

*Kearney, Nebraska
January 8, 2019
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 January 8, 2019 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, Tami James Moore 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; Bryan Waugh, Chief of Police; Jason Whalen, Fire Administrator and Shawna Erbsen, Administrative Services Director, Captain Mike Kirkwood were also present. Members of the media present included: Mike Konz, Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

Invocation was provided by Pastor Sean Dougherty.

PLEDGE OF ALLEGIANCE

Two Boy Scouts from Troop 158 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

RECOGNITION/ORAL COMMUNICATIONS

City Clerk administered the oath of office to Police Chief Bryan Waugh.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

CONDITIONAL USE PERMIT TO OPERATE A DAY CARE AT 3610 6TH AVENUE

Mayor Clouse opened the public hearing on the application submitted by First Baptist Church Christian Preschool for First Baptist Church for a Conditional Use Permit to operate a preschool on property zoned District R-1, Urban Residential Single-Family District (Low Density) and described as part of Lot 1, Horizon Addition, an addition to the City of Kearney, Buffalo County, Nebraska (3610 6th Avenue) and consider Ordinance No. 8302.

Amber Watson, Director and Head Teacher of the First Baptist Church Christian Preschool presented this matter to the Council. The preschool has recently moved into their new location and currently have 56 students enrolled; class size has increased since the move.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the application submitted by First Baptist Church Christian Preschool for First Baptist Church for a Conditional Use Permit to operate a preschool on property zoned District R-1, Urban Residential Single-Family District (Low Density) and described as part of Lot 1, Horizon Addition, an addition to the City of Kearney, Buffalo County, Nebraska (3610 6th Avenue) and introduced Ordinance No. 8302 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 Moore seconded the motion to close the hearing and suspend the rules for Ordinance No. 8302. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8302 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8302 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8302 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.

REZONING OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 39TH STREET AND 6TH AVENUE

Mayor Clouse opened the public hearing on the application submitted by Trenton Snow for First Baptist Church/Julia A. Brooker, Chair, First Baptist Church Board of Trustees to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-O/PD, Office/Planned Development Overlay District for property described as a tract of land being part of Lot 1, Horizon Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Southwest corner of 39th Street and 6th Avenue) and consider Ordinance No. 8303.

Trenton Snow presented this matter to the Council. This item pertains to a piece of vacant land that previously had a completed minor subdivision. The tract of land contains 2.49 acres. Commercial zoning is to the north and east. City staff had concerns regarding the residential area to the south and east of the area and proposed a C-O/PD zoning instead of the original C-O request.

Council Member Nikkila questioned if the ingress for the church had moved where it was previously when the high school occupied the building? Mr. Snow stated the ingress did get move further south and whoever purchases the property may negotiate whether to use the ingress as a shared access or not.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by Application submitted by Trenton Snow for First Baptist Church/Julia A. Brooker, Chair, First Baptist Church Board of Trustees to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-O/PD, Office/Planned Development Overlay District for property described as a tract of land being part of Lot 1, Horizon Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Southwest corner of 39th Street and 6th Avenue) and introduced Ordinance No. 8303 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 8303. 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, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8303 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8303 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8303 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.

AMENDMENT TO LAND USE MAP FOR PROPERTY LOCATED WEST OF AVENUE N AND SOUTH OF 56TH STREET

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

Mayor Clouse opened the public hearing on the application submitted by Buffalo Surveying Corp. for General Properties, L.L.C. for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Civic to Neighborhood Mixed Use property described as Lot 1, Elementary School Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (West of Avenue N and South of 56th Street) and consider Resolution No. 2019-1.

Mitch Humphrey presented this matter to the Council. This tract of land was divided off from the Meadowlark Elementary School site. The Land Use Map will need to be changed to Mixed Use which makes the land compatible with land to the east and north. The site is currently a vacant tract of land, totaling 3.58 acres. The developer recognizes that access will not be granted off of 56th Street due to the high volume of traffic at the 56th Street, Avenue N intersection. Access will instead be off of 55th Street which has been platted to the east. The initial development of the site will begin on the north side of the property.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2019-1 approving the application submitted by Buffalo Surveying Corp. for General Properties, L.L.C. for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Civic to Neighborhood Mixed Use property described as Lot 1, Elementary School Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (West of Avenue N and South of 56th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2019-1

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 Lot 1, Elementary School Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska from Civic to Neighborhood Mixed Use; 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 Civic to Neighborhood Mixed Use the use classification for Lot 1, Elementary School Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

PASSED AND APPROVED THIS 8TH DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONING OF PROPERTY LOCATED WEST OF AVENUE N AND SOUTH OF 56TH STREET

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

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying Corp. for General Properties, L.L.C. to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-O, Office District for property described as Lot 1, Elementary School Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (West of Avenue N and South of 56th Street) and consider Ordinance No. 8304.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the application submitted by Buffalo Surveying Corp. for General Properties, L.L.C. to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-O, Office District for property described as Lot 1, Elementary School Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (West of Avenue N and South of 56th Street) and introduced Ordinance No. 8304 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8304. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8304 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8304 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, 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. 8304 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.

AMENDMENT TO LAND USE MAP FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF 56TH STREET AND 11TH AVENUE

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for DT Development for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential and Neighborhood Mixed Use to Low Density Residential and Neighborhood Mixed Use for property described as part of Lot 1 and part of 56th Street and part of 11th Avenue, all in Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; part of 59th Street and part of 11th Avenue, all in Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; all of Lot 1 and part of Lot 2 and all of Lots 3 through 7, Block One and all of Lot 1 and part of Lot 2 and all of Lots 3 through 6, Block Two and part of 59th Street and part of 10th Avenue, all in Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Northeast corner of 56th Street and 11th Avenue) and consider Resolution No. 2019-2.

Craig Bennett presented this matter to the Council. The property is 25.42 acres and was previously platted in a few different phases. The future land use map has MU-1 to the south and LDR on the north; both of these are consistent for what is planned for the area. The developer is requesting zoning be changed from R-2/PD on the west, R-2 on the south and R-1 on the north to a combined R-1, R-2, CO, C1N/D and C-2 zoning. Additionally, the developer is requesting the existing PD be released. Mr. Bennett and the developer have met with the neighborhood to determine a compromise of the zoning which is being presented today. The lot in the southwest corner of the tract will be left alone. Within this application are requests to release of easements, vacation of the lots and street right of way which will be replatted back in.

Mr. Bennett described the new plat and infrastructure extensions for the area. The furthest north lot will be an open green space lot which multi-family will abut and on both the west and east sides of 10th Avenue, there will be a combination of commercial and residential. The concept is to provide amenities and walkability to the neighborhood without the need to cross 56th Street.

