

*Kearney, Nebraska
January 22, 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 22, 2019 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: Randy Buschkoetter. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Sarah Sawin, Assistant Utilities Director; Rod Wiederspan, Director of Public Works; Bryan Waugh, Chief of Police; Shawna Erbsen, Administrative Services Director; Scott Hayden, Director of Park and Recreation; Brenda Jensen, Assistant Development Services Director; Coelette Gruber, City Planner; Shelley Dennis, Risk Management Coordinator; Neil Miller, Buffalo County Sheriff; and Byron Patterson, Captain of Services were also present. Members of the media present included: Mike Konz from the Kearney Hub and Ryan Boyd from KGFW. Several officers and members of the Kearney Police Department were also in attendance.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PRESENTATION OF COLORS BY THE KEARNEY POLICE DEPARTMENT HONOR GUARD AND PLEDGE OF ALLEGIANCE

Members of Kearney Police Department Honor Guard including: Sergeant Dennis Byrne, Sergeant Jared Small, Sergeant Ryan Ohri, Officer Greg Benson, Officer Tracy Suchsland, and Officer Nathan Dennis, presented and posted the colors. Two Boy Scouts from Troop 158 then led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS/RECOGNITION

Recognition Ceremony for Promotion of Police Captain Mike Young.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

VI. REGULAR AGENDA ITEM NOS. 1-3

At the request of City Manager, Michael Morgan, Regular Agenda Items 1 through 3 were moved before Public Hearings to accommodate special guests in attendance.

APPROVE THE PLANS AND SPECIFICATIONS FOR HARVEY PARK PICKLEBALL COURT PROJECT

Scott Hayden, Director of Park and Recreation presented this item to the Board. The proposed pickleball courts will be located at Harvey Park. Pickle Ball is one of the fastest rising sports as it is a combination of tennis with elements of table tennis, racquetball and badminton. In Kearney, the numbers of drop in play and at the YMCA are both up in attendance. Pickleball is also relatively inexpensive to play. The Kearney Pickleball Club is very active and growing. The sport attracts people 40 years and older but is a sport for people of all ages. The courts at Harvey Park already have parking and are wind protected. One basketball hoop will have to be removed but this removal does not present a problem and still leaves a full court. A sidewalk will connect to the parking along with another sidewalk that will go on the northwest corner of the court that is horizontal with the court. There will be four courts with spectator seating. It will have tennis court surfacing with an eight foot fencing around the entire court with the exception of the court that goes north and south between the courts and this fencing is lowered to four feet. There is room to add another two courts to the west, if needed. Total budget is estimated at \$228,000 with engineering costs. The City committed a matching amount of \$100,000 from the Dr. Stevenson fund and the Kearney Pickleball Club raised \$112,000. Apollo Park also offers Pickleball Courts as well.

Dave Waggoner with Kearney Pickleball Club stated this will be a great project for a fast growing sport. Several fund raisers were held and the community has been instrumental in helping with fund raising. Club participants hope to be able to play on the new courts by late summer. The Club has 85 members with ages ranging from 14 to 80. Mr. Waggoner thanked the City and Scott Hayden for the help provided to Kearney Pickleball Club to make this project happen.

Moved by Nikkila and seconded by Moore to approve the plans and specifications for the Harvey Park Pickleball Court Project and set the bid opening date for February 19, 2019 at 2:00 p.m. Moore Roll call resulted as follows: Aye: Clouse, Moore, Lear, Nikkila. Nay: None. Absent: Buschkoetter. Motion carried.

ACKNOWLEDGE AND APPRECIATE ASSISTANT UTILITIES DIRECTOR SARAH SAWIN ON EARNING A PROFESSIONAL CIVIL ENGINEER LICENSE

Regular Agenda Items 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened for discussion the acknowledgement and appreciation of Assistant Utilities Director, Sarah Sawin on earning a Professional Civil Engineer license and adopt Resolution 2019-37.

Michael Morgan, City Manager, presented this matter to the Council. Both of these employee accomplishments are significant and very important to the City of Kearney organization. The City appreciates the extra efforts both put forth by both Sarah and Coelette, in achieving these accomplishments.

Moved by Moore seconded by Lear to adopt Resolution No. 2019-37 acknowledging and appreciating Assistant Utilities Director, Sarah Sawin on earning a Professional Civil Engineer license. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Absent: Buschkoetter. Motion carried.

ACKNOWLEDGE AND APPRECIATE CITY PLANNER, COELETTE GRUBER ON PASSING THE AMERICAN INSTITUTE OF CERTIFIED PLANNERS EXAM

Regular Agenda Items 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened for discussion the acknowledgement and appreciation of City Planner, Coelette Gruber on passing the American Institute of Certified Planners exam and adopt Resolution 2019-38.

Moved by Moore seconded by Lear to adopt Resolution No. 2019-38 acknowledging and appreciating City Planner, Coelette Gruber on passing the American Institute of Certified Planners exam. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Absent: Buschkoetter. Motion carried.

III. PUBLIC HEARINGS

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

Moved by Lear seconded by Clouse to remove Public Hearings 1 through 3 from the table. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried.

Public Hearings 1, 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened 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) and consider Ordinance No. 8312.

Craig Bennett with Miller & Associates presented this matter to the Council. The parcel is 12.14 acres located on the north side of Spruce Hollow Boulevard, at the intersection of 11th Avenue and north of Buffalo Hills Elementary School. The future land use map is LDR which is consistent to what is being requested. The proposed zoning is R-1 that is also consistent with the future land use map. Mr. Bennett described the infrastructure involved with the project. This development includes a 17 lot residential subdivision with one outlot known as Outlot A.

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 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) and introduced Ordinance No. 8312 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 No. 8312. 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, Lear. Nay: None. Absent: Buschkoetter. 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. 8312 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, Lear. Nay: None. Absent: Buschkoetter. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance No. 8312 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Lear, Nikkila. Nay: None. Absent: Buschkoetter. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8312 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**FINAL PLAT AND SUBIVISION AGREEMENT FOR SPRUCE HOLLOW ESTATES
EIGHTH ADDITION**

Public Hearings 1, 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened 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) and consider Resolution No. 2019-4.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2019-4 approving 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). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Absent: Buschkoetter. Motion carried.

RESOLUTION NO. 2019-4

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Spruce Hollow Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for 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, and more particularly described as follows: Referring to a survey marker w/washer at the Northwest Corner of the Southwest Quarter of Section 23 and assuming the North line of said Southwest Quarter as bearing N 89°54'19" E and all bearings contained herein are relative thereto; thence N 89°54'19" E on said North line a distance of 1342.76 feet to a 5/8" rebar w/cap at the ACTUAL POINT OF BEGINNING; thence continuing N 89°54'19" E on said North line a distance of 1305.70 feet to a 5/8" rebar at the Northeast corner of said Southwest Quarter; thence S 00°17'51" W on the East line of said Southwest Quarter a distance of 436.86 feet to a 5/8" rebar w/cap on the North line of Spruce Hollow Boulevard, as platted in Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°10'08" W on said North line of Spruce Hollow Boulevard a distance of 607.14 feet to a 5/8" rebar w/cap; thence Westerly continuing on said North line of Spruce Hollow Boulevard and on a tangent curve to the Right, having a central angle of 10°00'02", a radius of 710.00 feet, an arc length of 123.93 feet, a chord bearing of N 84°10'06" W, a distance of 123.77 feet to a 5/8" rebar w/cap; thence N 79°10'05" W continuing on said North line of Spruce Hollow Boulevard a distance of 640.68 feet to a 5/8" rebar at the Northwest corner of said Spruce Hollow Estates Fifth Addition; thence N 10°49'55" E perpendicular to said North line of Spruce Hollow Boulevard a distance of 298.22 feet to the Point of Beginning, containing 12.14 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 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ANNEXATION OF SPRUCE HOLLOW ESTATES EIGHTH ADDITION

Mayor Clouse opened 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) and consider Resolution No. 2019-5.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Clouse to close the hearing and adopt Resolution No. 2019-5 approving 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, Lear, Nikkila, Moore. Nay: None. Absent: Buschkoetter. Motion carried.

