

**Kearney, Nebraska**  
**June 11, 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 June 11, 2019 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Sarah Sawin, Assistant Director of Utilities; Rod Wiederspan, Director of Public Works; Bryan Waugh, Chief of Police; Jason Whalen, Fire Administrator; Shawna Erbsen, Administrative Services Director and Dan Lillis, Engineering Assistant II were also present. Members of the media present included: Mike Konz with the Hub and Ryan Boyd with KGFW. Some of the members of the audience were Dennis Byrne, Police Captain and Darren Robinson President of the Economic Development Council of Buffalo County.

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

## **I. ROUTINE BUSINESS**

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

Pastor Mitch Ivey provided the Invocation.

### **PLEDGE OF ALLEGIANCE**

Two Girl Scouts from Troop 00873 led the Council members and audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

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

### **RECOGNITION/ORAL COMMUNICATIONS**

Proclamation and Recognition of Katie Philpot was moved to the June 25th meeting due to Katie having a work conflict.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

### **REZONING OF PROPERTY LOCATED EAST OF AVENUE V, WEST OF AVENUE X, NORTH OF 36TH STREET**

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited to rezone from District AG, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street) and consider Ordinance No. 8341.

Jordan Starostka with Starostka Group and Brian Degen with Olsson presented this matter to the Council. This development is a continuation of Millennial Estates Addition. Zoning would change from Ag to R-2/PD, similar to what was done in the past with Millennial Estates and Millennial Estates Second Addition. The lots in the subdivision will be 64 feet on the south side of the road and 52 feet on the north side of the road. The road will be 32 feet with utilities coming off of Avenue X. Driveways will be installed with 18 foot drive isles.

Council Member Nikkila questioned if the deviations were the same as the First and Second Additions? Eric Hellriegel, Assistant City Manager, stated that the deviations would be consistent with the First and Second Additions.

Council Member Buschkoetter questioned if sales in the development have been good? Jordan Starostka stated sales have been good and that phase one of the project is approximately 75% full.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited to rezone from District AG, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street) and introduced Ordinance No. 8341 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Moore seconded the motion to close the hearing and suspend the rules for Ordinance

No. 8341. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8341 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8341 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8341 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

### **FINAL PLAT AND SUBDIVISION AGREEMENT FOR MILLENNIAL ESTATES THIRD ADDITION**

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for the Final Plat and Subdivision Agreement for Millennial Estates Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street) and consider Resolution No. 2019-76.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2019-76 approving the Application submitted by Danny Starostka for Starostka Group Unlimited for the Final Plat and Subdivision Agreement for Millennial Estates Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

### **RESOLUTION NO. 2019-76**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Millennial Estates Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15

West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: commencing at North Quarter corner of said Section 31; thence on an assumed bearing of N 89°39'25" E along the north line of the Northeast Quarter a distance of 125.28 feet; thence S 00°33'39" W a distance of 40.29 feet to a point on the south right-of-way line of 39th Street, said point also being the Northwest corner of a tract surveyed by W.A. Humphrey, L.S. #224, revised on 2/4/1991; thence continuing S 00°33'39" W along said tract a distance of 488.31 feet to the point of beginning; thence N 89°30'35" E a distance of 145.92 feet; thence S 86°30'56" E a distance of 60.13 feet; thence N 89°38'57" E a distance of 811.49 feet to a point on the west right-of-way line of Avenue X; thence S 00°21'03" E along said west right-of-way line a distance of 290.00 feet to a point being the Northeast corner of Lot 12, Block 3, Millennial Estates Second Addition; thence S 89°38'57" W along the north line of said Millennial Estates Second Addition, a distance of 811.49 feet to the northwest corner of Lot 1 of said Block 3, and also being a point on the east right-of-way line of Avenue V; thence N 00°21'03" W along said east right-of-way line a distance of 37.88 feet to a point on said north line of Millennial Estates Second Addition; thence S 89°47'19" W along said north line a distance of 209.98 feet to the Northwest Corner of Lot 5, Block 1 of said Millennial Estates Second Addition and also being a point on the west line of said tract surveyed by W.A. Humphrey; thence N 00°33'39" E along said tract a distance of 255.31 feet to the point of beginning, said tract contains a calculated area of 288,398.72 square feet or 6.621 acres more or less of which 1.468 acres is new dedicated road right-of-way, all located in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the 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 11TH DAY OF JUNE, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**ANNEXATION OF MILLENNIAL ESTATES THIRD ADDITION**

