

*Kearney, Nebraska
November 12, 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 November 12, 2019 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Bryan Waugh, Chief of Police; Jason Whalen, Fire Administrator; Shawna Erbsen, Administrative Services Director and Brenda Jensen, Development Services Director, were also present. Members of the media present included: Mike Konz with the Kearney Hub and Ryan Boyd with KGFW. Additional members of the audience included Seth Lunbery, Matt Ullman, Tony Rich and Dave Krueger.

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 Adrian Boykin provided the Invocation.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT

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

RECOGNITION/ORAL COMMUNICATIONS

Council member Tami James Moore introduced Rotary Exchange student, Candela Sudano, who is from Argentina.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

CONDITIONAL USE PERMIT TO USCOC NEBRASKA/KANSAS, LLC FOR 1808 2ND AVENUE

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

Mayor Clouse opened the public hearing on the Application submitted by Schug Ventures for USCOC of Nebraska/Kansas, LLC for a Conditional Use Permit as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to co-locate telecommunications equipment for wireless communications on property zoned District M-1, Limited Industrial District and described as Lot 781, Original Town of Kearney Junction, now City of Kearney, Buffalo County, Nebraska (1808 2nd Avenue) and consider Ordinance No. 8380.

Shawn Kellis representative for USCOC of Nebraska/Kansas, LLC presented this matter to Council. Mr. Kellis stated USCOC of Nebraska/Kansas, LLC acquired Western Wireless creating the need for a name change on the existing CUP so a building permit can be pulled to change out equipment on the existing tower.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the Application submitted by Schug Ventures for USCOC of Nebraska/Kansas, LLC for a Conditional Use Permit as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to co-locate telecommunications equipment for wireless communications on property zoned District M-1, Limited Industrial District and described as Lot 781, Original Town of Kearney Junction, now City of Kearney, Buffalo County, Nebraska (1808 2nd Avenue) and introduced Ordinance No. 8380 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. 8380. 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. 8380 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8380 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. 8380 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

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

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

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying Corp. for Marcile Woodward, Trustee, to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land being part of the South Half of the South Half of the Southeast Quarter of the Northeast 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 and West of 46th Avenue) and consider Ordinance No. 8386.

Mitch Humphrey with Buffalo Surveying Corporation presented this matter to the Council. The property owner would like to create a one lot subdivision that contains 2.64 acres and rezone the lot to RR-2. The required Certificate of Subdivision approval has been obtained and received from the Nebraska Department of Environment and Energy and has been provided to the City.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by Buffalo Surveying Corp. for Marcile Woodward, Trustee, to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land being part of the South Half of the South Half of the Southeast Quarter of the Northeast 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 and West of 46th Avenue) and introduced Ordinance No. 8386 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 8386. 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. 8386 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. 8386 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. 8386 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 WOODWARD 46TH AVENUE SUBDIVISION

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

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying Corp. for Marcile Woodward, Trustee, for the Final Plat for Woodward 46th Avenue Subdivision, a subdivision being the South Half of the South Half of the Southeast Quarter of the Northeast Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as the South Half of the South Half of the Southeast Quarter of the Northeast 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 and West of 46th Avenue) and consider Resolution No. 2019-197.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2019-197 approving the Application submitted by Buffalo Surveying Corp. for Marcile Woodward, Trustee, for the Final Plat for Woodward 46th Avenue Subdivision, a subdivision being the South Half of the South Half of the Southeast Quarter of the Northeast Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as the South Half of the South Half of the Southeast Quarter of the Northeast 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 and West of 46th Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2019-197

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Woodward 46th Avenue Subdivision, a subdivision being the South Half of the South Half of the Southeast Quarter of the Northeast Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for a tract of land being part of the South Half of the South Half of the Southeast Quarter of the Northeast Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southeast Corner of the Northeast Quarter of Section 20, and assuming the East line of the Northeast Quarter of said Section 20 as bearing S 00°48'50" E and all bearings contained herein are relative thereto; thence on the South line of the Northeast Quarter of said Section, S 89°39'42" W a distance of 807.02 feet;