RESOLUTION NO. 2019-5

WHEREAS, an Application has been submitted by Miller & Associates for DT Development for the inclusion of Spruce Hollow Estates Eighth Addition, an addition within the corporate boundaries of the City of Kearney said 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, and more particularly described as follows: Referring to a survey marker w/washer at the Northwest Corner of the Southwest Quarter of Section 23 and assuming the North line of said Southwest Quarter as bearing N 89°54'19" E and all bearings contained herein are relative thereto; thence N 89°54'19" E on said North line a distance of 1342.76 feet to a 5/8" rebar w/cap at the ACTUAL POINT OF BEGINNING; thence continuing N 89°54'19" E on said North line a distance of 1305.70 feet to a 5/8" rebar at the Northeast corner of said Southwest Quarter; thence S 00°17'51" W on the East line of said Southwest Quarter a distance of 436.86 feet to a 5/8" rebar w/cap on the North line of Spruce Hollow Boulevard, as platted in Spruce Hollow Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°10'08" W on said North line of Spruce Hollow Boulevard a distance of 607.14 feet to a 5/8" rebar w/cap; thence Westerly continuing on said North line of Spruce Hollow Boulevard and on a tangent curve to the Right, having a central angle of 10°00'02", a radius of 710.00 feet, an arc length of 123.93 feet, a chord bearing of N 84°10'06" W, a distance of 123.77 feet to a 5/8" rebar w/cap; thence N 79°10'05" W continuing on said North line of Spruce Hollow Boulevard a distance of 640.68 feet to a 5/8" rebar at the Northwest corner of said Spruce Hollow Estates Fifth Addition; thence N 10°49'55" E perpendicular to said North line of Spruce Hollow Boulevard a distance of 298.22 feet to the Point of Beginning, containing 12.14 acres more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on December 21, 2018 on the inclusion of Spruce Hollow Estates Eighth Addition within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as Spruce Hollow Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on January 22, 2019 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the land to be platted as Spruce Hollow Estates Eighth Addition shall be included within the corporate limits of the City of Kearney, Buffalo County, Nebraska, that the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules and regulations of the City of Kearney.

BE IT FURTHER RESOLVED that the inclusion of Spruce Hollow Estates Eighth Addition within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ACQUISITION OF VARIOUS RIGHT-OF-WAY, CONSTRUCTION, SANITARY SEWER, AND WATER LINE EASEMENT NEEDED FOR 2019 PART 1 IMPROVEMENTS; YOUNES CENTER SIXTH ADDITION

Mayor Clouse opened Public Hearings 4 through 18 pertain to the proposed acquisitions of various right-of-way, construction, sanitary sewer, and water line easements needed for the 2019 Part 1 Improvements; Younes Center Sixth Addition project and to consider Resolution Nos. 2019-13 through 2019-27.

Michael Tye, City Attorney, presented this matter to the Council. These hearings involve the acquisition of easements relative to Younes Sixth Addition and the 2019 Part 1 Improvements. By State law the City is required to have a public hearing anytime the City is acquiring any interest in real estate; that would apply to each of these easements. There is no financial obligation on the part of the City.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close Public Hearings 4 through 18 and adopt Resolution Nos. 2019-13 through 2019-27 accepting the various easements granted to the City. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Lear. Nay: None. Absent: Buschkoetter. Motion carried.

RESOLUTION NO. 2019-13

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for Permanent Right-of-Way and voted in favor to proceed with the acquisition; and

WHEREAS, MJ Developments, L.L.C., a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska Permanent Right-of-Way as follows:

PERMANENT RIGHT-OF-WAY

An area of land being the West 33.00 feet of the North 39.00 feet of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Right-of-Way granted by MJ Developments, L.L.C., a Nebraska Limited Liability Company, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2019-14

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for Permanent Right-of-Way and voted in favor to proceed with the acquisition; and

WHEREAS, Peanut Butter and Jelly, L.L.C., a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska Permanent Right-of-Way as follows:

PERMANENT RIGHT-OF-WAY

An area of land being part of Lot 1, Gealy's Addition, a Subdivision to the City of Kearney, Buffalo County, Nebraska, dedicated for Permanent Right-of-Way purposes, and more particularly described as follows: Beginning at the Southwest corner of Lot 1 Gealy's Addition and assuming the West line of said Lot 1 as bearing N 01°06'11" E and all bearings contained herein are relative thereto; thence N 01°06'11" E on said West line a distance of 205.88 feet; thence Southeasterly leaving said West line and on a non-tangent curve to the Right having a central angle of 06°35'52", a radius of 453.00 feet, an arc length of 52.16 feet, and a chord bearing of S 02°11'45" E a distance of 52.13 feet; thence S 01°06'11" W a distance of 257.82 feet to the North right-of-way line Talmadge Street; thence N 86°52'13" W on said North right-of-way line a distance of 3.00 feet to the Point of Beginning, said Permanent Right-of-Way contains 0.02 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Right-of-Way granted by Peanut Butter and Jelly, L.L.C., a Nebraska Limited Liability Company, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2019-15

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for Permanent Right-of-Way and voted in favor to proceed with the acquisition; and

WHEREAS, YB Investments, L.L.C., a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska Permanent Right-of-Way as follows:

PERMANENT RIGHT-OF-WAY

An area of land being part of Government Lot 6, part of Government Lot 7, part of Government Lot 9 and accretions thereto, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Right-of-Way purposes and more particularly described as follows: Referring to the Southeast corner of Government Lot 7 of Section 11 and assuming the East line of said Government Lot 7 as bearing N 01°06'11" E and all bearings contained herein are relative thereto; thence N 01°06'11" E on said East line a distance of 1065.11 feet to the North right-of-way line of Talmadge Street as platted in the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence N 86°52'13" W on the Westerly extension of said North right-of-way line a distance of 33.02 feet; thence N 01°06'11" E a distance of 203.54 feet; thence Northwesterly on a tangent curve to the Left having a central angle of 90°03'18", a radius of 387.00 feet, an arc length of 608.27 feet, and a chord bearing of N 43°55'28" W a distance of 547.56 feet; thence N 88°57'07" W a distance of 270.06 feet; thence N 01°05'37" E a distance of 66.00 feet; thence S 88°57'07" E a distance of 270.01 feet; thence Southeasterly on a tangent curve to the Right having a central angle of 83°27'26", a radius of 453.00 feet, an arc length of 659.84 feet, and a chord bearing of S 47°13'24" E a distance of 603.04 feet to the West line of Lot 1, Gealy's Addition, Buffalo County, Nebraska; thence S 01°06'11" W on said West line Lot 1 a distance of 257.82 feet to the North line of said Talmadge Street; thence N 86°52'13" W on said North right-of-way line of Talmadge Street a distance of 30.02 feet to the Point of Beginning, said Permanent Right-of-Way contains 1.70 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Right-of-Way granted by YB Investments, L.L.C., a Nebraska Limited Liability Company, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2019-16

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Kelly J. Rapp & Lauren D. Stricker - Rapp, have granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Easement and a Temporary Construction Easement as follows:

PERMANENT SANITARY SEWER EASEMENT

An area of land being part of Government Lot 2, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Sanitary Sewer Easement purposes, said 20.00 foot wide Permanent Easement to be 10.00 feet on each side of the following described centerline: Referring to the Northeast corner of Government Lot 2 of said Section 11 and assuming the East line of said Government Lot 2 as bearing S 01°06'11" W and all bearings contained herein are relative thereto; thence S 01°06'11" W on said East line a distance of 758.28 feet; thence N 88°51'30" W leaving said East line a distance of 16.64 feet to the POINT OF BEGINNING; thence S 00°10'16" W a distance of 320.42 feet; thence S 21°35'22" W a distance of 200.00 feet; thence S 08°47'41" E a distance of 295.57 feet to a point on the centerline of the North Channel of the Platte River and the Point of Termination, the side lines of said 20.00 foot wide Easement to be lengthened or shortened to form a continuous strip, said 20.00 foot Easement contains 0.37 acres, more or less, all in Buffalo County, Nebraska.

