

Kearney, Nebraska
August 7, 2018
7:30 a.m.

A special meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 7:30 a.m. on August 7, 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 Jonathan Nikkila. Absent: Bob Lammers. Michael Morgan, City Manager, City Attorney, Mike Tye and Eric Hellriegel, Assistant City Manager were also present.

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

ROUTINE BUSINESS

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.

ANNEXATION OF PROPERTY LOCATED 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

Mayor Clouse opened the public hearing on the proposed annexation of the following 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, 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).

City Attorney, Mike Tye, presented this matter to the Council. This property was previously discussed at the July 24, 2018 City Council meeting as Resolution No. 2018-117 was approved on the intent to annex. The property is located 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 Delux 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. Annexation agreements are in place for the four businesses affected: L & S Industries, Dy-Na Tool & Mold, Chief Industries and Delux Manufacturing.

In accordance with Section 19-929 of the Nebraska Statutes, "the municipal governing body shall not take final action on matters relating to...the annexation of territory...until it has received the recommendation of the planning commission if such commission in fact has been created and is existent." The Planning Commission considered the proposed annexation at a public hearing held on July 20, 2018 and was unanimously approved. There were no members of the public that testified at said hearing.

In accordance with Section 16-117 of the Nebraska Revised Statutes, the City Council, on July 24, 2018, passed a resolution stating its intent to annex, approved an annexation plan, and set the public hearing for comment on the proposed annexation before the City Council this morning. This morning, the Council will receive comments from the public with regard to the annexation.

Most generally, the City Council always suspends the rules requiring the reading on three different days and moves for final passage. However, in accordance with Section 16-404 of the Nebraska Revised Statutes, "...such requirement shall not be suspended for any ordinance for the annexation of territory." Therefore, the first reading of the ordinance by title will be this morning, the second reading at tonight's Special City Council meeting at 5:30 p.m. and the final reading on tomorrow's, August 8, 2018 Special City Council Meeting at 5:30 p.m.

The area in question is either served or can be served by city utilities.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the public hearing and approve the annexation of the following tract 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, 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 place Ordinance No. 8261 on first reading. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Lammers absent. Motion carried. City Clerk read Ordinance No. 8261 on first reading.

ORDINANCE NO. 8261

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 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, Entirely Discussed And Described In The Metes And Bounds Legal Provided In Ordinance No. 8261, 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.

APPOINTMENT OF NEW MEMBER TO COMMUNITY REDEVELOPMENT BOARD

Mayor Clouse introduced for discussion the Resolution No. 2018-118 appointing Tanya Wegner to fulfill the term vacated by Janice Wiebusch on the Community Redevelopment Board.

Moved by Lear seconded by Buschkoetter to adopt Resolution No. 2018-118 appointing Tanya Wegner to fulfill the term vacated by Janice Wiebusch on the Community Redevelopment Board. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Lammers absent. Motion carried.

RESOLUTION NO. 2018-118

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:

COMMUNITY REDEVELOPMENT AUTHORITY

Tanya Wegner appointed to fulfill term of Janice Wiebusch to July 31, 2020

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

PASSED AND APPROVED THIS 7TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 7:35 a.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Lammers absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**