thence leaving the South line of the Northeast Quarter of said Section 20, N 00°48'50" W, parallel with the East line of the Northeast Quarter of said Section 20 a distance of 289.76 feet; thence N 89°40'36" E, parallel with and 40.0 feet southerly of the North line of the South Half of the Southeast Quarter of the Northeast Quarter a distance of 168.64 feet; thence S 53°31'58" E a distance of 316.99 feet to a point of curvature; thence on a 300.00 foot radius curve to the left forming a central angle of 36°48'19" an arc distance of 192.71 feet to a point of tangency; thence tangent N 89°39'42" E, parallel with and 40.0 feet northerly of the South line of the Northeast Quarter of said Section 20 a distance of 206.91 feet to a point on the East line of the Northeast Quarter of said Section 20; thence on the East line of the Northeast Quarter of said Section 20, S 00°48'50" E a distance of 40.0 feet to the place of beginning, containing 2.68 acres, more or less, of which 0.03 acres, more or less, are presently being used for road purposes on the East side, all in 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 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 12TH DAY OF NOVEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONING PROPERTY LOCATED NORTHWEST OF 11TH STREET AND 30TH AVENUE INTERSECTION

Public Hearings 4, 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Graczyk Lawn and Landscape for Graczyk Properties, LLC, to rezone from District C-2, Community Commercial District to District C-3/PD, General Commercial/Planned Development Overlay District for property described as Lots 1 and 2 (to be vacated), Tacha Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Northwest of 11th Street and 30th Avenue intersection) and consider Ordinance No. 8387.

Mitch Humphrey with Buffalo Surveying Corporation and Paul Brungardt with Brungardt Engineering presented this matter to the Council. The property contains approximately six acres. Mr. Humphrey discussed the property location and the request to vacate, rezone and plat the property. The resulting Addition will include Lot 1 that contains 4.06 acres and Lot 2 containing 3.05 acres. This project will consolidate three separate facilities the Graczyk's own throughout the County into one location. Mr. Brungardt demonstrated where the warehouse facility containing all of the equipment will be located on site as well as the location of the office space. The property will drain from the south to the north. Drain tiles will be located on the north side of the building that will drain back to the green space detention cell on the southeast corner of the facility. Water and sewer will come in off of 30th Avenue and an infrastructure agreement with the City will allow the extension of the 16-inch water main to the edge of the new drive into the property off

of 11th Street. Deviations for the site include delaying public sidewalk installation, reducing the amount of paved surfacing on the property and reducing the amount of masonry percentage requirement. Access onto 30th Avenue will be reduced to a right turn in, right turn out only; access will not be allowed across 30th Avenue. Vehicles will enter and exit the property off of 11th Street.

Council member Randy Buschkoetter reaffirmed that vehicles could turn right or left off of or on to 11th Street but are limited only to a right turn in and right turn out of the property onto 30th Avenue. Mr. Brungardt agreed with Council member Buschkoetter's statement.

Steve Knapp, 8390 West Highway 30, owns property located directly north of the property being discussed. Mr. Knapp is concerned about the drainage being redirected to 30th Avenue due to the rise in elevation when the Graczyk property is developed. Mr. Brungardt stated the elevation of the property will be close to matching 11th Street's elevation. Additionally, the drainage cell on the property will be constructed to accommodate the water drainage from the property along with drainage from properties to the north of it.

Mr. Knapp's additional concern pertains to potential storage of materials used by the business. He is also concerned with seeing large equipment over the fence being constructed on the north side. Mr. Knapp feels this project is more appropriate in an M-1, Industrial zone. Council member Buschkoetter stated because the zoning will not be Industrial, the business will not be allowed to store materials on the property.

Mr. Knapp questioned the purpose of the storage material building? Mr. Humphrey stated the building will be used to store equipment for the business; the north bay will contain a salt bin for winter projects.

Mr. Knapp further believes everything on the property being graveled should instead be paved. Council member Jonathan Nikkila explained the recourse the City has if the drainage plan for a project does not work once completed.

Mr. Knapp expressed further concern regarding the size of equipment being maintained and coming in and out of the property and what effects it will have on the area. Mr. Humphrey stated equipment will be stored inside buildings located on the property and he feels that large equipment coming in and out of the property will be very limited. Mayor Stanley Clouse stated sand pit trucks already utilize 11th Street.

Moved by Moore to close the public hearing on the Application submitted by Graczyk Lawn and Landscape for Graczyk Properties, LLC, to rezone from District C-2, Community Commercial District to District C-3/PD, General Commercial/Planned Development Overlay District for property described as Lots 1 and 2 (to be vacated), Tacha Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Northwest of 11th Street and 30th Avenue intersection) and introduced Ordinance No. 8387 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. 8387. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8387 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8387 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8387 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.

