

*Kearney, Nebraska
August 28, 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 August 28, 2018 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works Shawna Erbsen, Administrative Services Director and Peggy Eynetich Deputy City Clerk were also present. Members of the media present included: Mike Konz, the Kearney Hub and Ryan Boyd, KGFW.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

Pastor Sean Dougherty provided the Invocation.

PLEDGE OF ALLEGIANCE

Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

RECOGNITION/ORAL COMMUNICATIONS

Mayor Clouse welcomed Amanda Polacek with Sammy's Superheroes Foundation and issued a proclamation for Recognition of September as Childhood Cancer Awareness Month

City Clerk administered the oath of office to Police Officer Conner Beard, Ethan Epley, Joshua Johnson and Alex Peyton. Other police officers and the officer's family were present to congratulate them.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

BLIGHT AND SUBSTANDARD DETERMINATION STUDY FOR AREA #12

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

Mayor Clouse opened the public hearing to consider an area to be blighted and substandard and in need of redevelopment and described as a tract of land located in part of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Beginning at the Southwest Corner of Lot 2, Patriot Second Subdivision; thence Southwesterly along the East Right of Way Line of Piper Avenue, a distance of 37.85 feet to the intersection of the East Right of Way Line of Piper Avenue and the extended North Line of Lot 1, Kearney Industrial Subdivision; 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 2236.98 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 962.19 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 1094.24 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 Right of Way 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 extended South Line of Lot 2, Patriot to the point of beginning; said tract of land contains 4,322,057 square feet or 99.22 acres more or less which includes 7.83 acres of Road Right of Way, Buffalo County, Nebraska and consider Resolution No. 2018-136. Planning Commission and CRA recommended approval.

Eric Hellriegel, Assistant City Manager presented this matter to the Council. This item is an extension of prior work the City has undertaken over the past several weeks and will be known as Redevelopment Area #12. The area is bordered on the west side by the East Kearney Expressway, the east by the Kearney Airport, the south contains several industrial businesses and the Kearney Volunteer Fire Department Training Grounds and to the north is Patriot Park. For an area to be declared substandard certain characteristics need to be predominant. Such characteristics that meet a substandard classification include dilapidation, deterioration, age, obsolescence and inadequate ventilation for light, air and sanitation; blighted characteristics are similar to substandard ones. The report from Olsson and Associates showed 9 out of 12 blighted factors were present for this area. Some of the factors outlined in the report were age of structures

on the property, several roads that are gravel as well as an asphalt road, Airport Road, which does not have a curb or gutters, underground utilities as well as public utilities for public safety. Additionally infrastructure is located along Airport Road but there are gaps in the rest of the area. Because of economic conditions this area has been undeveloped for a period of time so there needs to be something that allows the City to look at development to utilize TIF financing so this area can be developed.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt Resolution No. 2018-136 approving the area to be blighted and substandard and in need of redevelopment and described as a tract of land located in part of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Beginning at the Southwest Corner of Lot 2, Patriot Second Subdivision; thence Southwesterly along the East Right of Way Line of Piper Avenue, a distance of 37.85 feet to the intersection of the East Right of Way Line of Piper Avenue and the extended North Line of Lot 1, Kearney Industrial Subdivision; 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 2236.98 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 962.19 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 1094.24 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 Right of Way 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 extended South Line of Lot 2, Patriot to the point of beginning; said tract of land contains 4,322,057 square feet or 99.22 acres more or less which includes 7.83 acres of Road Right of Way, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2018-136

WHEREAS, a blighted and substandard study and declaration, and adoption of a redevelopment plan, is a requirement before an area can be considered eligible for Tax Increment Financing; and

WHEREAS, Olsson Associates conducted a survey to determine whether all or part of an area in Kearney, Nebraska qualifies as a blighted and substandard area within the definition set forth in the Nebraska Community Development Law, Section 18-2103. Redevelopment Area #12 in the City of Kearney, Nebraska is described as follows: a tract of land located in part of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Beginning

at the Southwest Corner of Lot 2, Patriot Second Subdivision; thence Southwesterly along the East Right of Way Line of Piper Avenue, a distance of 37.85 feet to the intersection of the East Right of Way Line of Piper Avenue and the extended North Line of Lot 1, Kearney Industrial Subdivision; 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 2236.98 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 962.19 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 1094.24 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 Right of Way 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 extended South Line of Lot 2, Patriot to the point of beginning; said tract of land contains 4,322,057 square feet or 99.22 acres more or less which includes 7.83 acres of Road Right of Way, all located in the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, Olsson Associates submitted a document entitled "Blight and Substandard Study Redevelopment Area #12, June, 2018", a copy of which marked Exhibit "A" is attached hereto and made a part hereof by reference, and recommended that the City find and determine the subject area to be "blighted and substandard"; and

WHEREAS, the Blighted and Substandard Study was reviewed, considered and approved by the Planning Commission on July 20, 2018 with the recommendation that the Council of the City of Kearney approve the subject area to be "blighted and substandard".

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that an area of the City of Kearney bounded as follows: A tract of land located in part of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Beginning at the Southwest Corner of Lot 2, Patriot Second Subdivision; thence Southwesterly along the East Right of Way Line of Piper Avenue, a distance of 37.85 feet to the intersection of the East Right of Way Line of Piper Avenue and the extended North Line of Lot 1, Kearney Industrial Subdivision; 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 2236.98 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 962.19 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 1094.24 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 Right of Way 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 extended South Line of Lot 2, Patriot to the point of beginning; said tract of land contains 4,322,057 square feet or 99.22 acres more or less which includes 7.83 acres of Road Right of Way, all located in the City of Kearney, Buffalo County, Nebraska (known as Redevelopment Area #12) be, and is hereby determined to be blighted and substandard and in need of redevelopment in accordance with the terms and provisions of Section 18-2109, R.R.S.