Council Member Lear and Council Member Moore both recognized the extra effort the developer put into working with the neighborhood to bring this plan forward.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2019-2 approving the application submitted by Miller & Associates for DT Development for an amendment to the Land Use Map of the City of Kearney

Comprehensive Development Plan from Low Density Residential and Neighborhood Mixed Use to Low Density Residential and Neighborhood Mixed Use for property described as part of Lot 1 and part of 56th Street and part of 11th Avenue, all in Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; part of 59th Street and part of 11th Avenue, all in Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; all of Lot 1 and part of Lot 2 and all of Lots 3 through 7, Block One and all of Lot 1 and part of Lot 2 and all of Lots 3 through 6, Block Two and part of 59th Street and part of 10th Avenue, all in Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Northeast corner of 56th Street and 11th Avenue) and consider Resolution No. 2019-2.. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2019-2

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 all of Lot 1 and part of Lot 2, Block Two, Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 59th Street as shown and dedicated on Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and on said Spruce Hollow Estates Sixth Addition, and part of 10th Avenue as shown and dedicated on said Spruce Hollow Sixth Addition, more particularly described as follows: BEGINNING at the intersection of the centerline of said 10th Avenue with the centerline of said 59th Street and assuming the centerline of 10th Avenue as bearing S 22°24'38" W and all bearings contained herein are relative thereto; thence S 22°24'38" W on the centerline of said 10th Avenue a distance of 160.00 feet to the to the Westerly extension of the Southerly line of Outlot B of said Spruce Hollow Estates Fifth Addition; thence S 67°35'22" E on said Westerly extension and on the Southerly line of said Outlot B a distance of 320.25; thence S 89°46'00" E continuing on said Southerly line of Outlot B a distance of 607.86 feet to the East line of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 00°17'50" E on said East line of the Southwest Quarter a distance of 159.98 feet; thence N 89°42'17" W a distance of 9.80 feet; thence Westerly on a tangent curve to the Right having a central angle of 19°53'50", a radius of 250.00 feet, an arc length of 86.82 feet, and a chord bearing N 79°45'21" W a distance of 86.38 feet; thence N 69°48'26" W a distance of 107.94 feet; thence Westerly on a tangent curve to the Left having a central angle of 25°47'43", a radius of 250.00 feet, an arc length of 112.55 feet, and a chord bearing N 82°42'18" W a distance of 111.61; thence S 84°23'50" W a distance of 283.60 feet; thence Westerly on a tangent curve to the Right having a central angle of 25°10'13", a radius of 250.00 feet, an arc length of 109.83 feet, and a chord bearing N 83°01'03" W a distance of 108.94; thence N 67°35'22" W on the Southeasterly extension of the centerline of said 59th Street and on the centerline of said 59th Street a distance of 146.00 feet to the Point of Beginning, containing 3.90 Acres, more or less, all in Buffalo County, Nebraska; AND

A tract of land being part of Lot 1 of Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and part of 56th Street as shown and dedicated on said Spruce Hollow Estates Fourth Addition, more particularly described as follows: BEGINNING at the Southeast corner of Southwest Quarter of Section 23, Township 9 North, Range 16 West of the Sixth Principal Meridian and assuming the South line of said Southwest Quarter as bearing N 89°38'16" W and all bearings contained herein are relative thereto; thence N 89°38'16" W on said South line the Southwest Quarter a distance of 699.64 feet to the Southerly extension of the East line of Lot 2 of said Spruce Hollow Estates Fourth Addition; thence N 00°25'38" E on said Southerly extension, on said East line of Lot 2 and on the Northerly extension of said East line of Lot 2 a distance of 784.94 feet to the Southerly line of Outlot B, Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 67°35'22" E on the Southerly line of said Outlot B a distance of 97.14 feet; thence S 89°46'00" E continuing on said Southerly line of Outlot B a distance of 607.86 feet to the East line of said Southwest Quarter; thence S 00°17'50" W on said East line of the Southwest Quarter a distance of 749.84 feet to the Point of Beginning, containing 12.05 Acres, more or less, all in Buffalo County, Nebraska; AND

A tract of land being part of Lot 1 of Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of Lot 2 and all of Lots 3 through Lots 7 of Block One and part of Lot 2 and all of Lots 3 through Lot 6 of Block Two of Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 10th Avenue as shown and dedicated on said Spruce Hollow Estates Sixth Addition, part of 11th Avenue as shown and dedicated on said Spruce Hollow Estates Fourth Addition and on said Spruce Hollow Estates Fifth Addition, more particularly described as follows: Referring to the Southeast corner of Southwest Quarter of Section 23, Township 9 North, Range 16 West of the Sixth Principal Meridian and assuming the South line of said Southwest Quarter as bearing N 89°38'16" W and all bearings contained herein are relative thereto; thence N 89°38'16" W on said South line the Southwest Quarter a distance of 699.64 feet to the Southerly extension of the East line of Lot 2 of said Spruce Hollow Estates Fourth Addition; thence N 00°25'38" E on said Southerly extension and on said East line of Lot 2 and on its Northerly Extension a distance of 359.12 feet to the Easterly extension of the centerline of 57th Avenue and the ACTUAL POINT OF BEGINNING; thence N 89°34'22" W on said Easterly extension and on the centerline of 57th Street a distance of 351.09 feet to the centerline of 11th Avenue; thence Northerly on said centerline of 11th Avenue and on a non-tangent curve to the Left having a central angle of 3°06'28", a radius of 500.00 feet, an arc length of 27.12 feet, and a chord bearing N 04°54'39" W a distance of 27.12 feet; thence N 06°27'53" W continuing on said centerline of 11th Avenue a distance of 3.18 feet; thence Northwesterly continuing on said centerline of 11th Avenue and on a tangent curve to the Left having a central angle of 47°41'57", a radius of 475.00 feet, an arc length of 395.44 feet, and a chord bearing N 30°18'52" W a distance of 384.12 feet; thence N 37°50'37" E continuing on said centerline of 11th Avenue a distance of 200.67 feet; thence continuing on said centerline

of 11th Avenue and Northeasterly on a tangent curve to the Left having a central angle of $4^{\circ}47'37''$, a radius of 900.00 feet, an arc length of 75.30 feet, and a chord bearing of $N\ 35^{\circ}36'48''\ E$ a distance of 75.28 feet to the Northwesterly extension of the Southerly line of Outlot B, Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence $S\ 67^{\circ}35'22''\ E$ on said Northwesterly extension and on the Southerly line of said Outlot B a distance of 415.42 feet to said Northerly extension of the East line of Lot 2; thence $S\ 00^{\circ}25'38''\ W$ on said Northerly extension of the East line of Lot 2 a distance of 425.82 feet to the Point of Beginning, containing 5.11 Acres, more or less, all in Buffalo County, Nebraska; AND

A tract of land being all of Lot 1 and part of Lot 2, Block One, Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 11th Avenue and part of 59th Street as shown and dedicated on Spruce Hollow Estates Fifth Addition, as shown and dedicated on said Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and part of 10th Avenue as shown and dedicated on said Spruce Hollow Sixth Addition, and part of 10th Avenue as shown and dedicated on said Spruce Hollow Sixth Addition, more particularly described as follows: BEGINNING at the intersection of the centerline of said 10th Avenue with the centerline of said 59th Street and assuming the centerline of said 10th Avenue as bearing $S\ 22^{\circ}24'38''\ W$ and all bearings contained herein are relative thereto; thence $S\ 22^{\circ}24'38''\ W$ on the centerline of 10th Avenue a distance of 160.00 feet to the Westerly extension of the Southerly line of Outlot B of said Spruce Hollow Estates Fifth Addition; thence $N\ 67^{\circ}35'22''\ W$ on said Westerly extension of the Southerly line of Outlot B a distance of 192.31 to the centerline of said 11th Avenue; thence Northerly on a non-tangent curve to the Left having a central angle of $10^{\circ}14'49''$, a radius of 900.00 feet, an arc length of 160.96 feet, and a chord bearing $N\ 27^{\circ}55'35''\ E$ a distance of 160.74 feet to the centerline of 59th Street; thence $S\ 67^{\circ}35'22''\ E$ on the centerline of said 59th Street a distance of 176.86 feet to the Point of Beginning, containing 0.67 Acres, more or less, Buffalo County, Nebraska;

from Low Density Residential and Neighborhood Mixed Use to Low Density Residential and Neighborhood Mixed Use; 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 Low Density Residential and Neighborhood Mixed Use to Low Density Residential and Neighborhood Mixed Use the use classification for:

A tract of land being all of Lot 1 and part of Lot 2, Block Two, Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 59th Street as shown and dedicated on Spruce Hollow Estates

Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and on said Spruce Hollow Estates Sixth Addition, and part of 10th Avenue as shown and dedicated on said Spruce Hollow Sixth Addition, more particularly described as follows: BEGINNING at the intersection of the centerline of said 10th Avenue with the centerline of said 59th Street and assuming the centerline of 10th Avenue as bearing S 22°24'38" W and all bearings contained herein are relative thereto; thence S 22°24'38" W on the centerline of said 10th Avenue a distance of 160.00 feet to the to the Westerly extension of the Southerly line of Outlot B of said Spruce Hollow Estates Fifth Addition; thence S 67°35'22" E on said Westerly extension and on the Southerly line of said Outlot B a distance of 320.25; thence S 89°46'00" E continuing on said Southerly line of Outlot B a distance of 607.86 feet to the East line of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 00°17'50" E on said East line of the Southwest Quarter a distance of 159.98 feet; thence N 89°42'17" W a distance of 9.80 feet; thence Westerly on a tangent curve to the Right having a central angle of 19°53'50", a radius of 250.00 feet, an arc length of 86.82 feet, and a chord bearing N 79°45'21" W a distance of 86.38 feet; thence N 69°48'26" W a distance of 107.94 feet; thence Westerly on a tangent curve to the Left having a central angle of 25°47'43", a radius of 250.00 feet, an arc length of 112.55 feet, and a chord bearing N 82°42'18" W a distance of 111.61; thence S 84°23'50" W a distance of 283.60 feet; thence Westerly on a tangent curve to the Right having a central angle of 25°10'13", a radius of 250.00 feet, an arc length of 109.83 feet, and a chord bearing N 83°01'03" W a distance of 108.94; thence N 67°35'22" W on the Southeasterly extension of the centerline of said 59th Street and on the centerline of said 59th Street a distance of 146.00 feet to the Point of Beginning, containing 3.90 Acres, more or less, all in Buffalo County, Nebraska; AND

A tract of land being part of Lot 1 of Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and part of 56th Street as shown and dedicated on said Spruce Hollow Estates Fourth Addition, more particularly described as follows: BEGINNING at the Southeast corner of Southwest Quarter of Section 23, Township 9 North, Range 16 West of the Sixth Principal Meridian and assuming the South line of said Southwest Quarter as bearing N 89°38'16" W and all bearings contained herein are relative thereto; thence N 89°38'16" W on said South line the Southwest Quarter a distance of 699.64 feet to the Southerly extension of the East line of Lot 2 of said Spruce Hollow Estates Fourth Addition; thence N 00°25'38" E on said Southerly extension, on said East line of Lot 2 and on the Northerly extension of said East line of Lot 2 a distance of 784.94 feet to the Southerly line of Outlot B, Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 67°35'22" E on the Southerly line of said Outlot B a distance of 97.14 feet; thence S 89°46'00" E continuing on said Southerly line of Outlot B a distance of 607.86 feet to the East line of said Southwest Quarter; thence S 00°17'50" W on said East line of the Southwest Quarter a distance of 749.84 feet to the Point of Beginning, containing 12.05 Acres, more or less, all in Buffalo County, Nebraska; AND

A tract of land being part of Lot 1 of Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of Lot 2

and all of Lots 3 through Lots 7 of Block One and part of Lot 2 and all of Lots 3 through Lot 6 of Block Two of Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 10th Avenue as shown and dedicated on said Spruce Hollow Estates Sixth Addition, part of 11th Avenue as shown and dedicated on said Spruce Hollow Estates Fourth Addition and on said Spruce Hollow Estates Fifth Addition, more particularly described as follows: Referring to the Southeast corner of Southwest Quarter of Section 23, Township 9 North, Range 16 West of the Sixth Principal Meridian and assuming the South line of said Southwest Quarter as bearing N 89°38'16" W and all bearings contained herein are relative thereto; thence N 89°38'16" W on said South line the Southwest Quarter a distance of 699.64 feet to the Southerly extension of the East line of Lot 2 of said Spruce Hollow Estates Fourth Addition; thence N 00°25'38" E on said Southerly extension and on said East line of Lot 2 and on it's Northerly Extension a distance of 359.12 feet to the Easterly extension of the centerline of 57th Avenue and the ACTUAL POINT OF BEGINNING; thence N 89°34'22" W on said Easterly extension and on the centerline of 57th Street a distance of 351.09 feet to the centerline of 11th Avenue; thence Northerly on said centerline of 11th Avenue and on a non-tangent curve to the Left having a central angle of 3°06'28", a radius of 500.00 feet, an arc length of 27.12 feet, and a chord bearing N 04°54'39" W a distance of 27.12 feet; thence N 06°27'53" W continuing on said centerline of 11th Avenue a distance of 3.18 feet; thence Northwesterly continuing on said centerline of 11th Avenue and on a tangent curve to the Left having a central angle of 47°41'57", a radius of 475.00 feet, an arc length of 395.44 feet, and a chord bearing N 30°18'52" W a distance of 384.12 feet; thence N 37°50'37" E continuing on said centerline of 11th Avenue a distance of 200.67 feet; thence continuing on said centerline of 11th Avenue and Northeasterly on a tangent curve to the Left having a central angle of 4°47'37", a radius of 900.00 feet, an arc length of 75.30 feet, and a chord bearing of N 35°36'48" E a distance of 75.28 feet to the Northwesterly extension of the Southerly line of Outlot B, Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 67°35'22" E on said Northwesterly extension and on the Southerly line of said Outlot B a distance of 415.42 feet to said Northerly extension of the East line of Lot 2; thence S 00°25'38" W on said Northerly extension of the East line of Lot 2 a distance of 425.82 feet to the Point of Beginning, containing 5.11 Acres, more or less, all in Buffalo County, Nebraska; AND