VACATE LOTS 1, 2 AND 3, TACHA ADDITION AND FINAL PLAT AND SUBDIVISION AGREEMENT FOR GRACZYK ADDITION

Public Hearings 4,5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Applications submitted by Graczyk Lawn and Landscape for Graczyk Properties, LLC for (1) the vacation of Lots 1, 2 and 3, Tacha Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8388; and (2) the Final Plat and Subdivision Agreement for Graczyk Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being Lots 1, 2 and 3, Tacha Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and being part of the Southeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northwest of 11th Street and 30th Avenue intersection) and consider Resolution No. 2019-198.

Moved by Buschkoetter to close the public hearing on the Applications submitted by Graczyk Lawn and Landscape for Graczyk Properties, LLC and introduced Ordinance No. 8388 vacating Lots 1, 2 and 3, Tacha Addition, an addition to the City of Kearney, Buffalo County, Nebraska and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 8388. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8388 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore,

Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8388 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Busckoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8388 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Nikkila seconded by Moore to adopt Resolution No. 2019-198 approving the Final Plat and Subdivision Agreement for Graczyk Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being Lots 1, 2 and 3, Tacha Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and being part of the Southeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northwest of 11th Street and 30th Avenue intersection). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2019-198

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Gracyzk Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being Lots 1, 2 and 3, Tacha Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with said Lots now vacated, and being part of the Southeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of the Southeast Quarter of Section 4 and assuming the South line of said Section 4 as bearing S 89°18'48" W and all bearings contained herein are relative thereto; thence on the South line of the Southeast Quarter of Section 4 a distance of 50.03 feet; thence leaving the South line of said Southeast Quarter of Section 4, N 01°21'48" E a distance of 50.03 feet to the ACTUAL PLACE OF BEGINNING, said point being the Southeast Corner of Lot 1, Tacha Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and said point being on the North line of 11th Street as shown on the plat and dedication of said Tacha Addition; thence S 89°18'48' W on the North line of said 11th Street a distance of 1077.65 feet to the Southwest Corner of Lot 3 of said Tacha Addition, thence leaving the North line of said 11th Street N 01°24'47" E on the West line of said Lot 3, Tacha Addition a distance of 287.85 feet to the Northwest Corner of said Lot 3, Tacha Addition, thence N 89°18'46" E on the North line of said Tacha Addition a distance of 1077.46 feet to a point being on the West line of 30th Avenue as shown on the plat and dedication of said Tacha Addition, said point also being the Northeast Corner of Lot 2 of said Tacha Addition; thence S 01°21'48" W on the West line of said 30th Avenue and on the East lines of Lot 2 and Lot 1 of said Tacha Addition a distance of 287.89 feet to the place of beginning, containing 7.11 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 12TH DAY OF NOVEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

PLANNED DISTRICT DEVELOPMENT PLAN FOR LOT 1, GRACZYK ADDITION

Public Hearings 4,5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Graczyk Lawn and Landscape for Graczyk Properties, LLC for Planned District Development Plan Approval for the proposed construction of a warehouse office building and bulk material storage building on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as a Lot 1, Graczyk Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Northwest of 11th Street and 30th Avenue intersection) and consider Resolution No. 2019-199.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2019-199 approving the Application submitted by Graczyk Lawn and Landscape for Graczyk Properties, LLC for Planned District Development Plan Approval for the proposed construction of a warehouse office building and bulk material storage building on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as a Lot 1, Graczyk Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Northwest of 11th Street and 30th Avenue intersection). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2019-199

WHEREAS, Graczyk Lawn and Landscape for Graczyk Properties, LLC have applied for Planned District Development Plan Approval for the construction of a warehouse office building and bulk material storage building on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Graczyk Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Northwest of 11th Street and 30th Avenue intersection).

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

of Kearney, Nebraska, that the application of Graczyk Lawn and Landscape for Graczyk Properties, LLC for Planned District Development Plan Approval for the construction of a warehouse office building and bulk material storage building on property zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Graczyk Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Northwest of 11th Street and 30th Avenue intersection) be approved subject to the following deviations:

1. Hard surfacing the circulation area north of the warehouse wing of the primary building is waived. Hard surfacing, at the owner's cost, of the 11th Street approach is not required until 11th Street is constructed, or within 60 days of the time City Council deems such a paved approach is necessary.