PASSED AND APPROVED THIS 28TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA #12

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

Mayor Clouse opened the public hearing to consider an area Redevelopment Plan for an area referred to as Redevelopment Area #12 and described as follows: A tract of land located in part of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Beginning at the Southwest Corner of Lot 2, Patriot Second Subdivision; thence Southwesterly along the East Right of Way Line of Piper Avenue, a distance of 37.85 feet to the intersection of the East Right of Way Line of Piper Avenue and the extended North Line of Lot 1, Kearney Industrial Subdivision; 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 2236.98 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 962.19 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 1094.24 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 Right of Way 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 extended South Line of Lot 2, Patriot to the point of beginning; said tract of land contains 4,322,057 square feet or 99.22 acres more or less which includes 7.83 acres of Road Right of Way, Buffalo County, Nebraska and consider Resolution No. 2018-137. Planning Commission and CRA recommended approval.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt Resolution No. 2018-137 approving the Redevelopment Plan for an area referred to as Redevelopment Area #12 and described as follows: A tract of land located in part of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Beginning at the Southwest Corner of Lot 2, Patriot Second Subdivision; thence Southwesterly along the East Right of Way Line of Piper Avenue, a distance of 37.85 feet to the intersection of the East Right of Way Line of Piper Avenue and the extended North Line of Lot 1, Kearney Industrial Subdivision; 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 2236.98 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 962.19 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 1094.24 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 Right of Way 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 extended South Line of Lot 2, Patriot to the point of beginning; said tract of land contains 4,322,057 square feet or 99.22 acres more or less which includes 7.83 acres of Road Right of Way, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2018-137

WHEREAS, the City Council created the City of Kearney Community Redevelopment Authority in September, 1993; and

WHEREAS, the Community Redevelopment Authority commissioned engineering firms in February, 1994 to conduct necessary surveys on redevelopment in areas determined to be blighted or substandard; and

WHEREAS, Olsson Associates submitted a document entitled "Blight and Substandard Study Redevelopment Area #12, June, 2018", a copy of which marked Exhibit "A" is attached hereto and made a part hereof by reference, and the City found and determined the subject area to be "blighted and substandard" on August 28, 2018; and

WHEREAS, the Redevelopment Plan was reviewed, considered and approved by the Kearney Redevelopment Authority and by the Planning Commission with the recommendation that the Council of the City of Kearney adopt and approve the Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of

Kearney, Nebraska that the Redevelopment Plan for Area #12 submitted by Olsson Associates for an area described as follows: A tract of land located in part of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Beginning at the Southwest Corner of Lot 2, Patriot Second Subdivision; thence Southwesterly along the East Right of Way Line of Piper Avenue, a distance of 37.85 feet to the intersection of the East Right of Way Line of Piper Avenue and the extended North Line of Lot 1, Kearney Industrial Subdivision; 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 2236.98 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 962.19 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 1094.24 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 Right of Way 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 extended South Line of Lot 2, Patriot to the point of beginning; said tract of land contains 4,322,057 square feet or 99.22 acres more or less which includes 7.83 acres of Road Right of Way, all located in the City of Kearney, Buffalo County, Nebraska, be and is hereby approved.

PASSED AND APPROVED THIS 28TH DAY OF AUGUST, 2018.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

VACATE LOT 2 PATRIOT SECOND SUBIVISION AND FINAL PLAT FOR PATRIOT INDUSTRIAL PARK

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for City of Kearney for (1) the vacation of Lot 2, Patriot Second Subdivision and consider Ordinance No. 8278; and (2) the Final Plat for Patriot Industrial Park, an addition to the City of Kearney, Buffalo County Nebraska for property described as a tract of land being all of Lot 2 of 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 (to be vacated); AND a tract of land being part of the South Half of the Northwest Quarter; 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 (Between Cherry Avenue and Airport Road, North of 45th Street) and consider Resolution No. 2018-138.

Craig Bennet from Miller and Associates presented this matter to the Council. This area is known as Patriot Industrial Park. A road will connect from East Kearney Expressway to Airport Road and will be known as Patriot Boulevard. The property is currently zoned M-1 and the future Land Use Map shows it as MU-3 which is compatible with M-1. There is sanitary sewer available on the south side of the property; water is available on the east side; part of this project will provide water connectivity for the future lots from the old Cherry Avenue gravel road to and through the north side to Piper Avenue. Lot 2 of Patriot Second Subdivision will need to be vacated. There would be another street along the south side of the subdivision known as 45th Street. Additionally there will be a 30 foot alley right of way through the middle of Patriot Industrial Park Subdivision providing all lots with access behind potential businesses. After Lot 2 is vacated Patriot Boulevard will divide it into two lots that provide connectivity to Airport Road.

Council Member Buschkoetter questioned if the alley was wide enough for trucks to turn into the lots. Mr. Bennett stated the alley does provide access for semi's to turn in to the lots; this could provide the potential for loading docks as well.

Council Member Lammers questioned whether the rest of the old Cherry Avenue Road extending north goes anywhere. Mr. Bennett stated it does not; only the gravel portion connecting the East Kearney Expressway to Patriot Boulevard will be used.