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for the annexation of Millennial Estates Third

Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street) and consider Resolution No. 2019-77.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2019-77 approving the Application submitted by Danny Starostka for Starostka Group Unlimited for the annexation of Millennial Estates Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

### **RESOLUTION NO. 2019-77**

WHEREAS, an Application has been submitted by Danny Starostka for Starostka Group Unlimited for the inclusion of Millennial Estates Third Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: commencing at North Quarter corner of said Section 31; thence on an assumed bearing of N 89°39'25" E along the north line of the Northeast Quarter a distance of 125.28 feet; thence S 00°33'39" W a distance of 40.29 feet to a point on the south right-of-way line of 39th Street, said point also being the Northwest corner of a tract surveyed by W.A. Humphrey, L.S. #224, revised on 2/4/1991; thence continuing S 00°33'39" W along said tract a distance of 488.31 feet to the point of beginning; thence N 89°30'35" E a distance of 145.92 feet; thence S 86°30'56" E a distance of 60.13 feet; thence N 89°38'57" E a distance of 811.49 feet to a point on the west right-of-way line of Avenue X; thence S 00°21'03" E along said west right-of-way line a distance of 290.00 feet to a point being the Northeast corner of Lot 12, Block 3, Millennial Estates Second Addition; thence S 89°38'57" W along the north line of said Millennial Estates Second Addition, a distance of 811.49 feet to the northwest corner of Lot 1 of said Block 3, and also being a point on the east right-of-way line of Avenue V; thence N 00°21'03" W along said east right-of-way line a distance of 37.88 feet to a point on said north line of Millennial Estates Second Addition; thence S 89°47'19" W along said north line a distance of 209.98 feet to the Northwest Corner of Lot 5, Block 1 of said Millennial Estates Second Addition and also being a point on the west line of said tract surveyed by W.A. Humphrey; thence N 00°33'39" E along said tract a distance of 255.31 feet to the point of beginning, said tract contains a calculated area of 288,398.72 square feet or 6.621 acres more or less of which 1.468 acres is new dedicated road right-of-way, all located in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on April 19, 2019 on the inclusion of Millennial Estates Third 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 Millennial Estates Third 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 June 11, 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 Millennial Estates Third 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 Millennial Estates Third 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 11TH DAY OF JUNE, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**DEVELOPMENT PLANS FOR PROPERTY LOCATED EAST OF AVENUE V, WEST OF AVENUE X, NORTH OF 36TH STREET**

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for Planned District Development Plan Approval for construction of a subdivision on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street) and consider Resolution No. 2019-78.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2019-78 approving the Application submitted by Danny Starostka for Starostka Group Unlimited for Planned District Development Plan Approval for construction of a subdivision on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