2. Reduction in masonry percentage requirement as shown in the Development Plan's elevations and stated in the Planned Development Plan's List of Deviations sheet.

3. Construction of the public sidewalk along the street frontages is not required before the Certificate of Occupancy is issued. The owner agrees to construct said sidewalks, to City specifications, with any future development on the west side of 30th Avenue to the north, the installation of 11th Street, or within 60 days of the time City Council deems such sidewalk is necessary.

PASSED AND APPROVED THIS 12TH DAY OF NOVEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONING PROPERTY LOCATED SOUTH OF 11TH STREET, WEST OF YANNEY AVENUE AND EAST OF 22ND AVENUE

Public Hearings 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for KPT&G, LLC, to rezone from District AG, Agricultural District to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District for property described as a tract of land being a part of Government Lot 3 of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 11th Street, West of Yanney Avenue and East of 22nd Avenue) and consider Ordinance No. 8389.

Craig Bennett with Miller & Associates presented this matter to the Council. Mr. Bennett explained where the project will be located and stated the development is consistent with the 2010 Master Plan of the property. Mr. Bennett discussed the compatibility of the requested zoning with the surrounding existing zoning. The area consists of approximately 10.4 acres and will be platted into two lots with 22nd Avenue on the west, 6th Street to the south and Yanney Avenue to the east.

Mayor Clouse questioned if 6th Street is where the conservation easement is located? Mr. Bennett stated the conservation area is further south of 6th Street.

Mr. Bennett discussed the water and sewer infrastructure to the property and the stormwater feasibility map. Part of the property is located in the 100-year flood plain;

however, the elevation for the new building will be several feet above the flood plain. A new detention cell will be built for the property. A three story 120-unit independent living facility is being proposed on the property with primary access off of 22nd Avenue. With the exception of fire and emergency vehicles, there will be no access off of Yanney Avenue; there will be a trail for access to the courtyard but it will not be drivable for the public to use. The building facade will have 35% coverage of masonry with lap siding.

Council member Tami James Moore commended Mr. Bennett on his presentation and thanked him for the detail he includes in all of his presentations to Council.

Mr. Bennett stated the Developer has requested two deviations including an increase of .07 to the maximum Floor Area Ratio and a five-foot decrease in the required depth of landscaping along 22nd Avenue, reducing it to 20 feet.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by Miller & Associates for KPT&G, LLC, to rezone from District AG, Agricultural District to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District for property described as a tract of land being a part of Government Lot 3 of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 11th Street, West of Yanney Avenue and East of 22nd Avenue) and introduced Ordinance No. 8389 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. 8389. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8389 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8389 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8389 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 WESTERN NEBRASKA
PROPERTY DEVELOPMENT THIRD ADDITION**

Public Hearings 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for KPT&G, LLC, for the Final Plat and Subdivision Agreement for Western Nebraska Property Development Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being a part of Government Lot 3 of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 11th Street, West of Yanney Avenue and East of 22nd Avenue) and consider Resolution No. 2019-200.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2019-200 approving the Application submitted by Miller & Associates for KPT&G, LLC, for the Final Plat and Subdivision Agreement for Western Nebraska Property Development Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being a part of Government Lot 3 of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 11th Street, West of Yanney Avenue and East of 22nd Avenue). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2019-200

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Western Nebraska Property Development Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being a part of Government Lot 3 of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 10; thence S 01°05'59" W on the East line of said Northwest Quarter of the Northeast Quarter and on the East line of said Government Lot 3, and all bearings contained herein are relative thereto, a distance of 1402.14 feet to the Easterly extension of the South line of Lot 4, Block Two, of Western Nebraska Property Development Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence continuing S 01°05'59" W on said East line of Government Lot 3 a distance of 679.20 feet; thence N 89°00'43" W a distance of 727.58 feet to a 5/8" rebar with cap; thence N 01°05'59" E a distance of 315.57 feet to a 5/8" rebar with cap; thence on a tangent curve to the Right having a central angle of 6°04'57", a radius of 540.00 feet, an arc length of 57.33 feet, and a chord bearing N 04°08'28" E a distance of 57.30 feet to a 5/8" rebar with cap at the Southeast corner of Lot 1 of Western Nebraska Property Development Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°00'43" E on the Easterly extension of the South line of said Lot 1 a distance of 80.55 feet to a 5/8" rebar with cap; thence Northerly on a non-tangent curve to the Right having a central angle of 18°15'05", a radius of 460.00 feet, an arc length of 146.53 feet, and a chord bearing N 17°23'27" E a distance of 145.91 feet to a 5/8" rebar with cap; thence N 26°30'59" E a distance of 101.28 feet to a 5/8" rebar with cap; thence on a tangent curve to the Left having a central angle of 4°30'23", a radius of 1040.00 feet, an arc length of 81.80 feet, and a chord bearing N 24°15'48" E a distance of 81.77 feet to a 5/8" rebar with cap at the Southwest corner of said Lot 4; thence S 89°00'18" E on said South line of Lot 4 and it's Easterly extension a distance of 527.43 feet to the Point of