Council Member Nikkila questioned if the lot known as Lot 1, Block 4 on the south, will be used by the Kearney Volunteer Fire Department? Michael Morgan, City Manager, stated the lot would be used by the Kearney Volunteer Fire Department in the future. Mr. Bennett stated the lot is currently a miscellaneous tract and for cleanup purposes, the lot was included as it would then be platted.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Applications submitted by Miller & Associates for City of Kearney and introduced Ordinance No. 8278 vacating Lot 2, Patriot Second Subdivision 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 Deputy 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. 8278. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Deputy City Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. Deputy City Clerk read Ordinance No. 8278 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8278 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8278 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Clouse seconded by Lammers to adopt Resolution No. 2018-138 approving the Final Plat for Patriot Industrial Park, an addition to the City of Kearney, Buffalo County Nebraska for property described as a tract of land being all of Lot 2 of 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 (to be vacated); AND a tract of land being part of the South Half of the Northwest Quarter; 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 (Between Cherry Avenue and Airport Road, North of 45th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2018-138

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska for A tract of land being all of Lot 2 of 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 (now vacated), and a tract of land being part of the South Half of the Northwest Quarter, 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 more particularly described as follows: Referring to a brass cap at the Southwest comer of the Northwest Quarter of Section 28 and assuming the West line of said Northwest Quarter as bearing N 00°10'38" E and all bearings contained herein are relative thereto; thence N 00°10'38" E on said West line a distance of 34.19 feet to a 5/8" rebar w/cap; thence Northeasterly on a non-tangent curve to the Left, having a radius of 317.00 feet, a central angle of 30°54'43", an arc length of 171.03 feet, a chord bearing of N 74°43'18" E a distance of 168.96 feet to a 5/8" rebar w/cap; thence Easterly on a tangent curve to the Right, having a radius of 383.00 feet, a central angle of 30°57'05", an arc length of 206.90, a chord bearing of N 74°44'29" E a distance of 204.39 feet to a 5/8" rebar w/cap; thence S 89°46'58" E a distance of 1349.54 feet to a 5/8" rebar w/cap; thence Easterly on a tangent curve to the Right, having a radius of 2033.00 feet, a central angle of 07°13'29", an arc length of 256.35 feet, a chord bearing of S 86°10'14" E a distance of 256.18 feet to a 5/8" rebar w/cap; thence S 82°33'30" E a distance of 247.81 feet to a 5/8" rebar w/cap on the West line of Piper Avenue; thence N 07°26'41" E on said West line of Piper Avenue a distance of 619.20 feet to a 5/8" rebar w/cap at the Westerly extension of the North line of Lot 1, Patriot Second Subdivision, a subdivision being a part of said Section 28; thence S 82°34'00" E on said Westerly

extension of the North line of Lot 1 a distance of 116.00 feet to a 5/8" rebar w/cap at the Northwest corner of said Lot 1; thence S 07°26'43" W on the West line of said Lot 1 a distance of 154.41 feet to a 5/8" rebar w/cap at the Southwest corner of said Lot 1; thence S 82°34'00" E on the South line of said Lot 1 a distance of 733.49 feet to a 5/8" rebar w/cap at the Southeast corner of said Lot 1 and the West line of Airport Road; thence S 07°26'30" W on said West line of Airport Road a distance of 1002.13 feet to a 5/8" rebar w/cap; thence N 82°31'50" W a distance of 783.54 feet to a 5/8" rebar on the East line of said Piper Avenue; thence S 07°26'41" W on said East line of Piper Avenue a distance of 462.22 feet to a 5/8" rebar w/cap; thence N 89°46'52" W a distance of 877.82 feet to a 5/8" rebar w/cap on the East line of Lot 1 Kearney Industrial Park Second, a subdivision being a part of Section 28; thence N 00°00'47" W on said East line of Lot 1 Kearney Industrial Park Second a distance of 412.64 feet to a 5/8" rod at the Northeast corner of said Lot 1 Kearney Industrial Park Second; thence S 89°55'00" W on the North line of said Lot 1 Kearney Industrial Park Second, and the North line of Lot 1 Kearney Industrial Park, a subdivision being a part of Section 28, and its Westerly extension a distance of 1270.75 feet to the West line of the Southwest Quarter of said Section 28; thence N 00°10'22" E on said West line a distance of 506.85 feet to the Point of Beginning; containing 59.76 acres more or less, all located in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

PASSED AND APPROVED THIS 28TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL

VACATE LOT 1 BLOCK 1 FOUNTAIN HILLS FIFTH ADDITION AND FINAL PLAT FOR FOUNTAIN HILLS ELEVENTH ADDITION

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

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for Grand West LLC for (1) the vacation of Lot 1, Block 1, Fountain Hills Fifth Addition and consider Ordinance No. 8279; and (2) the Final Plat for Fountain Hills Eleventh Addition, an addition to the City of Kearney, Buffalo County Nebraska for property described as a tract of land being all of Lot 1, Block 1, Fountain Hills Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part of the Southwest Quarter of the Northwest Quarter, Section 26, Township 9 North, Range 16 West of the 6th P.M. Buffalo County, Nebraska. (Northwest corner of 14th Avenue Place and 50th Street) and consider Resolution No. 2018-139.