**RESOLUTION NO. 2019-78**

WHEREAS, Danny Starostka for Starostka Group Unlimited have applied for Planned District Development Plan Approval for the construction of a subdivision on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: commencing at North Quarter corner of said Section 31; thence on an assumed bearing of N 89°39'25" E along the north line of the Northeast Quarter a distance of 125.28 feet; thence S 00°33'39" W a distance of 40.29 feet to a point on the south right-of-way line of 39th Street, said point also being the Northwest corner of a tract surveyed by W.A. Humphrey, L.S. #224, revised on 2/4/1991; thence continuing S 00°33'39" W along said tract a distance of 488.31 feet to the point of beginning; thence N 89°30'35" E a distance of 145.92 feet; thence S 86°30'56" E a distance of 60.13 feet; thence N 89°38'57" E a distance of 811.49 feet to a point on the west right-of-way line of Avenue X; thence S 00°21'03" E along said west right-of-way line a distance of 290.00 feet to a point being the Northeast corner of Lot 12, Block 3, Millennial Estates Second Addition; thence S 89°38'57" W along the north line of said Millennial Estates Second Addition, a distance of 811.49 feet to the northwest corner of Lot 1 of said Block 3, and also being a point on the east right-of-way line of Avenue V; thence N 00°21'03" W along said east right-of-way line a distance of 37.88 feet to a point on said north line of Millennial Estates Second Addition; thence S 89°47'19" W along said north line a distance of 209.98 feet to the Northwest Corner of Lot 5, Block 1 of said Millennial Estates Second Addition and also being a point on the west line of said tract surveyed by W.A. Humphrey; thence N 00°33'39" E along said tract a distance of 255.31 feet to the point of beginning, said tract contains a calculated area of 288,398.72 square feet or 6.621 acres more or less of which 1.468 acres is new dedicated road right-of-way, all located in Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Danny Starostka for Starostka Group Unlimited for Planned District Development Plan Approval for the construction of a subdivision on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: commencing at North Quarter corner of said Section 31; thence on an assumed bearing of N 89°39'25" E along the north line of the Northeast Quarter a distance of 125.28 feet; thence S 00°33'39" W a distance of 40.29 feet to a point on the south right-of-way line of 39th Street, said point also being the Northwest corner of a tract surveyed by W.A. Humphrey, L.S. #224, revised on 2/4/1991; thence continuing S 00°33'39" W along said tract a distance of 488.31 feet to the point of beginning; thence N 89°30'35" E a distance of 145.92 feet; thence S 86°30'56" E a distance of 60.13 feet; thence N 89°38'57" E a distance of 811.49 feet to a point on the west right-of-way line of Avenue X; thence S 00°21'03" E along said west right-of-way line a distance of 290.00 feet to a point being the Northeast corner of Lot 12, Block 3, Millennial Estates Second Addition; thence S 89°38'57" W along the north line of said Millennial Estates Second Addition, a distance of 811.49 feet to the northwest corner of Lot 1 of said Block 3, and

also being a point on the east right-of-way line of Avenue V; thence N 00°21'03" W along said east right-of-way line a distance of 37.88 feet to a point on said north line of Millennial Estates Second Addition; thence S 89°47'19" W along said north line a distance of 209.98 feet to the Northwest Corner of Lot 5, Block 1 of said Millennial Estates Second Addition and also being a point on the west line of said tract surveyed by W.A. Humphrey; thence N 00°33'39" E along said tract a distance of 255.31 feet to the point of beginning, said tract contains a calculated area of 288,398.72 square feet or 6.621 acres more or less of which 1.468 acres is new dedicated road right-of-way, all located in Buffalo County, Nebraska (East of Avenue V, West of Avenue X, North of 36th Street) be approved subject to the following deviations:

1. Site area of 5,980 square feet for 13 single-family residential lots.
2. 52-foot lot width (13 lots), 67-foot lot width (10 lots), and 64-foot lot width (4 lots).
3. 21 foot rear yard setback for 4 duplex lots.
4. 5 feet side yard setback for 17 single-family residential lots.
5. 32-foot urban local street width with an 18-foot minimum cartway 100% of the time, a minimum of 4 on-premise parking spaces per single-family residential lots, and the use of cluster mailboxes.
6. One sanitary and water service per R-2 lots being noted as single-family on the final plat to inform future owners of the limitation.
7. Utility easement be conveyed north of Avenue V as an extension of Avenue V by a special instrument.

PASSED AND APPROVED THIS 11TH DAY OF JUNE, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

### **DEVELOPMENT PLANS FOR 1408 EAST 39TH STREET**

Mayor Clouse opened the public hearing on the Application submitted by Crossroads Center for Revised Planned District Development Plan Approval for the proposed remodeling of the current north half of the facility into transitional housing units on property zoned District C-1/PD, Limited Commercial/Planned Development Overlay District and described as Lot 2, Grandview Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1408 East 39th Street) and consider Resolution No. 2019-92.