Beginning, containing 10.40 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 14TH DAY OF NOVEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ANNEXATION OF WESTERN NEBRASKA PROPERTY DEVELOPMENT THIRD ADDITION

Public Hearings 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for KPT&G, LLC, for the annexation of Western Nebraska Property Development Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being a part of Government Lot 3 of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 11th Street, West of Yanney Avenue and East of 22nd Avenue) and consider Resolution No. 2019-201.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2019-201 approving the Application submitted by Miller & Associates for KPT&G, LLC, for the annexation of Western Nebraska Property Development Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being a part of Government Lot 3 of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 11th Street, West of Yanney Avenue and East of 22nd Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2019-201

WHEREAS, an Application has been submitted by Miller & Associates for KPT&G, LLC for the inclusion of Western Nebraska Property Development Third Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being a part of Government Lot 3 of Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 10; thence S 01°05'59" W on the East line of said Northwest Quarter of the Northeast Quarter and on the East line of said Government Lot 3, and all bearings contained herein are relative thereto, a distance of 1402.14 feet to the Easterly extension of the South line of Lot 4, Block Two, of Western Nebraska Property Development Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence continuing S 01°05'59" W on said East line of Government Lot 3 a distance of 679.20 feet; thence N 89°00'43" W a distance of 727.58 feet to a 5/8" rebar with cap; thence N 01°05'59" E a distance of 315.57 feet to a 5/8" rebar with cap; thence on a tangent curve to the Right having a central angle of 6°04'57", a radius of 540.00 feet, an arc length of 57.33 feet, and a chord bearing N 04°08'28" E a distance of 57.30 feet to a 5/8" rebar with cap at the Southeast corner of Lot 1 of Western Nebraska Property Development Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°00'43" E on the Easterly extension of the South line of said Lot 1 a distance of 80.55 feet to a 5/8" rebar with cap; thence Northerly on a non-tangent curve to the Right having a central angle of 18°15'05", a radius of 460.00 feet, an arc length of 146.53 feet, and a chord bearing N 17°23'27" E a distance of 145.91 feet to a 5/8" rebar with cap; thence N 26°30'59" E a distance of 101.28 feet to a 5/8" rebar with cap; thence on a tangent curve to the Left having a central angle of 4°30'23", a radius of 1040.00 feet, an arc length of 81.80 feet, and a chord bearing N 24°15'48" E a distance of 81.77 feet to a 5/8" rebar with cap at the Southwest corner of said Lot 4; thence S 89°00'18" E on said South line of Lot 4 and it's Easterly extension a distance of 527.43 feet to the Point of Beginning, containing 10.40 Acres, more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on October 18, 2019 on the inclusion of Western Nebraska Property Development 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 Western Nebraska Property Development 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 November 12, 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 Western Nebraska Property Development 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 Western Nebraska Property Development 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 12TH DAY OF NOVEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

**PLANNED DISTRICT DEVELOPMENT PLAN FOR LOT 1, WESTERN NEBRASKA
PROPERTY DEVELOPMENT THIRD ADDITION**

Public Hearings 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Bart Thomsen for GCP II Kearney Senior Living, LLC a/k/a KPT&G, LLC for Planned District Development Plan Approval for the proposed construction of a senior living facility on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lot 1, Western Nebraska Property Development Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 11th Street, West of Yanney Avenue and East of 22nd Avenue) and consider Resolution No. 2019-202.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2019-202 approving the Application submitted by Bart Thomsen for GCP II Kearney Senior Living, LLC a/k/a KPT&G, LLC for Planned District Development Plan Approval for the proposed construction of a senior living facility on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lot 1, Western Nebraska Property Development Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 11th Street, West of Yanney Avenue and East of 22nd Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2019-202

