam Pearson to July 31, 2022

Larry Merz appointed to succeed Jim Van Amburg to July 31, 2022

**KEARNEY HOUSING AGENCY**

Maxine Lillis reappointed to July 31, 2023

**LIBRARY ADVISORY BOARD**

Patricia (Patsy) Bruner reappointed to July 31, 2022

John Icenogle appointed to succeed Bani Christine to July 31, 2022

**PLANNING COMMISSION**

Stan Dart reappointed to July 31, 2021

Tami James Moore reappointed to July 31, 2021

Monte Dakan appointed to succeed Ed Berglund to July 31, 2021

David Crook appointed to fulfill term of Justin Wolf to July 31, 2019

**SENIOR SERVICES ADVISORY BOARD**

Deanna Jesse reappointed to July 31, 2021

Betty Jo Armagost reappointed to July 31, 2021

Betty Jo Shaw appointed to succeed Brad Stephan to July 31, 2021

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED THIS 24TH DAY OF JULY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**10.** Approve the Plans and Specifications for the 2018 Part 1 Improvements for the extension of 17th Street infrastructure, approximately 550 feet east of N Avenue continuing east to the intersection of P Avenue, consisting of Paving Improvement

District No. 2018-988, Water District No. 2018-587 and Sanitary Sewer District No. 2018-523 and set the bid opening date for August 21, 2018 at 2:00 p.m.

11. Adopt Resolution No. 2018-111 approving Change Order No. 2 showing a decrease in the amount of \$2,103.00 and Application and Certificate for Payment No. 3-Final in the amount of \$57,058.92, and accept the Certificate of Substantial Completion 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. 2018-111**

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 Change Order No. 2 showing a decrease to the contract sum in the amount of \$2,103.00 as shown on Exhibit "A" attached hereto and made a part hereby of reference; and

WHEREAS, GD Concrete Construction, Inc. have filed with the City Clerk Application and Certificate for Payment No. 3-Final in the amount of \$57,058.92 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$322,222.00
Change Order No. 1(6/26/2018)	+ 70,787.00
Change Order No. 2 (7/24/2018)	<u>- 2,301.00</u>
Contract Sum To Date	390,906.00
Gross Amount Due	390,906.00
Retainage (0%)	0.00
Amount Due to Date	390,906.00
Less Previous Certificates for Payment	<u>333,847.08</u>
Current Payment Due	\$57,058.92

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of November 15, 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. 2, as shown on Exhibit "A" and Application and Certificate for Payment No. 3-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 24TH DAY OF JULY, 2018.

ATTEST:  
 LAUREN BRANDT  
 CITY CLERK

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

**12.** Adopt Resolution No. 2018-112 approving Change Order No. 1 showing a decrease in the amount of \$2,624.00 and Application and Certificate for Payment No. 1-Final in the amount of \$59,376.00, and accept the Certificate of Substantial Completion submitted by Husker Grading and approved by Miller & Associates for 2018 Archway Trail Improvements.

**RESOLUTION NO. 2018-112**

WHEREAS, Husker Grading of Burwell, Nebraska has performed services in connection with the 2018 Archway Trail Improvements, 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 \$2,624.00 as shown on Exhibit "A" attached hereto and made a part hereby of reference; and

WHEREAS, Husker Grading have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$59,376.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$62,000.00
Change Order No. 1(7/24/2018)	- <u>2,624.00</u>
Contract Sum To Date	59,376.00
Gross Amount Due	59,376.00
Retainage (0%)	- <u>0.00</u>
Amount Due to Date	59,376.00
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$59,376.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of November 15, 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" and Application and Certificate for Payment No. 1-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 24TH DAY OF JULY, 2018.

ATTEST:  
 LAUREN BRANDT  
 CITY CLERK

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

**13.** Accept the bids received for the Brad Bowman Accessible Sports Field at Patriot Park and adopt Resolution No. 2018-113 awarding the bid to TL Sund Constructors in the amount of \$408,077.68 and approving Change Order No. 1 showing a decrease in the amount of \$13,018.00 approved by Miller & Associates.