Joe Weisheit with Weisheit Construction presented this matter to the Council. The back half of the Just For Ladies building will be remodeled into apartments. There is a firewall that would separate Just For Ladies and the apartments.

Council Member Moore questioned if the intended clientele is for transitional housing? Mr. Weisheit stated it will be the same clientele as the original Crossroads building which is for transitional housing.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2019-92 approving the Application submitted by Crossroads Center for Revised

Planned District Development Plan Approval for the proposed remodeling of the current north half of the facility into transitional housing units on property zoned District C-1/PD, Limited Commercial/Planned Development Overlay District and described as Lot 2, Grandview Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (1408 East 39th Street). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

### **RESOLUTION NO. 2019-92**

WHEREAS, Crossroads Center has applied for Revised Planned District Development Plan Approval for the proposed remodeling of the current north half of the facility into transitional housing units on property zoned District C-1/PD, Limited Commercial/Planned Development Overlay District and described as all of Lot 2, Grandview Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; EXCEPT HOWEVER, that part of said Lot 2 being more particularly described as follows: Beginning at the Southwest Corner of Lot 2, Grandview Estates Eighth Addition, and assuming the South line of Lot 2 as bearing East and all bearings contained herein are relative thereto; thence East on the South line of said Lot 2, a distance of 166.50 feet; thence North 00°05'40" West, a distance of 350.00 feet to the Southeast Corner of Lot 1 of said Grandview Estates Eighth Addition; thence West on the line common to said Lot 1 and said Lot 2, a distance of 166.50 feet to the Northwesterly corner of said Lot 2, Grandview Estates Eighth Addition, said point also being the Northeast Corner of Lot 1, Casey's Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving the line common to said Lot 1 and said Lot 2, Grandview Estates Eighth Addition, South 00°05'40" East and on the West line of said Lot 2, Grandview Estates Eighth Addition, a distance of 350.00 feet to the place of beginning, all in Buffalo County, Nebraska (1408 East 39th Street).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Crossroads Center for Revised Planned District Development Plan Approval for the proposed remodeling of the current north half of the facility into transitional housing units on property zoned District C-1/PD, Limited Commercial/Planned Development Overlay District and described as all of Lot 2, Grandview Estates Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; EXCEPT HOWEVER, that part of said Lot 2 being more particularly described as follows: Beginning at the Southwest Corner of Lot 2, Grandview Estates Eighth Addition, and assuming the South line of Lot 2 as bearing East and all bearings contained herein are relative thereto; thence East on the South line of said Lot 2, a distance of 166.50 feet; thence North 00°05'40" West, a distance of 350.00 feet to the Southeast Corner of Lot 1 of said Grandview Estates Eighth Addition; thence West on the line common to said Lot 1 and said Lot 2, a distance of 166.50 feet to the Northwesterly corner of said Lot 2, Grandview Estates Eighth Addition, said point also being the Northeast Corner of Lot 1, Casey's Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving the line common to said Lot 1 and said Lot 2, Grandview Estates Eighth Addition, South 00°05'40" East and on the West line of said Lot 2, Grandview Estates Eighth Addition, a distance of 350.00 feet to the place of beginning, all in Buffalo County, Nebraska (1408 East 39th Street) be approved.

PASSED AND APPROVED THIS 11TH DAY OF JUNE, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**REZONING OF PROPERTY LOCATED EAST OF AVENUE N, BETWEEN 65TH STREET PLACE AND 67TH STREET**

Mayor Clouse stated the City was notified by the developer requesting to postpone until June 25, 2019 the public hearing and consideration of Ordinance No. 8348 on the Application submitted by Miller & Associates for NP Land Development Inc., a Nebraska Corporation, 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 Southeast Quarter of the Northwest Quarter, and part of Government Lot 2, also known as the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue N, between 65th Street Place and 67th Street).