TEMPORARY CONSTRUCTION EASEMENT

An area of land being part of Government Lot 2 and Government Lot 3, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Temporary Construction Easement purposes, said 50.00 foot wide Temporary Easement to be 25.00 feet on each side of the following described centerline: Referring to the Northeast corner of Government Lot 2 of said Section 11 and assuming the East line of said Government Lot 2 as bearing S 01°06'11" W and all bearings contained herein are relative thereto; thence S 01°06'11" W on said East line a distance of 758.28 feet; thence N 88°51'30" W leaving said East line a distance of 16.64 feet to the POINT OF BEGINNING; thence S 00°10'16" W a distance of 320.42 feet; thence S 21°35'22" W a distance of 200.00 feet; thence S 08°47'41" E a distance of 295.57 feet to a point on the centerline of the North Channel of the Platte River and the Point of Termination, the side lines of said 50.00 foot wide Easement to be lengthened or shortened to form a continuous strip, said 50.00 foot Easement contains 0.94 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the a Permanent Sanitary Sewer Easement and a Temporary Construction Easement granted by Kelly J. Rapp & Lauren D. Stricker - Rapp, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2019-17

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Sanitary Sewer Easement and a Temporary Construction Easement and voted in favor to proceed with the acquisition; and

WHEREAS, YB Investments, L.L.C., a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Easement and a Temporary Construction Easement as follows:

PERMANENT SANITARY SEWER EASEMENT

An area of land being part of Government Lot 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Sanitary Sewer Easement purposes, said 20.00 foot wide Permanent Easement to be 10.00 feet on each side of the following described centerline: Referring to the Northeast corner of Government Lot 2 of said Section 11 and assuming the East line of said Government Lot 2 as bearing S 01°06'11" W and all bearings contained herein are relative thereto; thence S 01°06'11" W on said East line of Government Lot 2 and its Southerly extension a distance of 2141.42 feet to the POINT OF BEGINNING; thence N 88°56'13" W a distance of 250.83 feet to the North Right-of-Way line of 3rd Street and the Point of Termination, the side lines of said 20.00 feet wide Easement to be lengthened or shortened to form a continuous strip, said 20.00 foot Easement contains 0.12 acres, more or less, all located in Buffalo County, Nebraska.

TEMPORARY CONSTRUCTION EASEMENT

An area of land being part of Government Lot 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Temporary Construction Easement purposes, said 50.00 foot wide Temporary Easement to be 25.00 feet on each side of the following described centerline: Referring to the Northeast corner of Government Lot 2 of said Section 11 and assuming the East line of said Government Lot 2 as bearing S 01°06'11" W and all bearings contained herein are relative thereto; thence S 01°06'11" W on said East line of Government Lot 2 and its Southerly extension a distance of 2141.42 feet to the POINT OF BEGINNING; thence N 88°56'13" W a distance of 250.83 feet to the North Right-of-Way line of 3rd Street and the Point of Termination, the side lines of said 50.00 feet wide Easement to be lengthened or shortened to form a continuous strip, said 50.00 foot Easement contains 0.29 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the a Permanent Sanitary Sewer Easement and a Temporary Construction Easement granted by YB Investments, L.L.C., a Nebraska Limited Liability Company, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2019-18

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Sanitary Sewer Easement and voted in favor to proceed with the acquisition; and

WHEREAS, YB Investments, L.L.C., a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Easement as follows:

PERMANENT SANITARY SEWER EASEMENT

An area of land being part of Government Lot 9 and accretions thereto all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Sanitary Sewer Easement purposes, and more particularly described as follows: Referring to the Northeast corner of Government Lot 2, Section 11 and assuming the East line of said Government Lot 2 as bearing S 01°06'11" W and all bearings contained herein are relative thereto; thence S 01°06'11" W on said East line of Government Lot 2 and its Southerly extension a distance of 1674.45 feet to the POINT OF BEGINNING; thence continuing S 01°06'11" W on said Southerly Extension of the East line a distance of 494.74 feet; thence S 22°28'02" W leaving said East line a distance of 139.64 feet to the North Right-of-Way line 3rd Street; thence Northwesterly on said North Right-of-Way line and on a non-tangent curve to the Left having a central angle of 02°58'27", a radius of 453.00 feet, an arc length of 23.52 feet, and a chord bearing of N 35°48'41" W a distance of 23.51 feet; thence N 22°28'02" E leaving said North Right-of-Way line a distance of 151.29 feet; thence N 00°59'51" E a distance of 409.68 feet; thence N 08°47'41" W a distance of 180.16 feet to the Centerline of the North Channel of the Platte River; thence S 65°19'41" E on said Centerline a distance of 23.97 feet; thence S 08°47'41" E leaving said centerline a distance of 114.18 feet to the Point of Beginning,

said Permanent Easement contains 0.24 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the a Permanent Sanitary Sewer Easement granted by YB Investments, L.L.C., a Nebraska Limited Liability Company, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2019-19

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Temporary Construction Easement and voted in favor to proceed with the acquisition; and

WHEREAS, YB Investments, L.L.C., a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska a Temporary Construction Easement as follows:

TEMPORARY CONSTRUCTION EASEMENT

An area of land being part of Government Lot 9 and accretions thereto all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Temporary Construction Easement purposes, and more particularly described as follows: Referring to the Northeast corner of Government Lot 2, Section 11 and assuming the East line of said Government Lot 2 as bearing S 01°06'11" W and all bearings contained herein are relative thereto; thence S 01°06'11" W on said East line of Government Lot 2 and its Southerly extension a distance of 1587.18 feet to the POINT OF BEGINNING; thence continuing S 01°06'11" W on said Southerly extension of the East line a distance of 623.18 feet; thence S 22°28'02" W leaving said East line a distance of 111.55 feet to the North Right-of-Way line 3rd Street; thence Northwesterly on said North Right-of-Way line and on a non-tangent curve to the Left having a central angle of 07°26'42", a radius of 453.00 feet, an arc length of 58.86 feet, and a chord bearing of N 35°44'54" W a distance of 58.82 feet; thence N 22°28'02" E leaving said North Right-of-Way line a distance of 140.08 feet; thence N 00°59'51" E a distance of 405.56 feet; thence N 08°47'41" W a distance of 188.80 feet to the Centerline of the North Channel of the Platte River; thence S 65°19'41" E on said Centerline a distance of

59.94 feet; thence S 08°47'41" E leaving said centerline a distance of 18.30 feet to the Point of Beginning, said Temporary Easement contains 0.56 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the a Temporary Construction Easement granted by YB Investments, L.L.C., a Nebraska Limited Liability Company, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2019-20

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Sanitary Sewer Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Paul J. Younes and Linda Younes, have granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Easement as follows:

PERMANENT SANITARY SEWER EASEMENT

An area of land being part of Government Lot 9 and accretions thereto all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Sanitary Sewer Easement purposes, and more particularly described as follows: Referring to the Northeast corner Government Lot 2 of said Section 11 and assuming the East line of said Government Lot 2 as bearing S 01°06'11" W and all bearings contained herein are relative thereto; thence S 01°06'11" W on said East line of said Government Lot 2 and its Southerly extension a distance of 1674.45 feet to the POINT OF BEGINNING; thence continuing S 01°06'11" W on said Southerly extension of the East line a distance of 494.74 feet; thence N 22°28'02" E leaving said East line a distance of 27.80 feet; thence N 00°59'51" E a distance of 415.19 feet; thence N 08°47'41" W a distance of 54.47 feet to the Point of Beginning, said Permanent Easement contains 0.10 acres, more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the a Permanent Sanitary Sewer Easement granted by Paul J. Younes and Linda Younes, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2019-21

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Temporary Construction Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Paul J. Younes and Linda Younes, have granted to the City of Kearney, Nebraska a Temporary Construction Easement as follows:

TEMPORARY CONSTRUCTION EASEMENT

An area of land being part of Government Lot 9 and accretions thereto all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Temporary Construction Easement purposes, and more particularly described as follows: Referring to the Northeast corner Government Lot 2 of said Section 11 and assuming the East line of said Government Lot 2 as bearing S 01°06'11" W and all bearings contained herein are relative thereto; thence S 01°06'11" W on said East line of said Government Lot 2 and its Southerly extension a distance of 1587.18 feet to the POINT OF BEGINNING; thence continuing S 01°06'11" W on said Southerly extension of the East line a distance of 623.18 feet; thence N 22°28'02" E leaving said East line a distance of 68.99 feet; thence N 00°59'51" E a distance of 419.32 feet; thence N 08°47'41" W a distance of 141.72 feet to the Point of Beginning, said Permanent Easement contains 0.30 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the a Temporary Construction Easement granted by Paul J. Younes and Linda Younes, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2019-22