Craig Bennett with Miller and Associates presented this matter to the Council. This is a one lot subdivision located north of 50th Street. The current zoning is R-1 which will remain. Because the goal was to add 29 feet onto the lot, Lot 1, Block 1, Fountain Hills Fifth Addition will need to be vacated; there was also a portion of the lot that was outside City limits that needed to be annexed. The final plat is one lot containing .42 acres.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Applications submitted by Miller & Associates for Grand West LLC and introduced Ordinance No. 8279 vacating Lot 1, Block 1, Fountain Hills Fifth Addition 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 Deputy City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 8279. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Deputy City Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. Deputy City Clerk read Ordinance No. 8279 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8279 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8279 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Lear seconded by Buschkoetter to adopt Resolution No. 2018-139 approving the Final Plat for Fountain Hills Eleventh Addition, an addition to the City of Kearney, Buffalo County Nebraska for property described as a tract of land being all of Lot 1, Block 1, Fountain Hills Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part of the Southwest Quarter of the Northwest Quarter, Section 26, Township 9 North, Range 16 West of the 6th P.M. Buffalo County, Nebraska. (Northwest corner of 14th Avenue Place and 50th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2018-139

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Fountain Hills Eleventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska for A tract of land being all of Lot 1, Block 1, Fountain Hills Fifth Addition, and addition to the City of Kearney, Buffalo County, Nebraska {now vacated), and part of the Southwest Quarter of the Northwest Quarter, Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to a pot at the Southwest Corner of the Southwest Quarter of the Northwest Quarter of Section 26 and assuming the West line of said Southwest Quarter as bearing N 00°21'30" E and all bearings contained herein are relative thereto; thence N 00°21'30" E on said West line a distance of 1089.53 feet to the Westerly extension of the North line of Block 1, Fountain Hills Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°47'25" E on said Westerly extension and the North line of said Block 1a distance of 781.28 feet to the Northeast corner of said Block 1; thence S 11°00'08" W on the East line of said Block 1a distance of 30.31 feet; thence S 00°22' 19" W continuing on said East line of Block 1a distance of 335.65 feet to a 5/8" rebar w/cap and the ACTUAL POINT OF BEGINNING; thence continuing S 00°22'19" W on the East line of Lot 3, and Lot 2, of said Block 1a distance of 121.89 feet to a 5/8" rebar w/cap at the Southeast corner of Lot 2 of said Block 1 also being on the North line of 50th Street, as platted in said Fountain Hills Fifth Addition; thence S 89°49'40" E on said North line of 50th Street a distance of 149.94 feet to a 5/8" rebar w/cap on the West line of 14th Avenue, as platted in said Fountain Hills Fifth Addition; thence N 00°23'36" E on said West line of 14th Avenue a distance of 121.31 feet to a 5/8" rebar w/cap at the Westerly extension of the North line of Block 3, of said Fountain Hills Fifth Addition; thence N 89°36'24" W perpendicular to said West line of 14th Avenue a distance of 149.98 feet to the Point of Beginning; containing 0.42 acres more or less, all located in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

PASSED AND APPROVED THIS 28TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL

ANNEXATION FOR FOUNTAIN HILLS ELEVENTH ADDITION

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Grand West LLC for the annexation for Fountain Hills Eleventh Addition, an addition to the City of Kearney, Buffalo County Nebraska for property described as a tract of land being all of Lot 1, Block 1, Fountain Hills Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part of the Southwest Quarter of the Northwest Quarter, Section 26, Township 9 North, Range 16 West of the 6th P.M. Buffalo County, Nebraska. (Northwest corner of 14th Avenue Place and 50th Street) and consider Resolution No. 2018-140.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2018-140 approving the annexation for Fountain Hills Eleventh Addition, an addition to the City of Kearney, Buffalo County Nebraska for property described as a tract of land being all of Lot 1, Block 1, Fountain Hills Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part of the Southwest Quarter of the Northwest Quarter, Section 26, Township 9 North, Range 16 West of the 6th P.M. Buffalo County, Nebraska. (Northwest corner of 14th Avenue Place and 50th Street). Roll call resulted as follows: Aye: Clouse, Lear,, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2018-140

WHEREAS, an Application has been submitted by Miller & Associates for Grand West LLC for the inclusion of Fountain Hills Eleventh Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being all of Lot 1,Block 1, Fountain Hills Fifth Addition, and addition to the City of Kearney, Buffalo County, Nebraska (now vacated), and part of the Southwest Quarter of the Northwest Quarter, Section 26,Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to a pot at the Southwest Corner of the Southwest Quarter of the Northwest Quarter of Section 26 and assuming the West line of said Southwest Quarter as bearing N 00°21'30" E and all bearings contained herein are relative thereto; thence N 00°21'30" E on said West line a distance of 1089.53 feet to the Westerly extension of the North line of Block 1, Fountain Hills Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°47'25" E on said Westerly extension and the North line of said Block 1a distance of 781.28 feet to the Northeast corner of said Block 1; thence S 11°00'08" W on the East line of said Block 1a distance of 30.31feet; thence S 00°22' 19" W continuing on said East line of Block 1a distance of 335.65 feet to a 5/8" rebar w/cap and the ACTUAL POINT OF BEGINNING; thence continuing S 00°22'19" W on the East line of Lot 3, and Lot 2, of said Block 1a distance of 121.89 feet to a 5/8" rebar w/cap at the Southeast corner of Lot 2 of said Block 1also being on the North line of 50th Street, as platted in said Fountain Hills Fifth Addition; thence S 89°49'40" E on said North line of 50th Street a distance of 149.94 feet to a 5/8" rebar w/cap on the West line of 14th Avenue, as platted in said Fountain Hills Fifth Addition; thence N 00°23'36" E on said

West line of 14th Avenue a distance of 121.31 feet to a 5/8" rebar w/cap at the Westerly extension of the North line of Block 3, of said Fountain Hills Fifth Addition; thence N 89°36'24" W perpendicular to said West line of 14th Avenue a distance of 149 .98 feet to the Point of Beginning; containing 0.42 acres more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on August 17, 2018 on the inclusion of Fountain Hills Eleventh 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 Fountain Hills Eleventh 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 August 28, 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 Fountain Hills Eleventh 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 Fountain Hills Eleventh 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 28TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL

IV. CONSENT AGENDA

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

1. Approve Minutes of Special Meeting held August 07, 2018 at 7:30 a.m., Minutes of Special Meeting held August 7, 2018 at 5:30 p.m., Minutes of Special Meeting held August 8, 2018 at 7:30 a.m. and Minutes of Regular Meeting held August 14, 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 \$144.48 smcs; 911 Custom \$1,295.52 smcs; AAA Tarps \$393.00 smcs; Ablebits.com \$99.00 smcs; Acushnet \$622.14 smcs; Adobe \$29.99 smcs; Advance Auto \$215.47 smcs; Adventure Enterprises \$6,409.00 smcs; Agri Coop \$3,757.24 smcs; Air Science \$805.00 smcs; Alert All \$1,625.00 smcs; Alfred Benesch \$83,540.87 co; All Makes Auto \$2,984.02 smcs; All Star Pro Golf \$311.14 smcs; Ally B. Designs \$50.00 smcs; Amazon \$6,010.43 smcs,co; Amerian Assoc. Notaries \$32.90 smcs; American \$539.66 smcs; Andersen,J \$1,625.41 smcs; Animoto \$264.00 smcs; Anythingtruck.com \$271.41 smcs; ARC \$196.00 smcs; Archway \$14.93 smcs; Ask Supply \$1,316.61 smcs; Aurora Coop \$80.88 smcs; Auto Value \$3,212.07 smcs; Axon Enterprises \$4,580.00 smcs; B&H Photo \$480.53 smcs,co; Baker & Taylor \$2,375.34 smcs; Barcodesinc \$756.63 smcs; Battery Guy \$85.92 smcs; Beacon Athletics \$105.03 smcs; Becker,J \$60.00 smcs; Bells Construction \$680.00 co; Benson,G \$355.00 smcs; BG Peterson \$560.00 smcs; Bike Shed \$21.39 smcs; Bill's Trailer Sales \$3,005.00 smcs; Blackburn Manufacturing \$95.56 smcs; Blackstone Audio Books \$358.99 smcs; BlackStrap \$1,148.55 smcs; BlueCross/BlueShield \$62,467.45 smcs; Boogaarts \$29.22 smcs; Bosselman \$6,421.49 smcs; Broadfoot's \$4,231.25 smcs; Brodart Supplies \$44.11 smcs; BSN Sports \$271.78 smcs; Buffalo Co. Treasurer \$127.63 smcs; Buffalo Outdoor Power \$851.20 smcs; Builders \$1,473.12 smcs,co; Burhow,M \$17.66 smcs; Cabela's \$304.92 smcs; Canva \$1.00 smcs; Capital Business Systems \$337.00 smcs; Carquest \$209.79 smcs; Carroll Dist 10 \$75.00 smcs; Cash Wa \$516.45 smcs,co; CDW Government \$600.00 smcs; Center Point Publishing \$75.96 smcs; Central Hydraulic System \$1,301.21 smcs; Central NE Bobcat \$690.00 smcs,co; CH Diagnostic \$490.00 smcs; Charter \$776.19 smcs; Chemsearch \$305.00 smcs; Chesterman \$878.40 smcs; Chicken Coop \$50.00 smcs; Christensen Painting \$3,333.75 co; Cintas \$216.99 smcs; City Glass \$2,380.00 smcs; City of Ky \$29,429.43 smcs,ps; CivicPlus \$9,758.85 smcs; CNA Insurance \$240.00 smcs; Coldspring \$1,181.25 smcs; Consolidated Mgmnt \$55.02 smcs; Construction Rental \$1,212.10 smcs,co; Control Yours \$200.00 smcs; Copycat \$92.00 smcs; Cordova,T \$255.00 smcs; Core & Main \$6,992.46 smcs; Country Partners \$21,787.53 smcs; Credit Management \$19.10 ps; Crouch Recreation \$2,592.00 co; Crown Awards \$377.10 smcs; Cullen,M \$104.85 smcs; Culligan \$241.16 smcs; Cummins \$1,544.25 smcs; Curb-It \$1,548.00 smcs; Dandee Construction \$12,032.00 smcs; Danko Emergency \$379.57 smcs; Davis Equipment \$1,528.68 smcs; Dawson Public Power \$43,736.94 smcs; Daylight Donuts \$267.67 smcs; Dell \$519.07 co; Demco \$95.74 smcs; Deterdings \$3,192.19 smcs; Diamond Vogel Paint \$18.90 smcs; Dish \$118.03 smcs; Dmilaco \$440.09 smcs; Don's Hobby Guns \$169.80 smcs; Douglas Co. Historical \$652.50 smcs; Dreamstime.com \$25.00 smcs; Dugger,B \$46.53 smcs; Eagle Distributing \$1,173.85 smcs; Eakes \$2,067.92 smcs; Earl May \$28.96 smcs; EG \$352.36 smcs; Ehrlich-Rentokil \$147.00 smcs; EJ's Outdoor \$326.35 smcs; EMC Insurance \$10,165.00 smcs; Enforcement Video \$53,700.00 co; Enterprise \$542.34 smcs; Eustis Body Shop \$200.00 smcs; Evident \$819.68 smcs; Ewing Irrigation \$69.27 smcs; Eyemed \$766.72 smcs; Facebook \$107.98 smcs; Family Fresh \$40.45 smcs; Fastenal \$539.23 smcs; Fiddelke \$347.85 smcs; First Holiday \$496.00 smcs; Fleetpride \$1,540.00 smcs; Flynn,B \$544.20 smcs; Frazee,C \$16.28 smcs; Frontier \$271.80 smcs; Gale \$296.07 smcs; Galls \$117.69 smcs; Gamesupply.com \$645.88 co; Garrett Tires \$7,961.19 smcs; Glass Doctor \$118.10 smcs; Glock \$543.00 smcs; Graham Tire \$2,828.24 smcs; Grainger \$1,684.47 smcs; Griss,J \$688.20 smcs; Grombacher,K \$800.00 smcs; Gulf Oil \$96.49 smcs; Ha,M \$24.50 smcs; Hach \$1,171.90 smcs; Hampton Inns \$296.00 smcs; Hanes Gear for Sports \$3,629.56 smcs; Hawkins,J \$286.00 smcs; Highland Products \$1,910.09 smcs; Hobby-Lobby \$417.00