A tract of land being all of Lot 1 and part of Lot 2, Block One, Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 11th Avenue and part of 59th Street as shown and dedicated on Spruce Hollow Estates Fifth Addition, as shown and dedicated on said Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and part of 10th Avenue as shown and dedicated on said Spruce Hollow Sixth Addition, and part of 10th Avenue as shown and dedicated on said Spruce Hollow Sixth Addition, more particularly described as follows: BEGINNING at the intersection of the centerline of said 10th Avenue with the centerline of said 59th Street and assuming the

centerline of said 10th Avenue as bearing S 22°24'38" W and all bearings contained herein are relative thereto; thence S 22°24'38" W on the centerline of 10th Avenue a distance of 160.00 feet to the Westerly extension of the Southerly line of Outlot B of said Spruce Hollow Estates Fifth Addition; thence N 67°35'22" W on said Westerly extension of the Southerly line of Outlot B a distance of 192.31 to the centerline of said 11th Avenue; thence Northerly on a non-tangent curve to the Left having a central angle of 10°14'49", a radius of 900.00 feet, an arc length of 160.96 feet, and a chord bearing N 27°55'35" E a distance of 160.74 feet to the centerline of 59th Street; thence S 67°35'22" E on the centerline of said 59th Street a distance of 176.86 feet to the Point of Beginning, containing 0.67 Acres, more or less, Buffalo County, Nebraska.
 PASSED AND APPROVED THIS 8TH DAY OF JANUARY, 2019.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

REZONING OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF 56TH STREET AND 11TH AVENUE

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for DT Development to (1) rezone from District R-1, Urban Residential Single-Family District (Low Density) and District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District to District R-2, Urban Residential Mixed-Density District for property described as a tract of land being all of Lot 1 and part of Lot 2, Block Two, Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 59th Street as shown and dedicated on said Spruce Hollow Estates Fifth Addition and on Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 10th Avenue as shown and dedicated on Spruce Hollow Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8305; (2) rezone from District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District to District C-O, Office District for property described as a tract of land being all of Lot 1 and part of Lot 2, Block One, Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 11th Avenue as shown and dedicated on said Spruce Hollow Estates Fifth Addition, and part of 59th Street as shown and dedicated on said Spruce Hollow Estates Fifth Addition and on Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 10th Avenue as shown and dedicated on Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8306; (3) rezone from District R-2, Urban Residential Mixed-Density District and District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District to District C-1(N)/PD, Neighborhood Center/Planned Development Overlay District for property described as a tract of land being part of Lot 1, Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of Lot 2 and all of Lots 3 through Lots 7, Block One and part of Lot 2 and all of Lots 3 through Lot 6, Block Two, Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County,

Nebraska, part of 10th Avenue as shown and dedicated on said Spruce Hollow Estates Sixth Addition, part of 11th Avenue as shown and dedicated on said Spruce Hollow Estates Fourth Addition and on said Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8307; and (4) rezone from District R-2, Urban Residential Mixed-Density District to District C-2, Community Commercial District for property described as a tract of land being part of Lot 1, Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and part of 56th Street as shown and dedicated on said Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Northeast corner of 56th Street and 11th Avenue) and consider Ordinance No. 8308.

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 for DT Development and introduced Ordinance No. 8305 to rezone from District R-1, Urban Residential Single-Family District (Low Density) and District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District to District R-2, Urban Residential Mixed-Density District for property described as a tract of land being all of Lot 1 and part of Lot 2, Block Two, Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 59th Street as shown and dedicated on said Spruce Hollow Estates Fifth Addition and on Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 10th Avenue as shown and dedicated on Spruce Hollow Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Ordinance No. 8306 to rezone from District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District to District C-O, Office District for property described as a tract of land being all of Lot 1 and part of Lot 2, Block One, Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 11th Avenue as shown and dedicated on said Spruce Hollow Estates Fifth Addition, and part of 59th Street as shown and dedicated on said Spruce Hollow Estates Fifth Addition and on Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 10th Avenue as shown and dedicated on Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Ordinance No. 8307 to rezone from District R-2, Urban Residential Mixed-Density District and District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District to District C-1(N)/PD, Neighborhood Center/Planned Development Overlay District for property described as a tract of land being part of Lot 1, Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of Lot 2 and all of Lots 3 through Lots 7, Block One and part of Lot 2 and all of Lots 3 through Lot 6, Block Two, Spruce Hollow Estates Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, part of 10th Avenue as shown and dedicated on said Spruce Hollow Estates Sixth Addition, part of 11th Avenue as shown and dedicated on said Spruce Hollow Estates Fourth Addition and on said Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and Ordinance No. 8308 to rezone from District R-2, Urban Residential Mixed-Density District to District C-2, Community Commercial District for property described as a tract of land being part of Lot 1, Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and part of 56th Street as

shown and dedicated on said Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Northeast corner of 56th Street and 11th Avenue) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8305, 8306, 8307 and 8308. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 8305, 8306, 8307 and 8308 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance Nos. 8305, 8306, 8307 and 8308 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance Nos. 8305, 8306, 8307 and 8308 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library

DEVELOPMENT OF PRAIRIE MEADOWS ADDITION LOCATED AT THE NORTHEAST CORNER OF 56TH STREET AND 11TH AVENUE

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

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for DT Development to (1) vacate 5 foot and 10 foot wide utility easements being the southerly 5.00 feet of Lot 3, Block Two, except the Easterly 10.00 feet of said Lot 3, Spruce Hollow Estates Sixth Addition; the Easterly 10.00 feet of Lots 1 through 6, inclusive, Block Two, Spruce Hollow Estates Sixth Addition; the Northerly 10.00 feet of Lot 1, Spruce Hollow Estates Fourth Addition, from the East line of Lot 2, Block Two, Spruce Hollow Estates Sixth Addition to a point 30.00 feet West of the Northeast corner of Lot 1; the Southerly 5.00 feet of Outlot B, Spruce Hollow Estates Fifth Addition, from the East line of Lot 2, Block Two, Spruce Hollow Estates Sixth Addition to a point 30.00 feet West of the Southeast corner of Outlot B and consider Ordinance No. 8309; (2) vacate 10th Avenue as shown on Spruce Hollow Estates Sixth Addition, from the South right-of-way line of 59th Street to the North right-of-way line of 57th Street Place, abutting Lots 1 through 7, inclusive, Block One and abutting 1 through 6 inclusive, Block Two, all in Spruce Hollow Estates Sixth Addition; AND 57th Street Place as shown on Spruce Hollow Estates Fourth Addition, from the East right-of-way line of 11th Avenue to the East terminus of 57th Street Place, abutting Lot 7, Block One, and Lot 6, Block Two, Spruce Hollow Estates Sixth Addition, abutting Lot 1 and 2, all in Spruce Hollow Estates Fourth Addition and consider Ordinance No. 8310; (3) vacate Lots 1 through 7