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed

acquisition for a Permanent Water Line Easement and Temporary Construction Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Kearney Investment Corporation, a Nebraska Corporation, have granted to the City of Kearney, Nebraska a Permanent Water Line Easement and Temporary Construction Easement as follows:

PERMANENT WATER LINE EASEMENT

An area of land being part of Lot 1, Younes Center Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Permanent Water line Easement purposes, said 20.00 foot wide Permanent Easement to be 10.00 feet on each side of the following described centerline: Referring to the Northeast corner of Lot 1, Younes Center Sixth Addition as platted in the City of Kearney, Buffalo County, Nebraska, and assuming the East line of said Lot 1 as bearing S 03°21'47" W and all bearings contained herein are relative thereto; thence S 03°21'47" W on said East line a distance of 134.65 feet to a point on the West right-of-way line of 6th Avenue as platted in the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence N 84°17'39" W a distance of 48.36 feet; thence S 51°54'33" W a distance of 87.81 feet; thence N 76°17'18" W a distance of 516.84 feet; thence N 76°40'14" W a distance of 34.70 feet to East line of Lot 1, Younes Center Sixth Addition as platted in the City of Kearney, Buffalo County, Nebraska, and the Point of Termination, the side lines of said 20.00 foot wide Permanent Easement to be lengthened or shortened to form a continuous strip, said 20.00 foot permanent easement contains 0.32 acres, more or less, all in Buffalo County, Nebraska.

TEMPORARY CONSTRUCTION EASEMENT

An area of land being part of Lot 1, Younes Center Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Temporary Construction Easement purposes, said 50.00 foot wide Temporary Easement to be 25.00 feet on each side of the following described centerline: Referring to the Northeast corner of Lot 1, Younes Center Sixth Addition as platted in the City of Kearney, Buffalo County, Nebraska, and assuming the East line of said Lot 1 as bearing S 03°21'47" W and all bearings contained herein are relative thereto; thence S 03°21'47" W on said East line a distance of 134.65 feet to a point on the West right-of-way line of 6th Avenue as platted in the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence N 84°17'39" W a distance of 48.36 feet; thence S 51°54'33" W a distance of 87.81 feet; thence N 76°17'18" W a distance of 516.84 feet; thence N 76°40'14" W a distance of 34.70 feet to East line of Lot 1, Younes Center Sixth Addition as platted in the City of Kearney, Buffalo County, Nebraska, and the Point of Termination, the side lines of said 50.00 foot wide Temporary Easement to be lengthened or shortened to form a continuous strip, said 50.00 foot temporary easement contains 0.79 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the a Permanent Water Line Easement and Temporary Construction Easement granted by Kearney Investment Corporation, a Nebraska Corporation, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution,

circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2019-23

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Water Line Easement and Temporary Construction Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Paul J. Younes and Linda Younes, Husband and Wife, have granted to the City of Kearney, Nebraska a Permanent Water Line Easement and Temporary Construction Easement as follows:

PERMANENT WATER LINE EASEMENT

An area of land being part of Government Lot 9 and accretions, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Water line Easement purposes, said 20.00 foot wide Permanent Easement to be 10.00 feet on each side of the following described centerline: Referring to the Northeast corner of Lot 1, Younes Center Sixth Addition as platted in the City of Kearney, Buffalo County, Nebraska, and assuming the East line of said Lot 1 as bearing S 03°21'47" W and all bearings contained herein are relative thereto; thence S 03°21'47" W on said East line a distance of 134.65 feet to a point on the West right-of-way line of 6th Avenue as platted in the City of Kearney, Buffalo County, Nebraska; thence N 84°17'39" W a distance of 48.36 feet; thence S 51°54'33" W a distance of 87.81 feet; thence N 76°17'18" W a distance of 516.84 feet; thence N 76°40'14" W a distance of 34.70 feet to the East line of Lot 1, Younes Center Sixth Addition as platted in the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence N 76°40'14" W a distance of 5.33 feet; thence Northwesterly on a tangent curve to the left having a central angle of 10°23'59", a radius of 3000.00 feet, an arc length of 544.53 feet, and a chord bearing of N 82°15'10" W a distance of 543.78 feet to the North-South Quarter Section line of Section 11, and the Point of Termination, the side lines of said 20.00 feet wide Permanent Easement to be lengthened or shortened to form a continuous strip, said 20.00 foot permanent easement contains 0.25 acres, more or less, all in Buffalo County, Nebraska.

TEMPORARY CONSTRUCTION EASEMENT

An area of land being part of Government Lot 9 and accretions, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Temporary Construction Easement purposes, said 50.00 foot wide Temporary Easement to be 25.00 feet on each side of the following described centerline: Referring to the Northeast corner of Lot 1, Younes Center Sixth Addition as platted in the City of Kearney, Buffalo County, Nebraska, and assuming the East line of said Lot 1 as bearing S 03°21'47" W and all bearings contained herein are relative thereto; thence S 03°21'47" W on said East line a distance of 134.65 feet to a point on the West right-of-way line of 6th Avenue as platted in the City of Kearney, Buffalo County, Nebraska; thence N 84°17'39" W a distance of 48.36 feet; thence S 51°54'33" W a distance of 87.81 feet; thence N 76°17'18" W a distance of 516.84 feet; thence N 76°40'14" W a distance of 34.70 feet to the East line of Lot 1, Younes Center Sixth Addition as platted in the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence N 76°40'14" W a distance of 5.33 feet; thence Northwesterly on a tangent curve to the left having a central angle of 10°23'59", a radius of 3000.00 feet, an arc length of 544.53 feet, and a chord bearing of N 82°15'10" W a distance of 543.78 feet to the North-South Quarter Section line of Section 11, and the Point of Termination, the side lines of said 50.00 foot wide Temporary Easement to be lengthened or shortened to form a continuous strip, said 50.00 foot temporary easement contains 0.63 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the a Permanent Water Line Easement and Temporary Construction Easement granted by Paul J. Younes and Linda Younes, Husband and Wife, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2019-24

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Water Line Easement and Temporary Construction Easement and voted in favor to proceed with the acquisition; and

WHEREAS, YB Investments L.L.C., a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska a Permanent Water Line Easement and Temporary Construction Easement as follows:

PERMANENT WATER LINE EASEMENT

An area of land being part of Government Lot 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Water line Easement purposes, said 20.00 foot wide Permanent Easement to be 10.00 feet on each side of the following described centerline: Referring to the Northeast corner of Lot 1, Younes Center Sixth Addition as platted in the City of Kearney, Buffalo County, Nebraska, and assuming the East line of said Lot 1 as bearing S 03°21'47" W and all bearings contained herein are relative thereto; thence S 03°21'47" W on said East line a distance of 134.65 feet to a point on the West right-of-way line of 6th Avenue as platted in the City of Kearney, Buffalo County, Nebraska; thence N 84°17'39" W a distance of 48.36 feet; thence S 51°54'33" W a distance of 87.81 feet; thence N 76°17'18" W a distance of 516.84 feet; thence N 76°40'14" W a distance of 40.03 feet; thence Northwesterly on a tangent curve to the left having a central angle of 10°23'59", a radius of 3000.00 feet, an arc length of 544.53 feet, and a chord bearing of N 82°15'10" W a distance of 543.78 feet to the North-South Quarter Section line of Section 11, and the POINT OF BEGINNING; thence continuing Northwesterly on a tangent curve to the left having a central angle of 01°40'29", a radius of 3000.00 feet, an arc length of 87.69 feet, and a chord bearing of N 88°17'24" W a distance of 87.69 feet; thence N 89°07'38" W a distance of 41.14; thence S 38°22'24" W a distance of 76.38 feet to the North Right-of-Way line of 3rd Street and the Point of Termination, the side lines of said 20.00 feet wide Permanent Easement to be lengthened or shortened to form a continuous strip, said 20.00 foot permanent easement contains 0.09 acres, more or less, all in Buffalo County, Nebraska.