Moved by Moore seconded by Lear to postpone until June 25, 2019 the Application submitted by Miller & Associates for NP Land Development Inc., a Nebraska Corporation, 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 Southeast Quarter of the Northwest Quarter, and part of Government Lot 2, also known as the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue N, between 65th Street Place and 67th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**FINAL PLAT AND SUBDIVISION AGREEMENT FOR ARBOR VIEW FIRST ADDITION**

Mayor Clouse stated the City was notified by the developer requesting to postpone until June 25, 2019 the public hearing and consideration of Resolution No. 2019-93 on the Application submitted by Miller & Associates for NP Land Development Inc., a Nebraska Corporation for the Final Plat and Subdivision Agreement for Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter, and part of Government Lot 2, also known as the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue N, between 65th Street Place and 67th Street).

Moved by Moore seconded by Lear to postpone until June 25, 2019 the Application submitted by Miller & Associates for NP Land Development Inc., a Nebraska Corporation for the Final Plat and Subdivision Agreement for Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter, and part of Government Lot 2, also known as the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue N, between 65th Street Place and 67th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion

carried.

### **ANNEXATION OF ARBOR VIEW FIRST ADDITION**

Mayor Clouse stated the City was notified by the developer requesting to postpone until June 25, 2019 the public hearing and consideration of Resolution No. 2019-94 on the Application submitted by Miller & Associates for NP Land Development Inc., a Nebraska Corporation for the annexation of Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter, and part of Government Lot 2, also known as the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue N, between 65th Street Place and 67th Street).

Moved by Moore seconded by Lear to postpone until June 25, 2019 the Application submitted by Miller & Associates for NP Land Development Inc., a Nebraska Corporation for the annexation of Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter, and part of Government Lot 2, also known as the Southwest Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Avenue N, between 65th Street Place and 67th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

### **IV. CONSENT AGENDA**

Moved by Lear seconded by Buschkoetter that Subsections 1 through 9 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held May 28, 2019.

2. Approve the following Claims:

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

Amazon \$1,679.32 smcs; American Fence \$1,458.27 smcs; Ancona,J \$64.22 smcs; Anderson,B \$99.00 smcs; Arbut, K \$30.23 smcs; Ask Supply \$2,399.38 smcs; Aurora Coop \$50.88 smcs; Baker & Taylor \$4,869.56 smcs; Bamford \$250.00 smcs; Barresi,V \$17.45 smcs; Bauer,H \$31.00 smcs; Becker,G \$27.00 smcs; Beehive \$5,773.00 smcs; Blackstone Publishing \$240.00 smcs; Blackstrap \$1,633.83 smcs; Bleil,K \$19.22 smcs; Blessing \$136,494.32 co; Blevins,D \$525.00 smcs; BlueCross/BlueShield \$26,786.46 smcs; Books Galore \$5,657.45 smcs; Bose,K \$13.15 smcs; Bosselman \$20,727.38 smcs; Bowman,R \$42.48 smcs; Bridgett Lavene Consulting \$2,500.00 smcs; Broadfoot Sand & Gravel \$41.00 smcs; Brown,C \$19.13 smcs; Bruha,M \$40.40 smcs; Buffalo