smcs; Holmes Plumbing \$399.18 smcs; ICMA Retirement \$7,159.45 ps; Inland Truck Parts \$1,446.99 smcs; Int'l Society Arboriculture \$120.00 smcs; IRS \$157,225.90 ps; Jack Lederman \$141.32 smcs; Jack's Uniforms \$962.38 smcs; JJ Keller \$347.75 smcs; John E. Reid & Assn. \$575.00 smcs; Johnstone Supply \$1,087.96 smcs; Jonathan Park \$177.94 smcs; JR's Western \$244.93 smcs; Justbats.com \$100.00 smcs; Ky Ace \$22.34 smcs; Ky Animal Shelter \$8,114.40 smcs; Ky Chamber Comm \$75.00 smcs; Ky Concrete \$22,495.86 smcs,co; Ky Crete & Block \$87.60 smcs; Ky Hub \$5,805.93 smcs; Ky Quality Sew \$1,197.98 smcs; Ky Towing \$400.00 smcs; Ky Tropicana \$360.00 smcs; Ky Warehouse \$935.53 smcs; Ky Winlectric \$1,833.11 smcs; Kelly Supply \$805.18 smcs; Kohl's \$25.63 smcs; Konica Minolta \$1,209.49 smcs; Lamar \$1,000.00 smcs; Landmark Implement \$5,401.86 smcs; Langrud,K \$83.14 smcs; Language Line \$166.75 smcs; Lillyman,J \$100.00 smcs; Lion Group \$743.00 smcs; Lockmobile \$62.10 smcs; Logan Contractors \$27,977.86 smcs,co; Loves Country \$119.85 smcs; Mac Tools \$150.94 smcs; Macqueen Equipment \$926.60 smcs; Makit Products \$336.00 smcs; Marlatt Machine \$1,898.70 smcs; Master True Value \$425.22 smcs; Matheson \$48.95 smcs; MDI Worldwide \$213.22 smcs; Mead Lumber \$92.94 co; Mefferd,E \$516.00 smcs; Menards \$3,244.21 smcs; Merryman Center \$318.00 smcs; MF Athletic \$87.69 smcs; Mid American Signal \$53,010.00 co; Middleswart,T \$28.00 smcs; Midwest Connect \$937.15 smcs; Midwest Paint \$4,968.00 smcs; Midwest Turf \$3,641.82 smcs; Milco Environmental \$300.00 smcs; Miller & Associates \$95,443.50 smcs,co; Miller Signs \$675.00 smcs; Mirror Image \$12.00 smcs; Moonlight Embroidery \$27.50 smcs; Most Dependable Fountains \$3,638.83 smcs,co; Motion Picture Ecommerce \$235.35 smcs; Municipal Supply \$10,297.51 smcs; Murphy Tractor \$344.66 smcs; Nations Photo Lab \$9.65 ps; Navigator Motorcoaches \$250.00 smcs; NCHSoftware \$49.50 co; NE Assn of Senior Centers \$90.00 smcs; NE Child Support \$1,991.97 ps; NE Dept. of Revenue \$68,535.36 smcs; NE Environmental Products \$2,875.00 smcs; NE Law Enforcement \$415.00 smcs; NE Machinery \$2,008.96 smcs; NE Public Health \$688.00 smcs; NE Safety & Fire \$195.00 smcs; NE Truck Center \$740.26 smcs; NE Turfgrass \$160.00 smcs; Nebraskaland Distributors \$2,119.60 smcs; Nelson,S \$40.00 smcs; Network Fleet \$94.75 smcs; NFPA Nat'l Fire Protect \$1,417.55 smcs; NI NDA Device \$62.25 smcs; Northern Safety \$431.80 smcs; Northwest Electric \$311.93 smcs; Northwestern Energy \$283.95 smcs; NRG Media \$820.00 smcs; NSA/POAN \$150.00 smcs; OCLC \$736.83 smcs; Officemax \$1,414.95 smcs,co; Olsson Associates \$24,629.50 smcs,co; O'Neill Wood \$20,375.00 smcs; Onlineledstore \$184.99 smcs; O'Reilly Auto \$1,499.03 smcs; Orscheln \$438.95 smcs; Otterbox \$5.99 smcs; Outdoor Recreation \$136.00 smcs; Papa John's \$67.99 smcs; Paramount \$312.08 smcs; Penguin Random House \$142.50 smcs; Pennwell Ecommerce \$500.00 smcs; Pep Co. \$107.00 smcs; PGA Membership \$489.00 smcs; Pioneer Manufacturing \$1,175.00 smcs; Pitney Bowes \$56.52 smcs; Platinum Awards \$104.05 smcs; Platte Valley Auto Mart \$1,233.13 smcs; Platte Valley Comm \$28.05 smcs; Platte Valley Laboratories \$62.50 smcs; Positive Promotions \$397.80 smcs; Pot O Gold \$155.00 smcs; Presto-X \$371.23 smcs; Privacylink \$1,330.61 smcs; Proactive Sports \$698.00 smcs; Provantage \$3,672.00 smcs; Psychological Resources \$1,755.00 smcs; Pukka \$4,033.51 smcs; Quill \$248.71 smcs; RDJ Specialities \$1,166.49 smcs; Ready Mixed Concrete \$12,691.09 co; Reams \$700.00 smcs; Recorded Books \$542.41 smcs; Redbix \$11.24 smcs; Republican National \$364.46 smcs; Resourse Management \$1,775.00 smcs; Rheome Tree \$2,448.00 smcs; Riverdal Ready Mix \$1,387.20 co; Roberta Corrigan Farm \$7,992.96 smcs; RR Donnelley \$505.44 smcs; S&J Construction \$7,566.00 co; Safariland \$25.99 smcs; Salina Blueprint \$305.36 smcs; Sandry Fire \$2,129.29 smcs;