TEMPORARY CONSTRUCTION EASEMENT

An area of land being part of Government Lot 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Temporary Construction Easement purposes, said 50.00 foot wide Temporary Easement to be 25.00 feet on each side of the following described centerline: Referring to the Northeast corner of Lot 1, Younes Center Sixth Addition as platted in the City of Kearney, Buffalo County, Nebraska, and assuming the East line of said Lot 1 as bearing S 03°21'47" W and all bearings contained herein are relative thereto; thence S 03°21'47" W on said East line a distance of 134.65 feet to a point on the West right-of-way line of 6th Avenue as platted in the City of Kearney, Buffalo County, Nebraska; thence N 84°17'39" W a distance of 48.36 feet; thence S 51°54'33" W a distance of 87.81 feet; thence N 76°17'18" W a distance of 516.84 feet; thence N 76°40'14" W a distance of 40.03 feet; thence Northwesterly on a tangent curve to the left having a central angle of 10°23'59", a radius of 3000.00 feet, an arc length of 544.53 feet, and a chord bearing of N 82°15'10" W a distance of 543.78 feet to the North-South Quarter Section line of Section 11, and the POINT OF BEGINNING; thence continuing Northwesterly on a tangent curve to the left having a central angle of 01°40'29", a radius of 3000.00 feet, an arc length of 87.69 feet, and a chord bearing of N 88°17'24" W a distance of 87.69 feet; thence N 89°07'38" W a distance of 41.14; thence S 38°22'24" W a distance of 76.38

feet to the North Right-of-Way line of 3rd Street and the Point of Termination, the side lines of said 50.00 feet wide Temporary Easement to be lengthened or shortened to form a continuous strip, said 50.00 foot temporary easement contains 0.24 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the a Permanent Water Line Easement and Temporary Construction Easement granted by YB Investments L.L.C., a Nebraska Limited Liability Company, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2019-25

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Water Line Easement and voted in favor to proceed with the acquisition; and

WHEREAS, MJ Developments, L.L.C., a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska a Permanent Water Line Easement as follows:

PERMANENT WATER LINE EASEMENT

An area of land being part of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Permanent Water line Easement purposes, said 20.00 foot wide Permanent Easement to be 10.00 feet on each side of the following described centerline: Referring to the Easterly corner of Lot 6, Younes Center Fifth Addition, an Addition to the City of Kearney, Buffalo County, Nebraska, and assuming the Northerly line of said Lot 6 and the South line of Section 11 as bearing S 89°15'41" W and all bearings contained herein are relative thereto; thence S 89°15'41" W on said South line of Section 11 a distance of 62.27 feet to a point on the West right-of-way line of 3rd Avenue as platted in the City of Kearney, Buffalo County, Nebraska; thence N 14°46'32" E a distance of 52.01 feet to the POINT OF BEGINNING; thence N 88°43'26" W a distance of 564.30 feet to the West line of said Lot 6 and the Point of Termination, the side lines of said 20.00 feet wide Permanent Easement to be lengthened or shortened to form a continuous strip, said 20.00 foot permanent easement contains 0.26 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the a Permanent Water Line Easement granted by MJ Developments, L.L.C., a Nebraska Limited Liability Company, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2019-26

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Water and Sanitary Sewer Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Peanut Butter and Jelly, L.L.C., a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska a Permanent Water and Sanitary Sewer Easement as follows:

PERMANENT WATER AND SANITARY SEWER EASEMENT

A tract of land being a part of Lot 4, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: Referring to the Southeast corner of Lot 4, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and assuming the East line of said Lot 4 as bearing N 00°27'43" E and all bearings contained herein are relative thereto; thence N 89°32'17" W on the South line of said Lot 4 a distance of 12.50 feet to the ACTUAL POINT OF BEGINNING; thence, continuing N 89°32'17" W on said South line a distance of 22.81 feet, thence N 00°00'00" E a distance of 83.74 feet; thence N 44°13'32" W a distance of 11.19 feet; thence N 00°01'45" W a distance of 277.57 feet to the North line of said Lot 4; thence S 87°20'25" E on said North line a distance of 33.76 feet; thence S 00°27'43" W parallel with said East line a distance of 367.87 feet to the Point of Beginning, easement contains 0.26 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the a Permanent Water and Sanitary Sewer Easement granted by Peanut Butter and Jelly, L.L.C., a Nebraska Limited Liability Company to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution,

circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2019-27

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Water and Sanitary Sewer Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Peanut Butter and Jelly, L.L.C., a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska a Permanent Water and Sanitary Sewer Easement as follows:

PERMANENT WATER AND SANITARY SEWER EASEMENT

An area of land being part of Lot 5, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Water and Sanitary Sewer Easement purposes, and more particularly described as follows: Referring to the Southeast corner of Lot 5, Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and assuming the South line of said Lot 5 as bearing N 89°32'17" W and all bearings contained herein are relative thereto; thence N 89°32'17" W on said South line of Lot 5 a distance of 12.50 feet to the POINT OF BEGINNING; thence continuing N 89°32'17" W on said South line a distance of 22.81 feet; thence N 00°27'43" E leaving said South line a distance of 567.93 feet to the South line of Lot 4 in said Addition; thence S 89°32'17" E on said South line a distance of 22.81 feet; thence S 00°27'43" W leaving said South line a distance of 464.98; thence S 89°25'43" E a distance of 12.50 feet to the East line of said Lot 5; thence S 00°27'43" W on said East line a distance of 20.00 feet; thence N 89°25'43" W leaving said East line a distance of 12.50 feet; thence S 00°27'43" W a distance of 83.02 feet to the Point of Beginning, said Permanent Easement contains 0.30 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the a Permanent Water and Sanitary Sewer Easement granted by Peanut Butter and Jelly, L.L.C., a Nebraska Limited Liability Company to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make

such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10.00 FOOT WIDE WATER LINE AND 10.00 FOOT WIDE SANITARY SEWER EASEMENTS GRANTED BY TSK14 PHASE II, LLC

Public Hearings 19 and 20 were discussed together but voted on separately.

Mayor Clouse opened Public Hearings 19 and 20 pertain to the proposed acquisitions of a 10.00 foot wide water line easement and a 10.00 foot wide sanitary sewer easement granted by TSK14 Phase II, L.L.C., for a tract of land being part of Lot 1, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution Nos. 2019-28 and 2019-29.

Michael Tye, City Attorney, presented this matter to the Council. This item is part of a water and sewer easement in the Fountain Hills area as part of the Developer Constructed Infrastructure Agreement. The Developer agreed to dedicate these easements once the infrastructure was in place and the services are now in place. There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close Public Hearing 19 and Public Hearing 20 and adopt Resolution Nos. 2019-28 and 2019-29 accepting the easements granted to the City by TSK14 Phase II, LLC. Roll call resulted as follows: Aye: Clouse, Moore, Lear, Nikkila. Nay: None. Absent: Buschkoetter. Motion carried.

RESOLUTION NO. 2019-28

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a 10.00 Foot Wide Water Line Easement and voted in favor to proceed with the acquisition; and

WHEREAS, TSK14 Phase II, LLC, a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska a 10.00 Foot Wide Water Line Easement as follows:

10.00 FOOT WIDE WATER LINE EASEMENT

A tract of land being part of Lot 1, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Water line Easement purposes, said 10 foot Easement to be 5.00 feet on each side of the centerline of the now constructed water line more particularly described as follows: Referring to the

Southwest corner of Lot 1, Fountain Hills Seventh Addition and assuming the West line of said Southwest Corner as bearing N 08°11'33" W and all bearings contained herein are relative thereto; thence N 08°11'33" W on said West line a distance of 153.32 feet, thence Northerly on a tangent curve to the right having a central angle of 05°42'14", a radius of 267.00 feet, an arc length of 26.58 feet, and a chord bearing of N 05°20'26" W a distance of 26.57 feet to the ACTUAL POINT OF BEGINNING; thence N 15°54'19" E a distance of 43.02 feet; thence N 81°28'28" E a distance of 133.30; thence S 10°21'04" E a distance of 59.84 feet; thence N 76°30'20" E a distance of 183.39 feet; thence S 89°47'49" E a distance of 245.93 feet to the Point of Termination, the side lines of said 10 foot wide Water Easement to be lengthened or shortened to form a continuous strip, said 10 foot Easement contains 0.15 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the a 10.00 Foot Wide Water Line Easement granted by TSK14 Phase II, LLC, a Nebraska Limited Liability Company to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2019-29

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a 10.00 Foot Wide Sanitary Sewer Easement and voted in favor to proceed with the acquisition; and

WHEREAS, TSK14 Phase II, LLC, a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska a 10.00 Foot Wide Sanitary Sewer Easement as follows:

10.00 FOOT WIDE SANITARY SEWER EASEMENT

A tract of land being part of Lot 1, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Sanitary Sewer Easement purposes, said 10 foot Easement to be 5 feet on each side of the centerline of the now constructed sanitary sewer line more particularly described as follows: Referring to the Southwest corner of Lot 1, Fountain Hills Seventh Addition and assuming the West line of said Lot 1 as bearing N 08°11'33" W and all bearings contained herein are relative

thereto; thence N 08°11'33" W on said West line a distance of 152.41 feet to the ACTUAL POINT OF BEGINNING; thence N 15°54'19" E a distance of 62.18 feet; thence N 81°28'28" E a distance of 117.18 feet; thence S 10°21'04" E a distance of 60.72 feet; thence N 76°30'20" E a distance of 119.77 feet; thence S 68°50'09" E a distance of 195.05 feet to the Point of Termination, the side lines of said 10 feet wide Sanitary Sewer Easement to be lengthened or shortened to form a continuous strip, said 10 foot Easement contains 0.13 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the a 10.00 Foot Wide Sanitary Sewer Easement granted by TSK14 Phase II, LLC, a Nebraska Limited Liability Company to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

UTILITY EASEMENT GRANTED BY CITY OF KEARNEY

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent Utility Easement granted by the City of Kearney, a Municipal Corporation, Buffalo County, Nebraska for an area of land being the South 10.00 feet of the North 130.00 feet of Lot 5, Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2019-30.

Lauren Brandt, City Clerk presented this matter to the Council. The City already owns Lot 5, Fox Creek Second Addition but when Fox Creek Second Addition was originally platted, the east and west utility easement was not included so this item is to acquire and add the easement for the record.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2019-30 approving on the proposed acquisition for a Permanent Utility Easement granted by the City of Kearney, a Municipal Corporation, Buffalo County, Nebraska for an area of land being the South 10.00 feet of the North 130.00 feet of Lot 5, Fox Creek Second, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Absent: Buschkoetter. Motion carried.

RESOLUTION NO. 2019-30

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Utility Easement and voted in favor to proceed with the acquisition; and

WHEREAS, City of Kearney, a Municipal Corporation, Buffalo County, Nebraska, have granted to the City of Kearney, Nebraska a Permanent Utility Easement as follows:

PERMANENT UTILITY EASEMENT

A Permanent Utility Easement being the South 10.00 feet of the North 130.00 feet of Lot 5, of Fox Creek Second, an addition to the City of Kearney, Buffalo County, containing 0.022 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the a Permanent Utility Easement granted by City of Kearney, a Municipal Corporation, Buffalo County, Nebraska to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Lear seconded by Clouse that Subsections 1 through 14 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Absent: Buschkoetter. Motion carried.

1. Approve Minutes of Regular Meeting held January 8, 2019.
2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental
 - CO Capital Outlay
 - DS Debt Service

1000bulbs.com \$62.44 smcs; 1733 Barbershop Chorus \$100.00 smcs; 4imprint \$2,578.70 smcs; Adobe \$29.99 smcs; Adscreen Group \$4,700.00 smcs; Agri Coop \$1,318.04 smcs; Alertshirt \$117.49 smcs; All Makes Auto \$4,965.22 smcs; Allied Electronics \$16.09 smcs; Ally B Designs \$456.10 smcs; Alvine & Associates \$3,202.50 co; Amazon \$8,184.54 smcs,co; American \$19.01 smcs; American First Aid \$683.88 smcs; American Planning \$473.00 smcs; Andersen,B \$94.00 smcs; Antelope Newspaper \$360.00 smcs; Apple Market \$62.50 smcs; ARC \$640.00 smcs; Artisans \$300.00 ps; Ask Supply \$2,967.80 smcs; Aurora Coop \$1,483.76 smcs; Aussie Hydraulics \$243.46 smcs; Auto Value \$1,272.70 smcs; BairdHolm \$72.00 smcs; Baker & Taylor \$1,747.57 smcs; Bamford \$1,175.00 smcs; Barco Products \$725.71 smcs; Barnes & Noble \$856.00 smcs; Baseballracks.com \$595.00 smcs; Batterysharks.com \$31.35 co; Baughman,J \$94.00 smcs; Beistline,J \$500.00 smcs; Berens-Tate Consulting \$3,500.00 smcs; Big Red Auto Glass \$225.00 smcs; Bike Shed \$7,105.99 smcs,co; Blessing \$4,375.00 smcs; BlueCross/BlueShield \$221,838.86 smcs; Body Worx \$1,402.25 smcs; Books Galore \$29.98 smcs;Bosselman \$19,185.29 smcs; Brantley,C \$44.63 smcs; Broadfoot's \$1,418.75 smcs; Brown,C \$94.00 smcs; BSN Sports \$105.00 smcs; Buffalo Co. Treasurer \$15.38 co; Buffalo Co Court \$84.65 ps; Buffalo Outdoor Power \$2,226.53 smcs; Builders \$2,082.87 smcs,co; Business Click Pro \$59.00 co; Butler,D \$75.00 smcs; Butler,R \$94.00 smcs; Candlewood Suites \$188.00 smcs; Canva \$14.00 smcs; Carolina Software \$650.00 co; Carquest \$387.42 smcs; Cash-Wa \$520.72 smcs; CDW \$1,022.70 smcs; Cenex \$52.32 smcs; Central Hydraulic \$2,080.76 smcs; Central NE Bobcat \$1,366.06 smcs,co; Charter \$769.11 smcs; Chavez,K \$100.46 smcs; Chemsearch \$305.00 smcs; Chicken Coop \$50.00 smcs; Chief Supply \$85.69 smcs; Cintas \$665.63 smcs; City of Ky \$55,386.81 smcs,ps; Comm Act. Part Of Mid-NE \$11,514.45 smcs; Commit \$41.49 smcs; Consolidate Management \$286.31 smcs; Construction Rental \$259.18 smcs; Control Yours \$200.00 smcs; Copycat \$1,841.54 smcs; Core & Main \$2,811.31 smcs; Crane River Theater \$100.00 smcs; Creative Teacher \$20.68 smcs; Credit Management Serv. \$79.94 ps; Crouch Recreation \$752.00 co; Crown Products \$860.27 smcs; Culligan \$234.79 smcs; Cummins \$3,020.68 smcs; Custom Rental \$51.19 smcs; Cutter & Buck \$154.85 smcs; Dan-Am \$67.64 smcs; Danko Emergency \$185.41 smcs; Dawson Public Power \$2,614.85 smcs; Dell \$5,669.22 smcs,co; Demco \$52.43 smcs; DHHS Licensure \$150.00 smcs; Disc Magic \$187.10 smcs; Dish \$194.34 smcs; Dowhy Towing \$125.00 smcs; Dreamseats \$2,001.65 smcs; Dreamstime \$25.00 smcs; DRI*Aoemi PA \$53.45 co; Eakes \$2,134.11 smcs; Ecolab \$80.26 smcs; Ed Broadfoot & Sons \$450.99 smcs; Eggen,M \$30.65 smcs; Ehrlich-Rentokil \$147.00 smcs; Elliott Equipment \$2,385.86 smcs; Emblem Authority \$978.50 smcs; EMC Insurance \$6,004.83 smcs; Energy Roofing \$282.60 smcs; Ensley Electrical \$30,800.00 co; Enterprise \$514.76 smcs; Eustis Body Shop \$200.00 smcs;Expression Wear \$468.00 ps; Eyemed \$813.61 smcs; F&A Enterprise \$888.69 co; Facebook \$109.17 smcs; Factory Outlet Store \$37.95 smcs; Farmers Union \$1,034.00 smcs; Fastenal \$645.89 smcs; Fedex \$99.15 smcs; Fiddelke \$379.45 smcs; Finney,A \$53.95 smcs; Forensic Education \$798.00 smcs; Foxfury \$780.00 smcs; Frontier \$7,021.66 smcs; FS*Sciencetechitsolu \$63.28 co; Full Tilt Mgmt. \$2,250.00 smcs; Fun Express \$147.80 smcs; Galeton \$592.90 smcs; Galls \$936.66 ps; Garrett Tires \$1,824.64 smcs; Gomez,J \$2.25 smcs; Graham Tire \$679.94 smcs; Grainger \$868.91 smcs; Granicus \$1,297.80 smcs; Great Plains Beef \$72.00 smcs; Greater NE Cities \$1,000.00 smcs; Guthrie,C \$48.01 smcs; Haarberg,E \$14.00 smcs; Hach \$200.63 smcs; Hireright \$8.66 smcs; HOA Solutions \$1,720.97 smcs; Hobby-Lobby \$226.11 smcs; Holmes Supply \$844.88 smcs; Holtz Industries \$2,349.46