WHEREAS, Bart Thomsen for GCP II Kearney Senior Living, LLC a/k/a KPT&G, LLC have applied for Planned District Development Plan Approval for the construction of a senior living facility on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lot 1, Western Nebraska Property Development Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 11th Street, West of Yanney Avenue and East of 22nd Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Bart Thomsen for GCP II Kearney Senior Living, LLC a/k/a KPT&G, LLC for Planned District Development Plan Approval for the construction of a senior living facility on property zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as

Lot 1, Western Nebraska Property Development Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 11th Street, West of Yanney Avenue and East of 22nd Avenue) be approved subject to the following deviations:

1. An 0.07 increase to the maximum Floor Area Ratio (FAR) of 0.50 required for the 3-story retirement residential use type for a Floor Area Ratio of 0.57.
2. A 5-foot decrease in the required depth of landscaping of 25 feet for R-3 zoning districts along 22nd Avenue for a depth of landscape of 20 feet.

PASSED AND APPROVED THIS 12TH DAY OF NOVEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

PROPOSED ACQUISITION OF REAL PROPERTY FOR A TRACT OF LAND BEING PART OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 9 NORTH, RANGE 15 WEST OF THE 6TH P.M., BUFFALO COUNTY, NEBRASKA

Mayor Clouse opened the public hearing on the proposed acquisition of an interest in real property by purchase of a tract of land being part of the Northwest Quarter of Section 1, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the northeast corner of the Northwest 1/4 of said Section 1 and assuming the east line of said Northwest 1/4 as bearing S 00°07'00" E and all bearings contained herein are relative thereto; thence S 00°07'00" E on the aforesaid east line a distance of 2637.44 feet to the southeast corner of said Northwest 1/4; thence N 89°54'43" W on the south line of said Northwest 1/4 a distance of 2639.09 feet to the southwest corner of said Northwest 1/4; thence N 00°02'08" W on the west line of said Northwest 1/4 a distance of 120.00 feet; thence S 89°54'43" W parallel with and 120.00 feet northerly of the aforesaid south line a distance of 2000.00 feet; thence N 00°07'00" W parallel with the aforesaid east line a distance of 120.00 feet; thence N 48°00'42" E a distance of 488.72 feet to a point 270.00 feet westerly of, as measured at right angles to, the aforesaid east line; thence N 00°07'00" W parallel with and 270.00 feet westerly of the aforesaid east line a distance of 2070.00 feet to a point on the north line of said Northwest 1/4; thence S 89°53'58" E a distance of 270.00 feet to the place of beginning, containing 25.53 acres, more or less, of which 0.30 acres, more or less, are presently being used for road purposes on the north and west sides, all in Buffalo County, Nebraska, and consider Resolution No. 2019-203.

Michael Tye, City Attorney presented this matter to the Council. Mr. Tye stated this item pertains to the purchase of property of a 25-acre tract of land that includes an easement for the access road, from the Fort Kearny Shooting Sports Association. The purchase price is \$285,000. The property is being purchased by the Kearney Police Department for law enforcement purposes.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2019-203 approving the proposed acquisition of an interest in real property by purchase of a tract of land being part of the Northwest Quarter of Section 1, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described

as follows: Beginning at the northeast corner of the Northwest 1/4 of said Section 1 and assuming the east line of said Northwest 1/4 as bearing S 00°07'00" E and all bearings contained herein are relative thereto; thence S 00°07'00" E on the aforesaid east line a distance of 2637.44 feet to the southeast corner of said Northwest 1/4; thence N 89°54'43" W on the south line of said Northwest 1/4 a distance of 2639.09 feet to the southwest corner of said Northwest 1/4; thence N 00°02'08" W on the west line of said Northwest 1/4 a distance of 120.00 feet; thence S 89°54'43" W parallel with and 120.00 feet northerly of the aforesaid south line a distance of 2000.00 feet; thence N 00°07'00" W parallel with the aforesaid east line a distance of 120.00 feet; thence N 48°00'42" E a distance of 488.72 feet to a point 270.00 feet westerly of, as measured at right angles to, the aforesaid east line; thence N 00°07'00" W parallel with and 270.00 feet westerly of the aforesaid east line a distance of 2070.00 feet to a point on the north line of said Northwest 1/4; thence S 89°53'58" E a distance of 270.00 feet to the place of beginning, containing 25.53 acres, more or less, of which 0.30 acres, more or less, are presently being used for road purposes on the north and west sides, all in Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2019-203