inclusive, Block One, Lots 1 through 6 inclusive, Block Two, all in Spruce Hollow Estates Sixth Addition; all of Outlot A and all of Lot 1, all in Spruce Hollow Estates Fourth Addition; all of Outlot B, Spruce Hollow Estates Fifth Addition and consider Ordinance No. 8311; and (4) the Final Plat and Subdivision Agreement for Prairie Meadows Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northeast corner of 56th Street and 11th Avenue) and consider Resolution No. 2019-3.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the applications submitted by Miller & Associates for DT Development and introduced Ordinance No. 8309 to vacate 5 foot and 10 foot wide utility easements being the southerly 5.00 feet of Lot 3, Block Two, except the Easterly 10.00 feet of said Lot 3, Spruce Hollow Estates Sixth Addition; the Easterly 10.00 feet of Lots 1 through 6, inclusive, Block Two, Spruce Hollow Estates Sixth Addition; the Northerly 10.00 feet of Lot 1, Spruce Hollow Estates Fourth Addition, from the East line of Lot 2, Block Two, Spruce Hollow Estates Sixth Addition to a point 30.00 feet West of the Northeast corner of Lot 1; the Southerly 5.00 feet of Outlot B, Spruce Hollow Estates Fifth Addition, from the East line of Lot 2, Block Two, Spruce Hollow Estates Sixth Addition to a point 30.00 feet West of the Southeast corner of Outlot B; Ordinance No. 8310 to vacate 10th Avenue as shown on Spruce Hollow Estates Sixth Addition, from the South right-of-way line of 59th Street to the North right-of-way line of 57th Street Place, abutting Lots 1 through 7, inclusive, Block One and abutting 1 through 6 inclusive, Block Two, all in Spruce Hollow Estates Sixth Addition; AND 57th Street Place as shown on Spruce Hollow Estates Fourth Addition, from the East right-of-way line of 11th Avenue to the East terminus of 57th Street Place, abutting Lot 7, Block One, and Lot 6, Block Two, Spruce Hollow Estates Sixth Addition, abutting Lot 1 and 2, all in Spruce Hollow Estates Fourth Addition; and Ordinance No. 8311 to vacate Lots 1 through 7 inclusive, Block One, Lots 1 through 6 inclusive, Block Two, all in Spruce Hollow Estates Sixth Addition; all of Outlot A and all of Lot 1, all in Spruce Hollow Estates Fourth Addition; all of Outlot B, Spruce Hollow Estates Fifth Addition (Northeast corner of 56th Street and 11th Avenue) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Lear seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8309, 8310 and 8311. 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, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 8309, 8310 and 8311 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance Nos. 8309, 8310 and 8311 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance Nos. 8309, 8310 and 8311 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 Buschkoetter seconded by Clouse to adopt Resolution No. 2019-3 approving the Final Plat and Subdivision Agreement for Prairie Meadows Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northeast corner of 56th Street and 11th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2019-3

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Prairie Meadows Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to the a chiseled "x" at Southeast corner of the Southwest Quarter of Section 23 and assuming the South line of said Southwest Quarter as bearing N 89°38'16" W and all bearings contained herein are relative thereto; thence N 00°17'50" E on the East line of said Southwest Quarter a distance of 50.00 feet to a 5/8" rebar on the North right-of-way line of 56th Street and the ACTUAL POINT OF BEGINNING; thence N 89°38'16" W on said North right-of-way line a distance of 699.52 feet to a 5/8" rebar with cap at the Southeast corner of Lot 2 of Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 00°25'38" E on the East line of said Lot 2 a distance of 276.12 feet to a 5/8" rebar with cap at the Northeast corner of said Lot 2; thence N 89°34'22" W on the North line of said Lot 2 a distance of 300.00 feet to a 5/8" rebar with cap at the Northwest corner of said Lot 2; thence Northerly on the East right-of-way line of 11th Avenue as platted in Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and on a non-tangent curve to the Left having a central angle of 6°53'32", a radius of 550.00 feet, an arc length of 66.16 feet, and a chord bearing N 03°01'08" W a distance of 66.12 feet to a 5/8" rebar; thence N 06°27'53" W continuing on said East right-of-way line of 11th Avenue as platted in Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska a distance of 3.18 feet to a 5/8" rebar with cap; thence Northerly continuing on said East right-of-way line and on a tangent curve to the Left having a central angle of 36°28'17", a radius of 525.00 feet, an arc length 334.19 feet, and a chord bearing N 24°42'02" W a distance of 328.57 feet to a PK nail with washer; thence Northerly continuing on said East right-of-way line and on a tangent curve to the Right having a central angle of 47°43'20", a radius of 25.00 feet, an arc length 20.82 feet, and a chord bearing N 19°04'31" W a distance of 20.23 feet to a PK nail with washer; thence Northerly continuing on said East right-of-way line and on a

tangent curve to the Left having a central angle of $25^{\circ}36'36''$, a radius of 100.00 feet, an arc length 44.70 feet, and a chord bearing $N 08^{\circ}01'09'' W$ a distance of 44.33 feet to a PK nail with washer; thence Northerly continuing on said East right-of-way line and on a tangent curve to the Right having a central angle of $58^{\circ}40'04''$, a radius of 25.00 feet, an arc length 25.60 feet, and a chord bearing $N 08^{\circ}30'35'' E$ a distance of 24.49 feet to a PK nail with washer; thence $N 37^{\circ}50'37'' E$ continuing on said East right-of-way line a distance of 93.90 feet to a $5/8''$ rebar with cap; thence Northerly continuing on said East right-of-way line and on a tangent curve to the Left having a central angle of $13^{\circ}13'41''$, a radius of 940.00 feet, an arc length 217.02 feet, and a chord bearing $N 31^{\circ}13'46'' E$ a distance of 216.54 feet to a $5/8''$ rebar on the South right-of-way-line of 59th Street; thence $S 67^{\circ}35'22'' E$ on said South right-of-way line a distance of 283.53 feet to a $5/8''$ rebar with cap; thence $N 22^{\circ}24'38'' E$ a distance of 60.00 feet to a $5/8''$ rebar with cap on the North right-of-way line of said 59th Street as platted in Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence $N 67^{\circ}35'22'' W$ on said North right-of-way line a distance of 283.14 feet to a $5/8''$ rebar with cap on said East right-of-way line of 11th Avenue; thence Northerly on said East right-of-way line of 11th Avenue and on a non-tangent curve to the Left having a central angle of $10^{\circ}20'46''$, a radius of 940.00 feet, an arc length 169.74 feet, and a chord bearing $N 15^{\circ}47'04'' E$ a distance of 169.51 feet to a $5/8''$ rebar at the Southwest corner of Outlot A of said Spruce Hollow Estates Fifth Addition; thence $S 69^{\circ}31'54'' E$ on the South line of said Outlot A a distance of 265.39 feet to a $5/8''$ rebar with cap; thence $N 81^{\circ}06'54'' E$ continuing on said South line a distance of 123.53 feet to a $5/8''$ rebar with cap; thence $N 76^{\circ}51'03'' E$ continuing on said South line a distance of 339.02 feet to a $5/8''$ rebar with cap; thence $N 70^{\circ}01'28'' E$ continuing on said South line a distance of 85.51 feet to a $5/8''$ rebar with cap; thence $S 42^{\circ}44'04'' E$ continuing on said South line a distance of 196.10 feet to a $5/8''$ rebar with cap on the East line of said Southwest Quarter of Section 26; thence $S 00^{\circ}17'50'' W$ on said East line of the Southwest Quarter a distance of 1104.04 feet to the Point of Beginning, containing 25.42 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 inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

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

PASSED AND APPROVED THIS 8TH DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONE PROPERTY LOCATED NORTH OF 11TH AVENUE AND SPRUCE HOLLOW BOULEVARD

Mayor Clouse stated the City was notified by the developer to postpone until January 22, 2019 the public hearing on the Application submitted by Miller & Associates for DT Development to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter, and part of the Northeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 11th Avenue and Spruce Hollow Boulevard).