Sapp Brothers \$19,127.25 smcs; Sawin,S \$75.00 smcs; Scholastic Education \$894.51 smcs; School Outfitters \$129.44 smcs; Schumacher Fence \$10.00 smcs; Schutte,B \$256.00 smcs; Schwans \$2,380.87 smcs; Schwarz,J \$127.50 smcs; Sears \$79.99 smcs; See Clear Cleaning \$2,050.00 smcs; Sequel Book \$400.00 smcs; Sherwin Williams \$1,151.27 smcs; Siddons Martin \$7,087.36 smcs; Siteone Landscape \$4,624.02 smcs; Snap-On Tools \$21.05 smcs; Southern Glaziers \$1,209.20 smcs; SouthernCarlson \$12,365.50 co; Speedway Motors \$197.92 smcs; Spirit of Peoria \$26,015.00 smcs; Sprinklerwarehouse \$1,025.41 smcs; Steinbrink Landscaping \$1,090.32 smcs; Straight Line Striping \$3,552.90 smcs; Strategic Materials \$486.74 smcs; Streakwave Wireless \$663.21 smcs, co; Stronger Seniors \$17.99 smcs; Sunbelt Rentals \$142.81 smcs; Supplyworks \$466.13 smcs; Tactical Range \$665.00 smcs; Target \$212.25 smcs; Titan Machinery \$148.70 smcs; Toy Museum \$166.25 smcs; Tractor Supply \$1,282.66 smcs; Travelocity \$425.55 smcs; Tri Co Equipment \$330.43 smcs; TTR Shipping \$500.00 co; Tumbleweed Press \$6,787.00 smcs; Turner Body Shop \$100.00 smcs; Union Bank & Trust \$73,403.60 ps; Unique Management \$250.60 smcs; UNK-Human Resources \$27.99 ps; UNL Event Planning \$190.00 smcs; UNL Market Place \$64.31 smcs; UPS \$127.76 smcs; US Bank \$6,157.00 co; USA Communications \$154.95 smcs; USPS \$416.19 smcs; Van Diest Supply \$2,781.80 smcs; Verizon \$4,591.25 smcs; Vern Waskom Company \$892.80 smcs; Waldinger \$1,253.18 smcs; Walgreens \$18.18 smcs; Wal-Mart \$3,355.03 smcs; Warren-T Plumbing \$88.14 smcs; Wausau Tile \$341.68 co; Weldon Parts \$22.58 smcs; Wilco Life Ins. \$19.00 ps; World Book \$1,903.00 smcs; WPCI \$505.50 ps; Yellow Van \$1,483.00 smcs; Zagg \$5.99 smcs; Zero Waste \$393.91 smcs; Zoro Tools \$702.89 smcs; Payroll Ending Payroll Ending 08/04/2018 -- \$500,973.86 and 08/18/2018 -- \$489,439.91. 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 September 11, 2018 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2018-141 approving the final allocation of levy authority in the amount of \$146,450.00 for the Community Redevelopment Authority of the City of Kearney for fiscal year 2018-2019 and the final allocation of levy authority in the amount of \$51,881.00 for Offstreet Parking District No. 1 for fiscal year 2018-2019.

RESOLUTION NO. 2018-141

WHEREAS, Neb. Rev. Stat. Section 77-3443.03, (R.R.S. 1943), as amended), requires Community Redevelopment Authorities and Offstreet Parking Districts to submit a preliminary request for levy allocation, on or before August 1, to the City Council; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney submitted to the City, on July 5, 2018, a preliminary request for levy allocation in the amount of \$146,450.00; and

WHEREAS, the Downtown Improvement Board, on behalf of Offstreet Parking District No. 1, submitted to the City, on July 2, 2018, a preliminary request for levy allocation in the amount of \$51,881.00; and

WHEREAS, Neb. Rev. Stat. Section 77-3443.04, as amended, requires the City Council to adopt, by September 1, a resolution (by a majority vote of members present) which determines a final allocation of levy authority to the Community Redevelopment Authority and Offstreet Parking District No. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), as amended, that a final allocation of levy authority of \$146,450.00 is hereby approved for the Community Redevelopment Authority of the City of Kearney for 2018 and a final allocation of levy authority of \$51,881.00 is hereby approved for Offstreet Parking District No. 1 for 2018.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), that the City Clerk is ordered to forward a copy of this resolution to the chairperson of the Community Redevelopment Authority of the City of Kearney and the chairperson of the Downtown Improvement Board.

BE IT FURTHER RESOLVED that all ordinances and resolutions or parts if ordinances and resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect September 1, 2018, and shall be published in pamphlet form.