Outdoor Power \$29.69 smcs; Builders \$760.78 smcs,co; Busch Associates LLC \$514.30 co; Capstone Press \$97.45 smcs; Cash Wa \$14,329.89 smcs; Central Fire \$607.00 smcs; Chesterman \$1,570.05 smcs; Cigna \$9,052.05 smcs; City of Kry \$603,686.14 smcs; City of Kry CRA \$125,550.52 smcs; Comm. Health \$153.00 ps; Community Srvice Fund \$87.00 ps; Consolidated Management \$309.81 smcs; Core & Main \$13,094.66 smcs; Cunningham,B \$85.12 co; Dakota Granite \$106,242.00 smcs; Dan Roeder Concrete \$203,301.00 co; Dan's Plumbing \$564.90 smcs; Day,D \$660.00 smcs; Depository Trust \$752,498.75 ds; Derr,T \$1.25 smcs; Deterding's Alternatives \$22,715.18 smcs; Dunham,D \$177.13 smcs; Eagle Distributing \$1,765.75 smcs; Eakes \$10,903.09 smcs, co; Elsen,K \$24.00 smcs; Enforcement Video \$33,120.00 co; Entenmann-Rovin Co. \$811.50 smcs; Faro Technologies \$7,789.00 smcs; Feinstein,S \$50.22 smcs; Felsburg Holt & Ullevig \$1,930.26 smcs; Frontier \$6,854.37 smcs; Fulmer,J \$34.00 smcs; Gale/Cengage \$562.99 smcs; Gannon Travel \$480.00 smcs; Gapp,A \$24.00 smcs; GD Concrete \$59,026.05 co; Gibbs,L \$30.00 smcs; Granicus \$1,297.80 smcs; Hamilton, Cheyenne \$22.53 smcs; Hammons,B \$5.68 smcs; Hansen,C \$27.16 smcs; Heidbreder,G \$20.00 smcs; Herder,J \$34.10 smcs; Hibberd,A \$135.00 smcs; Hinchee,L \$38.96 smcs; Hirschman,A \$17.01 smcs; HM Life \$54,522.27 smcs; Hockmeier,J \$90.95 smcs; Home Depot Pro \$114.20 smcs; Huber,J \$56.24 smcs; ICMA \$6,077.61 ps; IRS \$169,785.21 ps; Jack Lederman \$116.42 smcs; JWB \$40,000.00 co; Kry United Way \$663.63 ps; Konica Minolta \$868.71 smcs; Lanspa,T \$84.29 smcs; Light & Siren \$2,890.00 smcs; Loper Athletic Club \$1,995.00 smcs; Magic Cleaning \$7,300.00 smcs; Malone,C \$45.00 smcs; Menards \$263.43 smcs; Midlands Contracting \$402,490.93 co; Mid-NE Garage \$1,460.00 smcs; Mid-State Engineering \$265.00 co; Midwest Connect \$8,849.84 smcs; Midwest Turf & Irrigation \$82.21 smcs; Miller & Associates \$11,621.20 co; Morris Press \$5,877.53 smcs; Mulronee,K \$36.00 smcs; Municipal Supply \$5,051.85 smcs; Myers,T \$27.98 smcs; NE Child Support \$2,448.89 ps; NE Dept. Revenue \$78,605.92 ps; NE Library Commission \$927.00 smcs; Nebraskaland Distributors \$1,539.35 smcs; Northwestern Energy \$2,773.30 smcs; O'Keefe Elevator \$447.65 smcs; One Call Concepts \$623.46 smcs; O'Reilly Auto \$4,599.99 smcs; Outdoor Recreation \$2,382.30 co; Overhead Door \$360.00 smcs; Paramount \$175.93 smcs; Payflex \$539.75 ps; Peerless Machine \$821.65 smcs; Penguin Random House \$26.25 smcs; Ping \$998.02 smcs; Pioneer Industrial \$1,435.48 smcs; Platte Valley Lab \$62.50 smcs; Playpower LT Farmington \$9,156.49 co; Presto-X \$371.00 smcs; Provantage \$14,900.00 co; Recorded Books \$260.35 smcs; Republic National Distrib. \$474.00 smcs; Rheome Tree \$1,100.00 smcs; Rivershore Reading Store \$483.00 smcs; S & J Construction \$10,566.50 co; Sam's Club Direct \$98.15 smcs; School District #7 \$554.10 smcs; Schroer,J \$210.00 smcs; Schutte,B \$7.61 smcs; Schwarz,G \$167.00 smcs; Sid Dillon Chevrolet \$30,730.00 co; Silverstone Group \$5,005.75 smcs; Snap-On \$85.00 smcs; Sokolowski,B \$36.76 smcs; SOS Portable Toilets \$70.00 smcs; Srack,C \$11.78 smcs; Stanton,K \$67.50 smcs; Stegeman,Z \$13.26 smcs; Stitch 3 \$308.00 smcs; Sultan,S \$21.30 smcs; Theis,G \$110.98 smcs; Thompson,D \$99.00 smcs; Thompson,K \$149.10 smcs; Tri-Cities \$1,485.00 smcs; Turner Body Shop \$784.80 smcs; Tye & Rowling \$13,984.98 smcs; U.S. Postmaster \$356.00 smcs; Union Bank \$79,510.24 ps; UNK \$742.50 smcs; Van Diest Supply Co. \$944.36 smcs; Verizon \$40.01 smcs; Village Cleaners \$309.54 smcs; Weather Tight Insultion \$734.40 smcs; Wilkins Architecture \$2,500.00 co; Xello \$799.00 smcs; Youngans,J \$41.83 smcs; Yount,R \$39.53 smcs; Payroll Ending 5/25/19 -- \$518,878.26. 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. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-123086 liquor license application and manager application for Paul Younes submitted by Peanut Butter & Jelly LLC, dba Younes Pavilion located at 604 West Talmadge Street.
4. Approve the recommendation from the Development Services Division on the annual renewal of Cornhusker Mobile Home Park, 1115 Avenue C manufactured home court license until May 31, 2020.
5. Approve the recommendation from the Development Services Division on extending the current licenses for East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue and L & M Mobile Home Park, 1110 Central Avenue an additional 30 days to correct the deficiencies.
6. Approve the Plans and Specifications for Cottonmill Parking at Swim Lake and Fountain Hills Park Parking Lot and set the bid opening date for July 2, 2019 at 2:00 p.m.
7. Approve the purchase of an AT41M Articulating Telescopic Aerial Device with Material Handling Insulation, 41 feet on a AT48M F550 4x4 Auto Chassis in the amount of \$151,586.00 submitted by Altec Industries, Inc. under the Sourcewell Cooperative Purchasing program to be used in Public Works Department.
8. Accept the Proposals received for the Community Tennis Facility and adopt Resolution No. 2019-95 awarding the Proposal submitted by RDG Planning & Design and approving the Standard Form of Agreement with RDG Planning & Design.