Moved by Clouse seconded by Nikkila to postpone until January 22, 2019 the Application submitted by Miller & Associates for DT Development to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter, and part of the Northeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 11th Avenue and Spruce Hollow Boulevard). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR SPRUCE HOLLOW ESTATES EIGHTH ADDITION

Mayor Clouse stated the City was notified by the developer to postpone until January 22, 2019 the public hearing on the Application submitted by Miller & Associates for DT Development for the Final Plat and Subdivision Agreement for Spruce Hollow Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter, and part of the Northeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 11th Avenue and Spruce Hollow Boulevard).

Moved by Clouse seconded by Nikkila to postpone until January 22, 2019 the Application submitted by Miller & Associates DT Development for the Final Plat and Subdivision Agreement for Spruce Hollow Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter, and part of the Northeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 11th Avenue and Spruce Hollow Boulevard). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

ANNEXATION OF SPRUCE HOLLOW ESTATES EIGHTH ADDITION

Mayor Clouse stated the City was notified by the developer to postpone until January 22, 2019 the public hearing on the Application submitted by Miller & Associates for DT Development for the annexation of Spruce Hollow Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of

land being part of the Northwest Quarter of the Southwest Quarter, and part of the Northeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 11th Avenue and Spruce Hollow Boulevard).

Moved by Clouse seconded by Nikkila to postpone until July 22, 2019 the Application submitted by Miller & Associates for DT Development for the annexation of Spruce Hollow Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter, and part of the Northeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 11th Avenue and Spruce Hollow Boulevard). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

VACATE 30 FOOT WIDE ALLEY FROM CHERRY AVENUE TO PIPER AVENUE, BETWEEN 45TH STREET AND PATRIOT BOULEVARD

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for the City of Kearney to vacate a 30 foot wide alley located in Block 1 as shown on Patriot Industrial Park, from the East right-of-way line of Cherry Avenue to the West right-of-way line of Piper Avenue, abutting Lots 1 through 7 inclusive, Block 1, Lots 8 through 14 inclusive, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska (from Cherry Avenue to Piper Avenue, between 45th Street and Patriot Boulevard) and consider Ordinance No. 8313.

Craig Bennett presented this matter to the Council. This vacation is located in Patriot Industrial Park. The alley being vacated separates platted lots. The reason for the vacation is the flexibility to potential builders to build larger buildings or across two lots if they choose. The vacation will not have an effect on utilities and how the utilities are fed to the lots. Access to the south lots will be onto 45th Street, the north lots onto Patriot Boulevard and the east lots onto Piper Avenue.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Miller & Associates for the City of Kearney to vacate a 30 foot wide alley located in Block 1 as shown on Patriot Industrial Park, from the East right-of-way line of Cherry Avenue to the West right-of-way line of Piper Avenue, abutting Lots 1 through 7 inclusive, Block 1, Lots 8 through 14 inclusive, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska (from Cherry Avenue to Piper Avenue, between 45th Street and Patriot Boulevard) and introduced Ordinance No. 8313 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 Moore seconded the motion to close the hearing and suspend the rules for Ordinance No. 8313. 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, Moore,

Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8313 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8313 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8313 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 13 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held December 18, 2018.

2. Approve the following Claims:

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

Alfred Benesch \$2,945.47 smcs; Allen,S \$145.00 smcs; Amazon \$4,279.97 smcs; Anderson Bros. \$531.00 smcs; Artisans Photography \$310.30 smcs; Ask Supply \$586.38 smcs; Aurora Coop \$53.76 smcs; Baird Holm \$1,000.00 smcs; Baker & Taylor \$5,201.86 smcs; Beacon Observer \$26.00 smcs; Blackstone Publishing \$403.21 smcs; Blackstrap \$9,081.23 smcs; BlueCross BlueShield \$196,747.63 smcs; Bosselman \$13,235.94 smcs; Bridgett Lavene Consult. \$5,833.00 smcs; Broadfoot's \$1,971.50 smcs; Buffalo Co. Sheriff \$168,387.75 smcs; Buffalo Co. Treasurer \$96.58 smcs; Buffalo Co Court \$203.22 ps; Builders \$453.36 smcs; Cash-Wa \$1,087.69 smcs; Center Point Publishing \$75.96 smcs; Central NE Bobcat \$1,783.00 co; Central States Wire \$911.78 smcs; Chesterman \$88.00 smcs; Chief \$1,071.17 smcs;Cigna \$9,085.07 smcs; City of Ky \$358,155.09 ps; City of Ky \$2,142.05 smcs,co; Clark Equipment Bobcat \$39,931.00 co; Comm. Health Charities \$18.00 ps; Consolidated Management \$547.48 smcs; Copperhead Properties \$625.00 smcs; Country Partners \$19,454.33 smcs; Credit Management \$181.25 ps; Cullen, Marty \$51.04 smcs; Cummins \$42.85 smcs; Dawson Public Power \$16,821.52 smcs; Depository Trust \$1,646,530.00 ds; Dish 76.31 smcs; Ditch Witch of NE \$172,263.94 co; Dmilaco \$259.86 smcs; Doud, Roger \$1,064.77 smcs; Dowhy Towing \$200.00 smcs; DPC Industries \$6,337.75 smcs;Dutton-Lainson