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 public purposes and voted in favor to proceed with the acquisition; and

WHEREAS, Fort Kearny Shooting Sports Association, a Nebraska Non-Profit Corporation has granted to the City of Kearney, Nebraska a Corporation Warranty Deed for public purposes for property described as a tract of land being part of the Northwest Quarter of Section 1, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the northeast corner of the Northwest 1/4 of said Section 1 and assuming the east line of said Northwest 1/4 as bearing S 00°07'00" E and all bearings contained herein are relative thereto; thence S 00°07'00" E on the aforesaid east line a distance of 2637.44 feet to the southeast corner of said Northwest 1/4; thence N 89°54'43" W on the south line of said Northwest 1/4 a distance of 2639.09 feet to the southwest corner of said Northwest 1/4; thence N 00°02'08" W on the west line of said Northwest 1/4 a distance of 120.00 feet; thence S 89°54'43" W parallel with and 120.00 feet northerly of the aforesaid south line a distance of 2000.00 feet; thence N 00°07'00" W parallel with the aforesaid east line a distance of 120.00 feet; thence N 48°00'42" E a distance of 488.72 feet to a point 275.00 feet westerly of, as measured at right angles to, the aforesaid east line; thence N 00°07'00" W parallel with and 275.00 feet westerly of the aforesaid east line a distance of 2070.00 feet to a point on the north line of said Northwest 1/4; thence S 89°53'58" E a distance of 275.00 feet to the place of beginning, containing 25.53 acres, more or less, of which 0.30 acres, more or less, are presently being used for road purposes on the north and west sides, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Corporation Warranty Deed granted by Fort Kearny Shooting Sports Association, a Nebraska Non-Profit Corporation with the City of Kearney

be and is hereby approved and accepted.

PASSED AND APPROVED THIS 12TH DAY OF NOVEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 10 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

- 1. Approve Minutes of Regular Meeting held October 22, 2019.
- 2. Approve the following Claims:

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

1733 Barbershop \$100.00 smcs; Agri Coop \$1,594.75 smcs; Air Cleaning \$1,627.62 smcs; Alfred Benesch \$1,735.03 co; Amax Contracting \$205.62 smcs; Amazon \$2,687.98 smcs; Anderson,T \$43.77 smcs; Arant Creative Group \$250.00 smcs; Arndt,A \$36.14 smcs; Ask Supply \$3,425.42 smcs; Aurora Coop \$49.76 smcs; Baker & Taylor \$4,731.69 smcs; Barney Building & Land \$9,386.00 smcs; Bauer,M \$38.86 smcs; Beard,C \$71.50 smcs; Bibliotheca \$9,495.00 smcs; Bicak,M \$52.00 smcs; Blackstone Audio \$320.00 smcs; BlueCross BlueShield \$117,869.77 smcs; Blueglobes \$2,092.66 smcs; Bosselman \$19,691.96 smcs; BraveHearts \$1,150.00 smcs; Bridgett Lavene Consulting \$2,500.00 smcs; Brown,C \$64.20 smcs; Carson,W \$3.27 smcs; Cash-Wa \$884.58 smcs; Central District Health \$3,204.00 smcs; Central Fire & Safety \$42.00 smcs; Cherry,V \$114.56 smcs; Chesterman \$513.05 smcs; Christensen,C \$160.00 smcs; Cigna \$7,844.46 smcs; Citizenserve \$22,500.00 smcs; City Glass \$87.66 smcs; City of Krny \$52,404.02 smcs,co; City of Krny \$381,988.65 ps; Colling,G \$500.00 co; Comm. Action Partnership \$248.48 smcs; Comm. Serv. Fund of NE \$58.00 ps; Community Health Drive \$100.00 ps; Complete Wedding \$375.00 smcs; Conner,S \$350.00 smcs; Copycat \$367.93 smcs; Crane River Theater \$4,332.97 smcs; Credit Management \$431.58 ps; Cummins \$2,184.43 smcs; Cutter & Buck \$504.55 smcs; D & K Products \$4,072.69 smcs; Dan Roeder Concrete \$197,473.05 co; Dan's Plumbing \$562.51 smcs; Darling,J \$34.15 smcs; Dell \$5,420.00 smcs; Dept. of Education \$658.00 ps; Dish \$89.06 smcs; Dmilaco \$45.98 smcs; Don's Hobby Guns \$659.60 smcs; DPC Industries \$6,897.30 smcs; Eagle Distributing \$185.50 smcs; Eakes \$4,076.84 smcs; Eaton,T \$11.29 smcs; Ecessa Corp. \$1,350.00 smcs; Edwards,R \$32.06 smcs; Electric Pump \$929.31 smcs; Enforcement Video \$815.00 co; Expression Wear \$70.00 smcs; Family Advocacy \$2,000.00 smcs; Flaherty,T \$171.00 smcs; Frontier \$75.98 smcs; Gale \$795.27 smcs; Gangwish Turf \$87.08 smcs; Garrett Tires \$5,666.91 smcs; Gary Smith Construction \$8,417.08 co; GD Concrete \$129,668.21 co; Gilliard,T \$100.00 smcs; Goodwin Tucker \$2,157.39 smcs; Graphic Vision \$3,092.88 smcs; Great Platte River Archway \$250.00 smcs; Greater NE