PASSED AND APPROVED THIS 28TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL

5. Adopt Resolution No. 2018-142 approving Application and Certificate for Payment No. 2 in the amount of \$560,194.92 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. 2018-142

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. 2 in the amount of \$560,194.92 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	831,949.45
Retainage (10%)	- 83,194.94
Amount Due to Date	748,754.51
Less Previous Certificates for Payment	- 188,559.59
Current Payment Due	\$ 560,194.92

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. 2, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL

6. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application for Gillies Bar Inc to temporarily close 19th Street from Central Avenue to the alley west of Gillies Bar located at 1822 Central Avenue on September 15, 2018 from 5:00 p.m. to 12:00 a.m. for The Faces of Love event.

7. Approve the application for a Special Designated License submitted by Gillies Bar Inc. dba Gilles Bar & Grill in connection with their Class C-105103 liquor license to dispense alcoholic liquor in an outdoor 130 feet x 30 feet fenced area on 19th Street from Central Avenue to the alley west of Gillies Bar, located at 1822 Central Avenue on September 15, 2018 from 5:00 p.m. until 1:00 a.m., for The Faces of Love event.

8. Adopt Resolution No. 2018-143 approving Application and Certificate for Payment No. 6 in the amount of \$25,453.48 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. 2018-143

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. 6 in the amount of \$25,453.48 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	363,482.31
Retainage (10%)	- 7,269.65
Amount Due to Date	356,212.66
Less Previous Certificates for Payment	<u>- 330,759.18</u>
Current Payment Due	\$ 25,453.48

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

PASSED AND APPROVED THIS 28TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL

9. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropicico in connection with their Class IBK-37623 catering liquor license to dispense alcoholic liquor in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, September 29, 2018 from 6:00 p.m. until 1:00 a.m. for a dance.

10. Adopt Resolution No. 2018-144 approving the Agreement to Exchange Real Property with the Economic Development Council of Buffalo County.

RESOLUTION NO. 2018-144

WHEREAS, the City of Kearney owns a 59.76-acre parcel of land known as Patriot Industrial Park located east of Cherry Avenue and the Kearney East Expressway and west of Airport Road; and

WHEREAS, the Economic Development Council of Buffalo County sees a need for available lots in this area for manufacturing and related companies; and

WHEREAS, the Economic Development Council of Buffalo County has expressed interest in acquiring 7.25 acres which consists of Lots 1, 2, 13 and 14, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska, from the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement to Transfer Real Property, a copy marked as Exhibit A is attached hereto and made a part hereof by reference, be and is hereby approved.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Agreement to Transfer Real Property on behalf of the City of Kearney.

PASSED AND APPROVED THIS 28TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL

11. Adopt Resolution No. 2018-145 approving the Memorandum of Understanding with the Economic Development Council of Buffalo County for a proposed project at Patriot Industrial Park located east of Cherry Avenue and the Kearney East Expressway and west of Airport Road.

RESOLUTION NO. 2018-145

WHEREAS, the City of Kearney, Nebraska owns property located east of Cherry Avenue and the Kearney East Expressway and west of Airport Road known as Patriot Industrial Park; and

WHEREAS, the City of Kearney and the Economic Development Council of Buffalo County want to enter into a Memorandum of Understanding setting for the requirements of all parties for the construction of buildings at Patriot Industrial Park.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Memorandum of Understanding, a copy marked as Exhibit A is attached hereto and made a part hereof by reference, be and is hereby approved.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Memorandum of Understanding on behalf of the City of Kearney.

PASSED AND APPROVED THIS 28TH DAY OF AUGUST, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8280 AMENDING SEVERAL SECTIONS OF CHAPTER 9 OF CITY CODE

Council Member Lammers introduced Ordinance No. 8280 on the following proposed amendments to several sections of Chapter 9 of the City Code as follows: (a) Section 9-103 "Appointment" of Article 1 "Planning Commission" of Chapter 9 "Public Works" to revise language on the appointment process to reflect Nebraska Revised Statute 19-926; (b) Section 9-106 "Removal of Members" of Article 1 "Planning Commission" of Chapter 9 "Public Works" to revise language on the removal of members process to reflect Nebraska Revised Statute 19-926; and (c) Section 9-107 "Filling Vacancies" of Article 1 "Planning Commission" of Chapter 9 "Public Works" to revise language on the process to fill vacancies to reflect Nebraska Revised Statute 19-926, 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 Deputy City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to suspend the rules for Ordinance No. 8280. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Deputy City Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. Deputy City Clerk read Ordinance No. 8280 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8280 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8280 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.

ORDINANCE NO. 8281 CONVEYING LOTS 1, 2, 13 AND 14 BLOCK 1 PATRIOT INDUSTRIAL PARK

Council Member Lammers introduced Ordinance No. 8281 authorizing and directing the sale and conveyance Lots 1, 2, 13 and 14, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska to the Economic Development Council of Buffalo County, Inc, 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 Deputy City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to suspend the rules for Ordinance No. 8281. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Deputy City Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. Deputy City Clerk read Ordinance No. 8281 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8281 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8281 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$108,786.31 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

City Manager provided an update regarding the airport runway project. There will be ribbon cutting ceremony for the project September 5, 2018 at 3:30 p.m.

Mayor Clouse thanked Rod Wiederspan, Director of Public Works and the Street

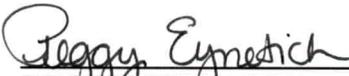
Department for all of the work that has been going on around the City and stated everything looks great.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 6:07 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ATTEST:


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


PEGGY EYNETICH
DEPUTY CITY CLERK