smcs; Hy-Vee \$271.81 smcs; IAPE \$100.00 smcs; ICMA \$6,387.97 ps; Icon Enterprises \$137.50 smcs; Ingraham,L \$21.44 smcs; Intermountain Sales \$240.79 smcs; Invoicehome.com \$5.00 smcs; IRS \$163,634.85 ps; Itunes \$7.48 smcs; Jack Lederman \$523.77 smcs; Jameson,A \$200.00 smcs; Jib Jab \$18.00 smcs; Johnson Controls \$4,093.26 smcs; Johnson Service \$5,344.29 smcs; Johnstone Supply \$1,947.63 smc,co; JRM \$169.16 smcs; J-Spot Services \$1,796.25 smcs; Kanopy \$224.00 smcs; Ky Ace \$30.63 smcs,co; Ky Animal Shelter \$7,808.00 smcs; Ky Centre Vac \$13.00 smcs; Ky Chamber Comm. \$305.00 smcs; Ky Concrete \$426.12 smcs; Ky Hub \$2,387.32 smcs; Ky Noon Rotary \$125.00 smcs; Ky Power Sports \$232.13 smcs; Ky Tire \$1,570.99 smcs; Ky Towing \$400.00 smcs; Ky Visitors Bureau \$83,733.86 smcs; Ky Warehouse \$776.34 smcs; Ky Winlectric \$10,454.01 smcs,co; Ky Winneslon \$12.62 smcs; Kelly Supply \$331.95 smcs; Kinetic Research \$148.00 smcs; King,J \$18.12 smcs; Knipping,D \$94.00 smcs; Konica Minolta \$972.69 smcs; Kuehn,D \$9.44 smcs; Lamberts,C \$191.30 smcs;Landmark Implement \$3,963.22 smcs; Law Enforcement Seminars \$350.00 smcs; Lawson Products \$580.64 smcs; League of NE Municipalities \$595.00 smcs; Lego \$40.00 smcs; Light & Siren \$1,973.00 smcs; LMC Truck \$1,881.65 smcs; Lockmobile \$80.00 smcs; Mac Faucets \$305.68 smcs; Machines & Media \$132.00 co; MacQueen Equipment \$1,377.50 smcs; Mad Science \$50.00 smcs; Magic Cleaning \$3,290.00 smcs; Maize Ky \$61.20 smcs; Malleck,J \$53.50 smcs; Manlein Enterprise \$89.80 smcs; Marlatt Machine \$2,117.06 smcs; Martin,A \$163.00 smcs; MASA \$1,811.54 smcs; Masters True Value \$336.85 smcs; Matheson \$616.51 smcs; Mead Lumber \$1,169.47 smcs; Menards \$6,624.51 smcs,co; Microsoft \$74.89 smcs; Mid-NE Garage Doors \$185.00 smcs; Midwest Connect \$2,741.03 smcs; Midwest Laboratories \$31.85 smcs; Midwest Turf \$685.68 smcs; Miller & Associates \$33,104.12 co; Miller Signs \$5,780.43 smcs,co; Mirror Image \$312.90 smcs; MOCIC \$250.00 smcs; Molina,F \$94.00 smcs; Monoprice \$69.69 co; Moonlight Embroidery \$2,578.80 smcs; Motorola \$2,969.64 co; Municipal Emergency \$697.62 smcs,ps; Municipal Supply \$1,749.46 smcs; NASRO \$495.00 smcs; Nature's Educators \$300.00 smcs; NE Arborists \$145.00 smcs; NE Child Support Pmt \$2,448.89 ps; NE Dept Environmental \$16,578.21 smcs; NE Floodplain \$35.00 smcs; NE Library Assn. \$150.00 smcs; NE Library Comm. \$1,144.00 smcs; NE Municipal Utilities \$106.00 smcs; NE Peterbilt \$1,024.14 smcs; NE Safety \$385.00 smcs; NE Truck Center \$1,344.07 smcs; NE Turfgrass \$1,110.00 smcs; NELEC \$940.00 smcs; Network Solutions \$184.95 smcs; NFPA \$1,575.00 smcs; Northern Tool \$902.96 smcs; Northwest Electric \$641.14 smcs; Northwestern Energy \$10,298.70 smcs; Nova Health \$2,355.00 ps; NRG Media \$820.00 smcs; OCLC \$736.83 smcs; Office Supply \$48.98 smcs; Officemax \$2,302.72 smcs; One Call Concepts \$132.15 smcs; O'Reilly Auto \$1,488.75 smcs; Orscheln \$566.86 smcs; Paramount \$529.73 smcs; Party America \$13.74 smcs; Pep Co. \$150.00 smcs; Pheasants Forever \$20.00 smcs; Pitney Bowes \$113.02 smcs; Platinum Awards \$102.15 smcs,co; Platte Valley Auto \$99.23 smcs; Platte Valley Comm. \$23,215.90 co; Police Chiefs Assoc. \$50.00 smcs; Postage Refill \$1,000.00 smcs; Pot O'Gold \$80.00 smcs; Presto-X \$755.23 smcs;Prime Video \$8.54 smcs; Priority Mgmt. \$82.50 smcs; Qualified Hardware \$323.00 smcs;Quality Inn \$228.45 smcs; Quill \$168.95 smcs; RCL Products \$64.79 smcs; Recorded Books \$344.05 smcs; Redman's \$258.94 smcs; Resource Mgmt. \$1,458.00 smcs; Reverse Osmosis \$51.32 smcs; Rowe Welding \$9,620.00 co; Rugged Depot \$645.00 co; S&B Heating \$160.00 smcs; Sandry Fire \$5,879.83 smcs; Sapp Brothers \$32,890.67 smcs; Saylor Screenprinting \$226.84 smcs,co; School District #7 \$1,868.00 smcs; Seat Covers Unlimited \$703.20 smcs; See Clear Cleaning \$2,050.00 smcs; Sheldon,S \$58.94 smcs; Sherwin Williams \$516.75

smcs; Silverstone Group \$4,860.00 smcs; Sinclair,M \$31.26 smcs; SOS Portable Toilets \$220.00 smcs; Speakeasy \$1,390.79 smcs; Sporting Edge \$47.98 smcs; State of NE-DAS \$10.50 smcs; Steinbrink Landscaping \$200.00 smcs; Stitch 3 \$49.00 ps; Supplyworks \$1,214.18 smcs; Target \$155.31 smcs; Thompson Co. \$126.78 smcs; Titan Machinery \$939.55 smcs; Tractor-Supply \$889.11 smcs; Travelocity \$346.76 smcs; Trenton D. Snow, LLC \$250.00 smcs; Tri-Cities Group \$5,047.25 smcs,co; Trophy Depot \$124.08 smcs; Turner Body Shop \$100.00 smcs; Uline \$375.85 smcs; Union Bank & Trust \$86,571.48 smcs,ps; Unique Management \$250.60 smcs; University of NE Omaha \$616.00 smcs; UNL Agronomy \$80.00 smcs; UPS \$99.14 smcs; USA Communications \$154.95 smcs; USPS \$189.03 smcs; Van Wall \$5,184.96 smcs; Viking Industrial \$2,400.00 smcs; Vinylguard Golf \$560.23 smcs; Vortex Optics \$249.95 smcs; Waldinger Corp. \$565.00 smcs; Wal-mart \$1,044.63 smcs; Walters-Morgan Const. \$63,713.52 co; Ward Laboratories \$19.25 smcs; Warrior Mindset.com \$250.00 smcs; Waterlink \$668.73 smcs; Waugh,B \$260.92 smcs; Webstaurant Store \$123.83 smcs; Weis Fire \$390.00 smcs; Welcoa \$97.20 smcs; Weldon,C \$11.36 smcs; Wick's Sterling Trucks \$176,903.00 co; Wilco Life Ins. \$10.00 ps; Winder,D \$428.24 smcs; WPCI \$398.00 ps; WPSG \$43.58 smcs; Yanda's \$291.92 smcs; Payroll Ending 01/05/2019 -- \$479,987.71. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set February 12, 2019 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2019-31 approving the Developer Constructed Infrastructure Agreement for Spruce Hollow Estates Eighth 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 Spruce Hollow Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for 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.