#### **RESOLUTION NO. 2019-95**

WHEREAS, the City of Kearney has recently been awarded a Civic and Community Center Financing Fund (CCCFF) in the amount of \$1,125,000, for the construction of the Community Tennis Facility which includes budgeted professional architectural and engineering services for design and construction observation for successful completion of the project; and

WHEREAS, on February 18, 2019, the City of Kearney sought statements of qualifications for an Architect/Project Manager for the design and construction observation of the Community Tennis Facility Project; and

WHEREAS, on March 15, 2019 at 2:00 p.m., the sealed statements of qualifications were reviewed and a building committee comprised of City staff, UNK representatives, and a member of the Kearney Tennis Association conducted interviews with the two firms whom submitted proposals, reviewed and scored the proposals have recommended the statement of qualification offered by RDG Planning & Design of Omaha, Nebraska be accepted as the recommended Architect/Project Manager for the design and construction observation of the Community Tennis Facility Project.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to

execute, on behalf of the City of Kearney, the Standard Form of Agreement between the Owner and Architect between the City of Kearney and RDG Planning & Design as the Architect/Project Manager for the design and construction observation of the Community Tennis Facility Project, as set forth in the Agreement. The said Agreement, marked Exhibit "A", is attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 11TH DAY OF JUNE, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

9. Adopt Resolution No. 2019-96 approving Amendment No. AJW-FN-CSA-17-CE-000841-A2 to the Non-Federal Reimbursable Agreement between the City of Kearney and the Federal Aviation Administration for FAA NAVAIDs Engineering to provide a Resident Engineer on-site to inspect this remaining construction work at the Kearney Regional Airport.