**RESOLUTION NO. 2018-113**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on July 3, 2018 at 2:00 p.m. for the Brad Bowman Accessible Sports Field at Patriot Park; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$374,692.36; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by TL Sund Constructors, Inc of Lexington, Nebraska in the amount of \$408,077.68 be accepted as the lowest responsible bid for the Accessible Sports Field at Patriot Park; and

WHEREAS, the City's engineer, Miller & Associates, has filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$13,018.00 as shown on Exhibit "A" attached hereto and made a part hereby of reference.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer's recommendation is hereby accepted, that TL Sund Constructors, Inc be and is the lowest responsible bidder for the Brad Bowman Accessible Sports Field at Patriot Park to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of TL Sund Constructors, Inc in the amount of \$408,077.68 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$374,692.36 be and is hereby accepted.

BE IT FURTHER 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" be and are hereby accepted and approved.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and are hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 24TH DAY OF JULY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

14. Adopt Resolution No. 2018-114 approving Application and Certificate for Payment No. 12 in the amount of \$89,584.00 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. 2018-114**

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. 12 in the amount of \$89,584.00 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)	+ 4,858.37
Change Order No. 3 (6/12/2018)	+ <u>2,033.00</u>
Contract Sum To Date	2,740,162.01
Gross Amount Due	2,729,886.37
Retainage (5%)	- <u>136,494.32</u>
Amount Due to Date	2,593,392.05
Less Previous Certificates for Payment	<u>2,503,808.05</u>
Current Payment Due	\$ 89,584.00

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. 12 as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF JULY, 2018.

ATTEST:  
 LAUREN BRANDT  
 CITY CLERK

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

**15.** Adopt Resolution No. 2018-115 approving Application and Certificate for Payment No. 5 in the amount of \$104,963.79 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. 2018-115**

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. 5 in the amount of \$104,963.79 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	348,167.56
Retainage (10%)	- 17,408.38
Amount Due to Date	330,759.18

Less Previous Certificates for Payment	<u>- 225,795.39</u>
Current Payment Due	\$ 104,963.79

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. 5, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF JULY, 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 Kearney Investment Corporation, dba Holiday Inn in connection with their Class CK-017964 liquor license to cater and dispense alcoholic liquor inside an outdoor fenced area measuring 20' x 40' at Vertical Focus Realty VIP Event located at 5609 1st Avenue, on Thursday, August 23, 2018 from 3:30 p.m. until 7:30 p.m. for a VIP chamber business event.

**17.** Adopt Resolution No. 2018-116 approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Quincy Bennett, Chris Hellerich and Robert Trujillo.

#### **RESOLUTION NO. 2018-116**

WHEREAS, Jim Tacha, Chief of the Kearney Volunteer Fire Department, has forwarded names of individuals desiring to serve as a volunteer in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Tacha, the City Council of the City of Kearney, Nebraska hereby finds and determines that said persons listed are fully capable and qualified to serve a membership in the Kearney Volunteer Fire Department; and

WHEREAS, in order to be qualified for benefits in accordance with Sections 48-115, et seq. of the Nebraska Revised Statutes, said volunteer firefighters acting outside the corporate limits of the City must be officially directed to do so in order to be eligible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that the persons recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as members of the Kearney Volunteer Fire Department for the purposes of and in accordance with Section 48-115 of the Nebraska Revised Statutes, and that said members are fully entitled to benefits under the Workers' Compensation Act.

BE IT FURTHER RESOLVED that all of said volunteer firefighters named on Exhibit "A" are hereby specifically authorized and directed to serve outside the corporate limits of the municipality under the direction, orders and authority of the Chief of the Kearney Volunteer Fire Department in accordance with Section 4-204 of the Kearney City Code.