\$122.69 smcs; Eakes \$2,743.00 smcs; Ekwil \$200.00 smcs; Elliott Equipment \$7,501.06 smcs; Entenmann-Rovin \$610.60 smcs; Flaherty,T \$393.00 smcs; Frontier \$73.98 smcs; Gale/Cengage \$4,119.29 smcs; Goodner,D \$100.00 smcs; Hawthorne Jewelry \$20,000.00 co; Heartland Clerks Assn. \$10.00 smcs; HM Life Insurance \$55,996.50 smcs; Hometown Leasing \$159.08 smcs;ICMA \$14,560.82 ps; IRS \$298,889.49 ps; Jack Lederman \$580.20 smcs; Jack's Uniforms \$1,066.76 smcs; Jameson Painting \$62,550.00 smcs; Jonak,K \$31.00 smcs; KC Outdoor Center \$152.10 smcs; Ky Hub Publishing \$5,426.10 smcs; Ky Regional Medical \$425.00 smcs; Ky Storytelling \$700.00 smcs; Ky United Way \$606.88 ps; Ky Woman's Club \$1,650.00 smcs; Kittle,D \$378.00 smcs; Konica Minolta \$825.82 smcs;Kowalek,G \$23.06 smcs; Larue Distributing \$36.00 smcs; Leach,C \$44.14 smcs; Lockmobile \$55.00 smcs; Magic Cleaning \$4,350.00 smcs; Matheson-Linweld \$30.22 smcs;Midlands Contracting \$16,756.69 smcs; Midwest Connect \$4,016.66 smcs;Milco Environmental \$8,433.80 smcs; Miller & Associates \$34,100.00 co; Morgan, Michael \$93.74 smcs; Morten Construction \$22,369.22 co; Municipal Supply \$3,338.40 smcs; Murphy Tractor \$373.20 smcs; Musco Lighting \$258,000.00 smcs; NE Child Support Pymt \$3,983.94 ps; NE Dept. of Revenue \$88,510.34 smcs,ps; Ne Dept. of Transportation \$449.41 smcs; NE Environmental Products \$2,249.87 smcs; NE Law Enforcement Center \$150.00 smcs; Ne Public Health Environmental \$2,021.00 smcs; NE Recycling Council \$250.00 smcs; NE Safety & Fire \$125.00 smcs; Netmotion Wireless \$6,040.13 smcs; NLETC \$520.00 smcs; Northwestern Energy \$9,422.50 smcs; Oak Park Development \$7,754.25 smcs; Office Depot \$235.34 smcs; Olson Associates \$7,643.75 co; Paramount \$168.36 smcs; Paulsen \$406,183.40 smcs; Payflex \$531.25 smcs,ps; Penworthy \$592.58 smcs; Presto-X \$95.23 smcs; Prime Communications \$7,364.12 smcs; Recorded Books \$1,616.69 smcs; Refior,C \$750.00 co; Resource Mgmt. \$285.15 smcs; Robertson,D \$100.00 smcs; S & J Construction \$2,321.00 co; Sapp Brothers \$17,292.16 smcs; Sherwin-Williams \$95.67 smcs; Shoutbomb \$402.00 smcs; Swenson,P \$325.79 smcs; TCH Central \$44.39 smcs; TL Sund Construction \$11,265.36 co; Turner Body Shop \$120.00 smcs; Tye & Rowling \$14,213.38 smcs; Tyler Technologies \$118,981.00 smcs; Union Bank & Trust \$193,915.25 ds,ps; Verizon \$6,705.04 smcs; Village Cleaners \$357.07 smcs; W.T. Cox \$26.06 smcs; Walters-Morgan Const. \$90,755.81 co; Weldon,C \$328.00 smcs; Whipkey,N \$35.55 smcs; Wilco Life \$10.00 ps; Payroll Ending 12/22/2018 -- \$456,620.41. 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. Appoint Brandon Shafto to continue serving as the City Street Superintendent with regard to requirements and duties with the Nebraska Department of Transportation effective January 1, 2019.

4. Appointment of Jonathan Nikkila to serve on the Kearney Visitors Bureau, the appointment of Stanley Clouse and Bruce Lear to serve on the Buffalo County Economic Development Council, and the appointment of Jonathan Nikkila, Tami James Moore and Chuck Ogle to serve on the Joint Airport Zoning Board.

5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Aaron Gronewoller submitted by Fort Kearney Aerie 2722 Fraternal Order of Eagles located at 17 West 24th Street in connection with their Class C-011097 liquor license.

6. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Jean Castaneda submitted by The Cigarette Store Corp dba Smoker Friendly Liquor & Tobacco 017 located at 620 East 25th Street, Suite 2 in connection with their Class C-102050 liquor license.

7. Adopt Resolution No. 2019-6 approving T-Hangar A-07 Lease Agreement at the Kearney Regional Airport between the City of Kearney and Ryal Jons.

RESOLUTION NO. 2019-6

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the T-Hangar A-07 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Ryal Jons, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 8TH DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Adopt Resolution 2019-7 approving the annual rescheduling of the Kearney City Council Meetings to the second and third Tuesdays during the month of December due to the holiday schedule.

RESOLUTION NO. 2019-7

WHEREAS, Section 1-210 "Meetings" of Article 2 "City Council" of Chapter 1 "Administration" provides that Regular Council meetings shall be held on the second (2nd) and fourth (4th) Tuesdays in each month, at 5:30 o'clock p.m.; and

WHEREAS, the City Council recognizes the importance of establishing a schedule to enable Council to schedule their time accordingly and provide proper notification to the public of changes to the regular council meeting schedule; and

WHEREAS, the regularly scheduled meeting on the fourth (4th) Tuesday of each December conflicts with the Christmas holiday and are consistently rescheduled to the third (3rd) Tuesday of the month; and

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the regular City Council meetings for the month of December are to be rescheduled annually to occur on the second (2nd) and third (3rd) Tuesday due to the Christmas holiday.

PASSED AND APPROVED THIS 8TH DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Abigail Lewis submitted by Event Center Operations LLC dba Tri City Event Center located at 609 Platte Road in

connection with their Class CK-084864 liquor license.

10. Adopt Resolution No. 2019-8 approving the Technical and Professional Services Contract for Community Development Block Grant Program for Sidewalk/ADA Improvements (Grant No. 16-CD-203) between the City of Kearney and Miller & Associates.

RESOLUTION NO. 2019-8

WHEREAS, the City of Kearney has been awarded Community Development Block Grant Program funds for Comprehensive Development Year 2 activities.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute, on behalf of the City of Kearney, the Technical and Professional Services Contract for Community Development Block Grant Program for Sidewalk/ADA Improvements between the City of Kearney and Miller & Associates as Administrator for Grant 16-CD-203, as set forth in the Contract. The said Contract, marked Exhibit "A", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Manager be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Kearney and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 8TH DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2019-9 granting a six-month extension to a Community Development Block Grant (15-DTR-104) to allow for additional commercial rehabilitation time due to the project being delayed by adverse weather conditions.

RESOLUTION NO. 2019-9

WHEREAS, in 2017, the City of Kearney, Nebraska received a \$350,000 Community Development Block Grant (15-DTR-104) for Downtown Revitalization Phase II; and

WHEREAS, the City of Kearney has not utilized all of the grant award funds available as the project was delayed due to adverse weather conditions; therefore the City of Kearney will not be able to complete commercial rehabilitation activities located at Kitt's Coffee located at 110 North Railroad Street by the January 2019 deadline; and

WHEREAS, the City of Kearney requests a six-month extension of the grant agreement to allow for the successful completion of the commercial rehabilitation at Kitt's Coffee located at 110 North Railroad Street and that all Nebraska Department of Economic Development and federal standards are met.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor is hereby authorized to execute the appropriate documentation to request a six-month grant extension of CDBG award 15-DTR-104.

PASSED AND APPROVED THIS 8TH DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. Adopt Resolution No. 2019-10 approving the Developer Constructed Infrastructure Agreement for Prairie Meadows Addition between the City of Kearney and Ben Hirschfeld, President of DT Development a Nebraska Corporation for the construction of paving, water main, sanitary sewer main and storm sewer for Prairie Meadows Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.

RESOLUTION NO. 2019-10

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Prairie Meadows Addition" between the City of Kearney and Ben Hirschfeld, President of DT Development a Nebraska Corporation, for the construction of paving, water main, sanitary sewer main and storm sewer for Prairie Meadows Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., 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 8TH DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Authorize the Mayor to execute the Release of Easement on a tract of land being part of the West Half of the Northwest Quarter of the Northeast Quarter and part of Government Lot 3 and accretions located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and approve Resolution No. 2019-11.

