

Kearney, Nebraska
October 15, 2019
5:30 p.m.

A special meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on October 15, 2019 in the Council Chambers at City Hall. Present were: Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: Stanley A. Clouse, President of the Council. Michael Morgan, City Manager; Michael Tye, City Attorney; Eric Hellriegel, Assistant City Manager; Brenda Jensen, Development Services Director and Bryan Waugh, Police Chief were also present. Jim Nickman was 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.

ANNOUNCEMENT

Vice-President Buschkoetter 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.

REZONING OF PROPERTY LOCATED ONE HALF MILE NORTH OF 56TH STREET ON 46TH AVENUE

Moved by Nikkila seconded by Moore to remove Agenda Items 3 and 4 from the table. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

Agenda Items 3 and 4 were discussed together but voted on separately.

Vice-President Buschkoetter opened the public hearing on the Application submitted by Trenton Snow for Blue Water Investments, LLC by Jim Nickman to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as the North Half of the Northeast Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (One Half Mile North of 56th Street on 46th Avenue) and consider Ordinance No. 8381.

Trenton Snow presented this matter to the Council. Mr. Snow discussed that the area being developed consists of approximately 20 acres that are being split into 5 lots, all over the three-acre minimum. The current zoning is Agricultural District and the zoning being proposed is Rural Residential District (Rural Standards). Lot 1 currently has a house residing which will remain. Lot 5 currently has a building residing that will be removed. The remaining lots are empty. There will be a road constructed on the north side of the development that will be constructed to EPA guidelines.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the Application submitted by Trenton Snow for Blue Water Investments, LLC by Jim Nickman to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as the North Half of the Northeast Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (One Half Mile North of 56th Street on 46th Avenue) and introduced Ordinance No. 8381 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8381. Vice-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: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. 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. 8381 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8381 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8381 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 FOR HAWTHORNE HEIGHTS

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

Vice-President Buschkoetter opened the public hearing on the Application submitted by Trenton Snow for Blue Water Investments, LLC by Jim Nickman, for the Final Plat for Hawthorne Heights, a subdivision being the North Half of the Northeast Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as the North Half of the Northeast Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (One Half Mile North of 56th Street on 46th Avenue) and consider Resolution No. 2019-180.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Nikkila to close the hearing and adopt Resolution No. 2019-180 approving the Application submitted by Trenton Snow for Blue Water

Investments, LLC by Jim Nickman, for the Final Plat for Hawthorne Heights, a subdivision being the North Half of the Northeast Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as the North Half of the Northeast Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (One Half Mile North of 56th Street on 46th Avenue). Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2019-180

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Hawthorne Heights, a subdivision being the North Half of the Northeast Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for a tract being the North Half of the Northeast Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

BE IT FURTHER RESOLVED that the Vice-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 15TH DAY OF OCTOBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSHCKOETTER
VICE-PRESIDENT OF THE COUNCIL

FINAL PLAT FOR POLLAT ACRES

Moved by Nikkila seconded by Moore to remove Agenda Items 5 and 6 from the table. Roll call resulted as follows: Aye: Lear, Nikkila, Buschkoetter. Nay: None. Clouse absent. Motion carried.

Agenda Items 3 and 4 were discussed together but voted on separately.

Vice-President Buschkoetter opened the public hearing on the Application submitted by Trenton Snow for Roger D. Pollat Revocable Trust by Jan Pollat, for the Final Plat for Pollat Acres, a subdivision being part of Government Lots 14 and 23, Section 31, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 14 and part of Government Lot 23 in Section 31, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (27th Street from Dove Hill Avenue to 72nd Avenue) and consider Resolution No. 2019-181.

Trenton Snow presented this matter to the Council. Mr. Snow discussed that the current zoning for this development falls in between the City's extraterritorial jurisdiction and the County's jurisdiction. Due to this, only lots 3 and 4 of the proposed Pollat Acres are being

requested to be rezoned from Agricultural District to Rural Residential District (Rural Standards) and the remaining lots 1 and 2 will be rezoned through the County. The proposed development is a four-lot subdivision.

City Manager, Michael Morgan, stated that City staff is looking into changing the current ETJ from a round circular boundary to more of a sectional boundary line ETJ which would eliminate future similar issues involving the zoning being split in the middle of a development between the City and County.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2019-181 approving the Application submitted by Trenton Snow for Roger D. Pollat Revocable Trust by Jan Pollat, for the Final Plat for Pollat Acres, a subdivision being part of Government Lots 14 and 23, Section 31, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 14 and part of Government Lot 23 in Section 31, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (27th Street from Dove Hill Avenue to 72nd Avenue). Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. Motion carried.

REZONING OF PROPERTY LOCATED AT 27TH STREET FROM DOVE HILL AVENUE TO 72ND AVENUE

Agenda Items 5 and 6 were discussed together but voted on separately.

Vice-President Buschkoetter opened the public hearing on the Application submitted by Trenton Snow for Roger D. Pollat Revocable Trust by Jan Pollat to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property to be described as Lots 3 and 4, Pollat Acres, a subdivision being part of Government Lots 14 and 23, Section 31, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (27th Street from Dove Hill Avenue to 72nd Avenue) and consider Ordinance No. 8382.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by Trenton Snow for Roger D. Pollat Revocable Trust by Jan Pollat to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property to be described as Lots 3 and 4, Pollat Acres, a subdivision being part of Government Lots 14 and 23, Section 31, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (27th Street from Dove Hill Avenue to 72nd Avenue) and introduced Ordinance No. 8382 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 Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8382. Vice-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: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. 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. 8382 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Nikkila that Ordinance No. 8382 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8382 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.

VIII. ADJOURN

Moved by Buschkoetter seconded by Nikkila that Council adjourn at 5:41 p.m. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

ATTEST:

**RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE
COUNCIL**

**LAUREN BRANDT
CITY CLERK**