PASSED AND APPROVED THIS 24TH DAY OF JULY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**18.** Approve the applications for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to cater and dispense alcoholic liquor as follows:

a) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, August 11, 2018 from 3:00 p.m. until 1:00 a.m. for a quinceanera;

b) Inside Click Family Healthcare located at 416 West 48th Street, Suite 28 on Thursday, August 16, 2018 from 4:00 p.m. until 10:00 p.m. for a business after hours event;

c) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, August 18, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

d) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, August 18, 2018 from 3:00 p.m. until 1:00 a.m. for a reception;

e) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on Friday, August 24, 2018 from 3:00 p.m. until 1:00 a.m. for a reception; and

f) Inside Schrock Chiropractic located at 5911 2nd Avenue on Thursday, August 30, 2018 from 4:00 p.m. until 10:00 p.m. for a business after hours event.

## **V. CONSENT AGENDA ORDINANCES**

None.

## **VI. REGULAR AGENDA**

**RESOLUTION OF INTENT TO ANNEX NORTH OF 39TH STREET APPROXIMATELY 1,343 FEET EAST FROM CHERRY AVENUE, NORTH OF AERONCA STREET, WEST OF AIRPORT ROAD, SOUTH OF CESSANA STREET INCLUDING BELLANCA STREET, SOUTH OF 56TH STREET AND EAST OF CHERRY AVENUE AND KEARNEY EAST EXPRESSWAY**

Mayor Clouse opened for discussion the Resolution No. 2018-117 on the intent to annex the following: a tract of land located in part of the South Half of the Northwest Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northwest Quarter of the Southeast Quarter, part of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and that part of Cherry Avenue lying within part of the Southeast Quarter of the Northeast Quarter and part of the East Half of the Southeast Quarter, of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and part of Lot 11 and all of 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; and all of Lot 3, Kearney Industrial Park Second, 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; part of

Lot 6 and all of Lots 7 and 8 and part of Lot 9, Industrial Subdivision of Kearney Air Field, Buffalo County, Nebraska; and all of Lots 1 and 2, Patriot Second Subdivision, a subdivision being a part of the Southeast Quarter of the Northwest Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Southwest Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; including all of those parts of Cherry Avenue, Piper Avenue, Cessna Street, Bellanca Street, Aeronca Street, Airport Road and 39th Street lying within and abutting the above described lands, all in Buffalo County, Nebraska (North of 39th Street approximately 1,343 feet east from Cherry Avenue, North of Aeronca Street, West of Airport Road, South of Cessena Street including Bellanca Street, South of 56th Street and East of Cherry Avenue and Kearney East Expressway) and to set the public hearing date for August 7, 2018 at 7:30 a.m..

City Attorney Michael Tye presented this matter to the Council. The property is on the east side of Kearney near the airport. This annexation generally goes east along 39th Street and encompasses property owned by L & S Industries, Dy-Na Tool and Chief Industries, whom the City had prior annexation agreements with. The annexation further extends to include property owned by the City including the Kearney Volunteer Firefighter's Training Center, continuing up to Bellanca Street and includes property owned by Deluxe Manufacturing located north of Bellanca Street, with whom the City also has an annexation agreement with. Portions of the proposed annexed area may be an area where additional industrial development could occur and in order to use TIF financing or qualify for grants, the property needs to be in city limits.

Council Member Lammers questioned if the property on the west side was owned by Ward Laboratories, Ashley Furniture or Triangle Metals? City Attorney stated the annexation does not include what used to be Triangle Metals; the City does have annexation agreements with other owners in the area but have decided to only annex the portions where potential future development is thought to occur.

Mayor Clouse stated he didn't think the City had an annexation agreement with agricultural land located east of Kearney East Expressway and west of the old Cherry Avenue. City Attorney reminded that an agreement with a property owner is not necessary to annex property into city limits and that many cities will annex contiguous property if the property has access to city services. However, the City of Kearney takes a different approach typically and has conversations with property owners to discuss annexation first as the City feels that is a more appropriate way of handling annexation.