**RESOLUTION NO. 2019-96**

WHEREAS, on December 13, 2016 the City Council adopted Resolution No. 2016-208 approving Agreement No. AJW-FN-CSA-17-CE-000841 between the Federal Aviation Administration (FAA) and the City of Kearney to provide the FAA engineering, environmental, construction, and flight inspection support for the Kearney Municipal Airport's planned project to reconstruct Runway 18/36 by reducing the width from existing 150 feet to 100 feet; and

WHEREAS, the FAA has submitted Amendment No. AJW-FN-CSA-17-CE-000841-A2 to modify the cost of the original Agreement to allow for FAA NAVAIDs Engineering to provide a Resident Engineer on-site to inspect the remaining construction work at the Kearney Regional Airport, Kearney, Nebraska; and

WHEREAS, Amendment No. AJW-FN-CSA-17-CE-000841-A2 has been approved by the Nebraska Department of Transportation (Aeronautics Division) and the FAA;

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute Amendment No. AJW-FN-CSA-17-CE-000841-A2 to Agreement No. AJW-FN-CSA-17-CE-000841 between the FAA and the City of Kearney. Amendment No. AJW-FN-CSA-17-CE-000841-A2, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF JUNE, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 8349 CREATING PAVING IMPROVEMENT DISTRICT NO. 2019-999**

Council Member Buschkoetter introduced Ordinance No. 8349 creating Paving Improvement District No. 2019-999 in an Alley lying between 21st Street and 22nd Street and 5th Avenue and 6th Avenue, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8349. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8349 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8349 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8349 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

## **VI. REGULAR AGENDA**

### **APPROVAL OF DEVELOPMENT AGREEMENT AT TECH ONE CROSSING**

Mayor Clouse opened for discussion the consideration of Resolution No. 2019-97 approving the Development Agreement between Compute North NE05, LLC, Economic Development Council of Buffalo County, Inc. and the City of Kearney establishing the terms and conditions to be complied with as part of the development of five acres of land at Tech One Crossing.

Michael Tye, City Attorney, presented this matter to the Council. This item is a development agreement between the City of Kearney, the Economic Development Council of Buffalo County and Compute North LLC. There has been an effort for a number of years to develop the Tech Park. The effort is to create Tech One Crossing and encourage investment in the property and to attract a data center to the area. Discussions with Compute North involved locating a micro data center in the tech park on a five acre parcel of land. The development agreement involves the acquisition of the five acres from the City of Kearney by Compute North with assistance from the

Economic Development Council. In addition Compute North agrees to create a minimum of 10 jobs with benefits at the location. The jobs will be created within 36 months of the signing of the agreement and must be maintained for a minimum of 24 months. The micro data center will use a significant amount of power; which is also included in the agreement. The City's lease rate will be adjusted because of the use of power to attract this type of business. They will use up to 20 megawatts with their top capacity at 30 megawatts. This will benefit the electric infrastructure for the City of Kearney. Once the agreement is signed the property will need to be rezoned and platted; then building can begin.

Council Member Buschkoetter thanked all the parties involved for expanding an industry that is needed within Kearney.

Council Member Moore stated that she liked the fact Compute North LLC will be partnering with the UNK STEM program and also that they are purposefully going to encourage local contractors to bid on the project.

Moved by Nikkila seconded by Moore to approve the Development Agreement between Compute North NE05, LLC, Economic Development Council of Buffalo County, Inc. and the City of Kearney establishing the terms and conditions to be complied with as part of the development of five acres of land at Tech One Crossing. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse abstained. Motion carried.

### **RESOLUTION NO. 2019-97**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Development Agreement and Addendum to Development Agreement between the City of Kearney, Economic Development Council of Buffalo County, Inc. and Compute North NE05, LLC establishing the terms and conditions to be complied with as part of the development of five acres of land at Tech one Crossing (as generally shown on Exhibit "A" of the Development Agreement), a copy of the Development Agreement, marked Exhibit "1" and a copy of the Addendum to Development Agreement, marked Exhibit "2", is attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 11TH DAY OF JUNE, 2019.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

### **VII. REPORTS**

Michael Morgan, City Manager, stated dry weather is needed for a lot of projects that are going on.

**VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 5:50p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

**ATTEST:**

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

\_\_\_\_\_  
**LAUREN BRANDT  
CITY CLERK**