RESOLUTION NO. 2019-31

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Spruce Hollow Estates Eighth Addition" between the City of Kearney and Ben Hirschfeld, President of DT Development, Inc. a Nebraska Corporation, for the construction of paving, water main, sanitary sewer main and storm sewer for Spruce Hollow Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for 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 be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

5. Adopt Resolution No. 2019-32 approving the Annual Redevelopment Project Report as required by State Statute 18-2117.02.

RESOLUTION NO. 2019-32

WHEREAS, on March 21, 2018, Governor Ricketts signed LB 874 which took effect on July 19, 2018; and

WHEREAS, Section 18-2117.02 of LB 874 states that on or before May 1 of each year, each authority shall compile information regarding the approval and progress of redevelopment projects that are financed in whole or in part through the division of taxes as provided in section 18-2147 and report such information to the governing body of the city and to the governing body of each county, school district, community college area, educational service unit, and natural resources district whose property taxes are affected by such division of taxes; and

WHEREAS, The report is required to include the following information:

1. Total number of redevelopment projects within the city that have been financed in whole or in part through the division of taxes as provided in section 18-2147.
2. Total estimated project costs for such redevelopment projects.
3. A comparison between the initial projected valuation for property included in each such redevelopment project as described in the redevelopment contract and the assessed value of the property included in each such redevelopment project as of January 1 of the year of the report.
4. The number of such redevelopment projects for which financing has been paid in full during the previous calendar year and for which taxes are no longer being divided pursuant to section 18-2147.
5. The number of such redevelopment projects approved by the governing body in the previous calendar year.
6. Information specific to each such redevelopment project approved by the governing body in the previous calendar year, including the project area, project type, amount of financing approved, and total estimated project costs.
7. The percentage of the city that has been designated as blighted;

and

WHEREAS, on January 7, 2019, the Community Redevelopment Authority approved the 2019 annual report.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the 2019 Annual Report required by Section 18-2117.02 of LB 874 as set forth in the attached report, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby approved.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL

CITY CLERK

AND EX-OFFICIO MAYOR

- 6. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class D-122885 liquor license application and manager application for Daniel O'Neill submitted by KS PLUS Inc, dba KWIK STOP #11 located at 414 2nd Avenue South.
- 7. Adopt Resolution No. 2019-33 appointing the term vacancies on the Board of Adjustment and Planning Commission.

RESOLUTION NO. 2019-33

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

WHEREAS, one vacancy currently exists on the Planning Commission; and

WHEREAS, two vacancies currently exist on the Board of Adjustment.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following person, as proposed by the Mayor of the City of Kearney, Nebraska, is hereby appointed to fulfill the vacated terms as indicated:

PLANNING COMMISSION

John Rickard appointed to fulfill the term vacated by Paul Fredrickson to July 31, 2019.

BOARD OF ADJUSTMENT

Chris Roehrich appointed to fulfill the term vacated by Marty Madden to July 31, 2021.
Marty Madden appointed to fulfill the term vacated by Chris Roehrich (Alternate) to July 31, 2019.

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

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

- 8. Adopt Resolution No. 2019-34 approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Andrew Bennett, Shaun Mewes, Daniel Proskocil, Matthew Sich and Ty Vetter.

RESOLUTION NO. 2019-34

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

WHEREAS, based on the recommendation of Chief Tacha, the City Council of the City of Kearney, Nebraska hereby finds and determines that said persons listed are fully

capable and qualified to serve a membership in the Kearney Volunteer Fire Department; and

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

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

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

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Adopt Resolution No. 2019-35 authorizing the Mayor to sign the Annual Certification for the Volunteer Emergency Responders Incentive Act and certify the names of volunteers listed as those who have qualified for the Volunteer Emergency Responders Incentive Act.

RESOLUTION NO. 2019-35

WHEREAS, on November 28, 2017, City Council approved the Kearney Volunteer Fire Department to participate in the Volunteer Emergency Responders Incentive Act (LB886) which allows a \$250 tax credit for volunteer emergency responders who have attained a minimum of 50 out of 100 points for which points are awarded for participation in training, emergency response, meetings, and by holding elected or appointed positions;

WHEREAS, the Kearney Volunteer Fire Department has submitted documentation to the City Council for the approval and certification of those volunteers who have qualified and are listed as active volunteer firefighters for the Kearney Volunteer Fire Department.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be authorized and directed to execute the Annual Certification for the Volunteer Emergency Responders Incentive Act and the names of volunteers listed on the Annual Certification for the Volunteer Emergency Responders Incentive Act are hereby certified. A copy of the said Certification, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Approve the revised application for a Special Designated License submitted by Catholic High School of Kearney to dispense alcoholic liquor inside the Kearney Catholic Old Gymnasium located at 110 East 35th Street on Saturday, March 2, 2019 from 6:00 p.m. until 11:00 p.m. (alternate dates include February 22, 2019 and February 23, 2019) for a trivia night event.

11. Approve the Plans and Specifications for the 2018 Part 3 Improvements for Northridge Estates development including, the extension of 54th Street, beginning approximately 550 feet west of 17th Ave and continuing 400 feet west to the city limits consisting of Paving Improvement District Nos. 2018-991, 2018-992, 2018-993, Water District Nos. 2018-589, 2018-590, 2018-591 and Sanitary Sewer Improvement District Nos. 2018-525, 2018-526, 2018-527 and set the bid opening date for February 19, 2019 at 2:00 p.m.

12. Adopt Resolution No. 2019-36 approving Change Order No. 1 showing an increase in the amount of \$446.75, Application and Certificate for Payment No. 1-Final in the amount of \$233,861.75, and accept the Certificate of Substantial Completion submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for the 2018 Part 2 Improvements for 11th Avenue Extension consisting of Paving Improvement District No. 2018-990.

RESOLUTION NO. 2019-36

WHEREAS, Dan Roeder Concrete, Inc. of Kearney, Nebraska has performed services in connection with the 2018 Part 2 Improvements for 11th Avenue Extension consisting of Paving Improvement District No. 2018-990, and the City’s engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$446.75 as shown on Exhibit “A” attached hereto and made a part hereof by reference; and

WHEREAS, Dan Roeder Concrete, Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$233,861.75 as shown on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$233,415.00
Change Order No. 1 (1-22-2019)	<u>+ 446.75</u>
Contract Sum To Date	233,861.75
Gross Amount Due	233,861.75
Retainage (0%)	.00
Amount Due to Date	233,861.75
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$233,861.75

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of October 15, 2018, as shown by Exhibit “C” attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 1-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF JANUARY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Approve the Plans and Specifications for the 2019 Part 1 Improvements; Younes Center Sixth Addition in connection with Paving Improvement District Nos. 2019-996 and 2019-997 and set the bid opening date for February 19, 2019 at 2:00 p.m.

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

a) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Friday, February 8, 2019 from 3:00 p.m. to 12:00 a.m., Saturday, February 9, 2019 from 10:00 a.m. to 12:00 a.m. and Sunday, February 10, 2019 from 11:00 a.m. until 6:00 p.m. for a demo derby;

b) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on February 16, 18, 19, 20, 21, 22, 23, 2019 from 10:00 a.m. until 12:00 a.m. and February 17 and 24, 2019 from 11:00 a.m. to 12:00 a.m. for Cattlemen's Classic; and

c) Inside Schrock Medical Group located at 1616 West 39th Street, Suite A, on Tuesday, February 26, 2019 from 4:00 p.m. until 10:00 p.m. for a business event.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA ITEM NO. 4

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Moore that the Open Account Claim in the amount of \$82,678.45 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Moore. Nay: None. Clouse abstained. Absent: Buschkoetter. Motion carried.

VII. REPORTS

Mayor Clouse thanked Rod Wiederspan, Director of Public Works for keeping the roads cleared.

VIII. ADJOURN

Moved by Moore seconded by Lear that Council adjourn at 6:09 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Lear. Nay: None. Absent: Buschkoetter. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**