Moved by Buschkoetter seconded by Clouse to approve Resolution No. 2018-117 on the intent to annex the following: a tract of land located in part of the South Half of the Northwest Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northwest Quarter of the Southeast Quarter, part of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and that part of Cherry Avenue lying within part of the Southeast Quarter of the Northeast Quarter and part of the East Half of the Southeast Quarter, of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and part of Lot 11 and all of 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; and all of Lot 3, Kearney Industrial Park Second, 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; part of Lot 6 and all of Lots 7 and 8 and part of Lot 9, Industrial Subdivision of Kearney Air Field, Buffalo County, Nebraska; and all of Lots 1 and 2, Patriot Second Subdivision, a subdivision being a part of the Southeast Quarter of the Northwest Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Southwest Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; including all of those parts of Cherry Avenue, Piper Avenue, Cessna Street, Bellanca Street, Aeronca Street, Airport Road and 39th Street lying within and abutting the above described lands, all in Buffalo County, Nebraska (North of 39th Street approximately 1,343 feet east from Cherry Avenue, North of Aeronca Street, West of Airport Road, South of Cessna Street including Bellanca Street, South of 56th Street and East of Cherry Avenue and Kearney East Expressway) and to set the public hearing date for August 7, 2018 at 7:30 a.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

#### **RESOLUTION NO. 2018-117**

WHEREAS, the City of Kearney, Nebraska in accordance with Section 16-117 of the Nebraska Revised Statutes is considering the annexation of contiguous or adjacent lands, lots, tracts, streets or highway as are urban or suburban in character and a plan for extending city services to the following described tracts of land:

A tract of land located in part of the South Half of the Northwest Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northwest Quarter of the Southeast Quarter, part of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and that part of Cherry Avenue lying within part of the Southeast Quarter of the Northeast Quarter and part of the East Half of the Southeast Quarter, of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and part of Lot 11 and all of 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; and all of Lot 3, Kearney Industrial Park Second, 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; part of Lot 6 and all of Lots 7 and 8 and part of Lot 9, Industrial Subdivision of Kearney Air Field, Buffalo County, Nebraska; and all of Lots 1 and 2, Patriot Second Subdivision, a subdivision being a part of the Southeast Quarter of the Northwest Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Southwest Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; including all of those parts of Cherry Avenue, Piper Avenue, Cessna Street, Bellanca Street, Aeronca Street, Airport Road and 39th Street lying within and abutting the above described lands, and more particularly described as follows: Beginning at the Southwest Corner of Section 28 said