RESOLUTION NO. 2019-11

WHEREAS, Fred Hammer, the owner of property legally described:

Legal description from the Original Recorded Storm Sewer Easement recorded July 14, 2004 on Inst. 2004-6644 in the Buffalo County Register of Deeds Office. This legal description was platted and the Storm Sewer easement is shown on the plats and legal description as shown; and

A tract of land being part of the West Half of the Northwest Quarter of the Northeast Quarter and part of Government Lot 3 and accretions located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest

Corner of the Northeast Quarter of Section 11, and assuming the West line of the Northeast Quarter of said Section 11 as bearing S 01°24'09" W and all bearings contained herein are relative thereto; thence S 01°24'09" W and on the West line of the Northeast Quarter of said Section-11 a distance of 20.0 feet to the Northwest Corner of Lot 1, Block 2, Hammer - McCarty Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing S 01°24'09" W and on the West line of the Northeast Quarter of said Section 11 and the West line of Block 2, Hammer - McCarty Addition, a distance of 396.76 feet; thence leaving the West line of the Northeast Quarter of said Section 11 and continuing on the Westerly line of Block 2, Hammer - McCarty Addition, S 89°32'58" E a distance of 16.70 feet; thence continuing on the West line of Block 2, Hammer – McCarty Addition, S 00°32'18" W a distance of 97.80 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being the Southwest Corner of Lot 6, Block 2, of said Hammer - McCarty Addition; thence leaving the West line of Block 2, of said Hammer - McCarty Addition and continuing S 00°32'18" W a distance of 799.66 feet to a point on the North line of Government Lot 3, in said Section 11; thence S 00°22'28" W a distance of 1317.04 feet to a point on the existing North high bank of the North channel of the Platte River; thence N 64°06'10" E and on the existing North high bank of the North channel of the Platte River a distance of 55.76 feet; thence leaving the existing North high bank of the North channel of the Platte River N 00°22'28" E a distance of 1292.29 feet to a point on the North line of Government Lot 3 in said Section 11; thence N 00°32'18" E a distance of 778.67 feet to a point being 20.0 feet Southerly of the South line of said Hammer - McCarty Addition; thence S 88°23'23" E and parallel with the South line of said Hammer- McCarty Addition, a distance of 164.06 feet; thence N 01°24 09" E a distance of 20.00 feet to a point on the South line of said Hammer - McCarty Addition; thence N 88°23'23" W and on the South line of said Hammer - McCarty Addition a distance of 214.37 feet to the place of beginning; and

As shown on the plat of Jean Michel of Chateau Marteau, an addition to the City of Kearney, Buffalo County, Nebraska and recorded July 26,2007 on Inst. 2007-5599, in the Buffalo County Register of Deeds Office; and Located on part of Lots 1, 2, 3, Block 3, and that part located within 9th Avenue as shown on said plat and abutting said Lot 1, Block 3 on the East in Jean Michel of Chateau Marteau, an addition to the City of Kearney, Buffalo County, Nebraska; and

As shown on the plat of Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska and recorded March 26, 2015 on 2015-01661 in the Buffalo County Register of Deeds Office; and Located on part of Lots 1, 2, 3, Block 1 and part of Lots 1 through 7 inclusive, Block 2, Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska. And that part located within the streets as shown on said plat and being located on that part of 8th Street abutting said Lot 3, Block 1, on the South and Lots 1, Block 2 on the North and that part of 4th Street abutting said Lot 7, Block 2, on the South all located in Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska; and

As shown on the plat of Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska and recorded June 28, 2018 on 2018-03556 in the Buffalo County Register of Deeds Office; and

Located on part of Lots 1 and 2 and that part of the Street as shown on the plat and being located on that part of 4th Street abutting said Lot 1 on the North in Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska

has requested the City to release a Storm Sewer Easement across the property and, WHEREAS, the City of Kearney has abandoned the said Easement and no longer needs the Easement for sewer services and,

WHEREAS, the City Council hereby finds and determines that it is in the best interest of the citizens of the City of Kearney to release the said Easement,

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the President of the Council be and is herein authorized and directed to execute the Release of Easement to Fred Hammer. A copy of the Release of Easement is attached hereto as "Exhibit 1".

PASSED AND APPROVED THIS 8TH DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8314 CREATING PAVING IMPROVEMENT DISTRICT NO. 2019-995

Mayor Clouse stated after further review, it is the recommendation of City staff to amend Section 2 of Ordinance No. 8314 to state "The street improvements shall be constructed under the supervision of the City Manager and the costs of improvements to be made in Paving Improvement District No. 2019-995, except street and alley intersections, shall be assessed against the properties excluding parcels located south of 19th Street, abutting 1st Avenue, in said district on a basis of special benefit to the property, if any, as provided by law."

Council Member Buschkoetter introduced Ordinance No. 8314 creating Paving Improvement District No. 2019-995 for 19th Street from the southeast corner of Lot 770, thence northerly 131 feet, thence westerly 140 feet, thence southerly 346 feet, thence easterly 130 feet thence northerly 185 feet, thence easterly 10 feet, thence northerly 30 feet to the point of beginning, all in Original Town Kearney Junction, to include the amendment of Section 2 of Ordinance No. 8314 stating, "The street improvements shall be constructed under the supervision of the City Manager and the costs of improvements to be made in Paving Improvement District No. 2019-995, except street and alley intersections, shall be assessed against the properties excluding parcels located south of 19th Street, abutting 1st Avenue, in said district on a basis of special benefit to the property, if any, as provided by law" and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8314. 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, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8314 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8314 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8314 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. 8315 CREATING PAVING IMPROVEMENT DISTRICT NO. 2019-996

Council Member Buschkoetter introduced Ordinance No. 8315 creating Paving Improvement District No. 2019-996 for Talmadge Street Right-of-Way from the southwest corner of Government Lot 7, thence easterly to the southeast corner of Lot 1, Younes Center Sixth Addition, thence southerly 66 feet to the northeasterly corner of Lot 6, Younes Center Fifth Addition, thence westerly to the northwest corner of Government Lot 7, thence northerly 66 feet to the southeast corner of Government Lot 7, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8315. 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, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8315 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8315 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8315 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. 8316 CREATING PAVING IMPROVEMENT DISTRICT NO. 2019-997

Council Member Buschkoetter introduced Ordinance No. 8316 creating Paving Improvement District No. 2019-997 for 10th Avenue from the southwest corner of Lot 1, Gealy's Addition, thence northwesterly to 3rd Street, thence southerly 66 feet to the northwest corner of Government Lot 9, thence southeasterly to the South line of Government Lot 7, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8316. 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, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8316 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8316 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8316 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**REPEAL OF RESOLUTION NO. 2015-83**

Mayor Clouse opened for discussion the repealing Resolution No. 2015-83 granting the Planned Development Overlay District for all of Spruce Hollow Estates Sixth Addition and approve Resolution No. 2019-12. (*Pertains to Public Hearing 7*).

Moved by Nikkila seconded by Moore to repeal Resolution No. 2015-83 granting the Planned Development Overlay District for all of Spruce Hollow Estates Sixth Addition and approve Resolution No. 2019-12. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

OPEN ACCOUNT CLAIM

Moved by Moore seconded by Lear that the Open Account Claim in the amount of \$81,990.72 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse abstained. Motion

carried.

VII. REPORTS

City Manager Michael Morgan stated numbers continue to increase for enplanements at the Kearney Regional Airport and because of this, a parking issue has arisen so City staff will be looking into this issue.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:19 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**