corner being on the South Right of Way Line of 39th Street; thence West, along said south right of Way Line of 39th Street, a distance of 33.00 Feet to the intersection of the West Right of Way Line of Cherry Avenue and the South Right of Way Line of 39th Street; thence Northerly, along the West Right of Way Line of Cherry Avenue, a distance of 536.82 Feet to the intersection of the West Right of Way Line of Cherry Avenue and the extended South Line of Lot 20, Kearney Industrial Park; thence Easterly a distance of 73.00 Feet to the Southwest Corner of said Lot 20; thence continuing Easterly, along the South Line of said Lot 20, a distance of 299.82 Feet to the Southeast Corner of said Lot 20; thence Northerly, along the East Line of Said Lot 20, a distance of 24.28 Feet to the Northwest Corner of the South Tract of a minor subdivision being Lots 11, 18, 19 and 20 of Kearney Industrial Park, recorded in Book 2013 Page 5132, Buffalo County Register of Deeds signed August 7th, 2013 by Ronald G. Ridway, L.S. #568; Thence Easterly, along the North Line of said South Tract of a minor subdivision being Lots 11, 18, 19 and 20 of Kearney Industrial Park, a distance of 315.19 Feet to the Northeast Corner of said South Tract of a Minor Subdivision Being Lots 11, 18, 19 and 20 of Kearney Industrial Park, and a point on the West Line of Lot 3, Kearney Industrial Park Second; thence Northerly, along the West Line of Lot 3, Kearney Industrial Park Second, a distance of 887.49 Feet to the Northwest Corner of said Lot 3, Kearney Industrial Park Second; thence Easterly, along the North Line of said Lot 3, Kearney Industrial Park Second, a distance of 618.43 Feet to the Northeast Corner of Lot 3, Kearney Industrial Park Second said point also being the Southeast Corner of Lot 1, Kearney Industrial Park Second; thence Northerly, along the East Line of Lot 1, Kearney Industrial Park Second, a distance of 683.00 Feet to the Northeast Corner of said Lot 1, Kearney Industrial Park Second; thence Westerly, along the North Line of said Lot 1, Kearney Industrial Park Second and the North Line of Lot 1, Kearney Industrial Park, a distance of 1304.24 Feet to the intersection of the West Right of Way Line of Cherry Avenue and the extended North Line of Lot 1, Kearney Industrial Park; thence Northerly along the West Right of Way Line of Cherry Avenue, a distance of 1759.53 Feet to a point 33 Feet West of and 1386.92 Feet South of the Northwest Corner of Section 28; thence Easterly deflecting 90 degrees right a distance of 1174.10 Feet; thence Southerly deflecting 84 degrees right a distance of 1124.87 Feet; thence Easterly deflecting 84 Degrees Left a distance of 961.73 Feet to a point on the West Right of Way Line of Piper Avenue; thence Northerly, along the West Right of Way Line of Piper Avenue, a distance of 1097.84 Feet to the intersection of the West Right of Way Line of Piper Avenue and the North Right of Way Line of Cessna Street; thence Easterly, along the North Right of Way Line of Cessna Street, a distance of 915.81 Feet to the intersection of the North Line of Cessna Street and the East Right of Way Line of Airport Road; thence Southwesterly along the East Right of Way Line of Airport Road, a distance of 1682.04 Feet to the intersection of the East Right of Way Line of Airport Road and the extension of the North Line of a tract of land surveyed on August 26, 2003 by Buffalo Surveying Company, Rick S. Garvue, L.S. #591 as Party Chief, and signed by Mitchell W. Humphrey, L.S. #492; thence Westerly along the North Line of said tract of land, a distance of 849.08 Feet to the Northwest Corner of said tract of land said point also being on the East Right of Way Line of Piper Avenue; thence Southwesterly, along the West Line of said tract of land also being the East Right of Way Line of Piper Avenue, a distance of

340.07 Feet to the Southwest Corner of said tract of land; thence Easterly, along the South Line of said tract of land, a distance of 578.31 Feet to the intersection of the extended South Line of said tract a land and the East Right of Way Line of Aeronca Street; thence Southwesterly, along the Southeasterly Right of Way Line of Aeronca Street, a distance of 728.50 Feet to the intersect of the Southeasterly Right of Way Line and the Easterly Right of Way Line of Piper Avenue; thence Southwesterly, along the Easterly Right of Way Line of Piper Avenue, a distance of 185.48 Feet to the intersection of the Easterly Right of Way Line of Piper Avenue and the Northerly Line of Piper Subdivision; thence Westerly, along the Northerly Line of Piper Subdivision, a distance of 454.44 Feet to a point of curvature; thence on a 730.10 Foot radius curve to the left, along the Northerly Line of Piper Subdivision, a distance of 739.91 Feet; thence Southerly, along the Westerly Line of Piper Subdivision, a distance of 282.00 Feet to the Southwest Corner of Piper Subdivision said point also being on the North Right of Way Line of 39th Street; thence continuing Southerly a distance of 86.36 Feet to the South Right of Way Line of 39th Street; thence Westerly along the South Right of Way Line of 39th Street also being the South Line of Section 28, a distance of 1343.22 Feet to the point of beginning, all in Buffalo County, Nebraska.

WHEREAS, the City Council will conduct a public hearing on August 7, 2018 at 7:30 a.m. or as soon thereafter as the matter may be heard to receive testimony from all interested parties and/or individuals; and

WHEREAS, the plan outlining the City services, including but not limited to: (a) water, sanitary sewer, storm sewer, refuse collection, are currently being provided and maintained by the City of Kearney and no additional utility improvements will be required; and (b) a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the City and the general land use pattern in the land proposed for annexation is available for inspection during regular business hours in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that a plan outlining the City services available to the above-described properties, together with a map showing the current boundaries of the City, a map showing the proposed boundaries of the City after annexation, and a map showing the general land use pattern in the land proposed for annexation is hereby adopted and approved and shall be available for inspection during regular business hours in the office of the City Clerk.

BE IT FURTHER RESOLVED that a public hearing on the proposed annexation shall be held at 7:30 a.m. on August 7, 2018, or as soon thereafter as the matter may be heard, in the City Council Chambers located at City Hall, 18 East 22nd Street, Kearney, Nebraska to receive testimony from all interested parties and/or individuals.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to publish in the *Kearney Hub* at least once, not less than ten days preceding the date of the public hearing, a copy of this Resolution and a map drawn to scale delineating the land proposed for annexation.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to send by first-class mail, a copy of the resolution providing for the public hearing to the school board of the school district including the lands proposed for annexation.

PASSED AND APPROVED THIS 24TH DAY OF JULY, 2018.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**ORDINANCE FOR ANNEXATION OF PROPERTY LOCATED NORTH OF TALMADGE STREET, SOUTH OF NORTH CHANNEL PLATTE RIVER AND WEST OF 6TH AVENUE**

Council Member Clouse introduced Ordinance No. 8260 to annex the following tract of land: an area of land being part of Government Lot 6 and accretion, part of Government Lot 7 and accretion, part of Government Lot 9 and accretion, and all of Lot 1 Gealy's Addition, a subdivision being part of Government Lot 6, all in Section 11, Township 8 North, Range 16 West of the 6th Principal Meridian, Buffalo County, Nebraska (North of Talmadge Street, South of North Channel Platte River and West of 6th Avenue), and moved that Ordinance No. 8260 be placed on first reading. Council Member Lammers seconded the motion to place on first reading. 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, Lammers, Buschkoetter. Nay: None. Nikkila absent. Motion carried. City Clerk read Ordinance No. 8260 on first reading.

ORDINANCE NO. 8260

An Ordinance Of The City Of Kearney, Nebraska, To Extend The Boundaries And Include Within The Corporate Limits Of, And To Annex To The City Of Kearney, Nebraska An Area Of Land Being Part Of Government Lot 6 And Accretion, Part Of Government Lot 7 And Accretion, Part Of Government Lot 9 And Accretion, And All Of Lot 1 Gealy's Addition, A Subdivision Being Part Of Government Lot 6, All In Section 11, Township 8 North, Range 16 West Of The 6th Principal Meridian, Buffalo County, Nebraska, Entirely Discussed And Described In The Metes And Bounds Legal Provided In Ordinance No. 8260; To Provide Service Benefits Thereto; To Confirm Zoning Classifications; To Repeal All Ordinances And Resolutions Or Parts Thereof In Conflict Herewith; And To Provide For Publication In Pamphlet Form By Authority Of The City Council And Effective Date Of This Ordinance.

**OPEN ACCOUNT CLAIM**

Moved by Lammers seconded by Lear that the Open Account Claim in the amount of \$116,210.55 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Lear. Nay: None. Clouse abstained. Nikkila absent. Motion carried.

**VII. REPORTS**

Council Member Lammers congratulated Kearney Little League teams for their State titles and thanked City staff for all the work that has been done at Patriot Park.

Council Member Lear stated he flew SkyWest from North Platte into Denver and is

looking forward to having SkyWest in Kearney. City Manager Michael Morgan stated the airport runway project is progressing well and remains scheduled to open for SkyWest on September 5th.

Director of Public Works, Rod Wiederspan stated the north half of 11th Street has been poured and crews will begin the first pour on the south part on July 25. By the end of next week, all of the main line should be poured and crews will begin working on intersections and driveways. The project is scheduled to be completed enough for east/west traffic to use the street before school starts; with sidewalks and some driveways that may still need to be finished; the completion work will happen outside of school hours.

### **VIII. ADJOURN**

Moved by Clouse seconded by Buschkoetter that Council adjourn at 6:05 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers. Nay: None. Nikkila absent. Motion carried.

**ATTEST:**

---

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

---

**LAUREN BRANDT  
CITY CLERK**