Cities \$1,000.00 smcs; Hawkins,J \$92.14 smcs; HM Life Insurance \$55,090.16 smcs; HOA Solutions \$10,783.60 smcs; Hofferber,B \$111.31 smcs; Hotsy \$296.27 smcs; ICMA \$40,665.11 ps; Integrated Security \$100.00 smcs; Ipex Appraisal \$3,000.00 smcs; IRS \$328,750.54 ps; Jack Lederman \$1,634.23 smcs; Jack's Uniform \$2,138.42 smcs; Jaeger,G \$60.00 smcs; JC Masonry \$19.67 smcs; John Deere \$583.93 smcs; Johnson-Waring,H \$100.00 smcs; Jonak,K \$100.00 smcs; Krny Animal Shelter \$20,000.00 smcs; Krny Concrete \$129.38 smcs; Krny Noon Rotary \$130.00 smcs; Krny Powersports \$12,175.34 smcs; Krny Volunteer Fire \$3,000.00 smcs; Konica Minolta \$661.11 smcs; Lawn Builders \$400.00 smcs; Lee,T \$300.00 smcs; Leonard,C \$59.04 smcs; Mad Science \$675.00 smcs; Magee,K \$99.79 smcs; Magic Cleaning \$6,650.00 smcs; Mccarty,D \$44.00 smcs; Mead Lumber \$4.49 smcs; Menards \$28.96 smcs; Mid-State Engineering \$2,458.00 co; Midwest Connect \$8,109.28 smcs; Midwest Petroleum \$4,706.00 smcs; Midwest Turf \$228.28 smcs; Milco Environmental \$300.00 smcs; Miller & Associates \$34,002.10 co; Miller Signs \$5,050.00 smcs; Mirror Image \$242.60 smcs; Molina,F \$58.85 smcs; Molina,M \$222.00 smcs; Municipal Supply \$8,644.86 smcs; Murphy,F \$56.04 smcs; NE Child Support \$4,574.70 ps; NE Dept of Revenue \$53,766.81 ps; NE State Treasurer \$700.47 smcs; NE Title Company \$28,500.00 smcs; Nebraskaland Distributors \$359.00 smcs; Nielsen Contracting \$63,707.76 smcs; Nielsen,B \$63.59 smcs; Northwestern Energy \$767.96 smcs; Nutrien Ag Solutions \$3,299.35 smcs; Oak Creek Engineering \$9,527.50 co; Obradovich,C \$71.50 smcs; Officenet \$6,900.00 co; Old Town Enterprises \$182.86 smcs; One Call Concepts \$382.32 smcs; O'Reilly Automotive \$2,192.78 smcs; Outdoor Recreation \$1,685.00 co; P.O.A.N \$825.00 smcs; Paramount \$111.01 smcs; Parker,K \$48.85 smcs; Paulsen \$278,560.86 co; Payflex Systems \$548.25 smcs,ps; Penny,C \$101.65 smcs; Pep Co. \$150.00 smcs; Peterson,D \$322.40 smcs; Peyton,A \$71.50 smcs; Platte Valley Laboratories \$717.50 smcs; Potter,B \$100.00 smcs; Precision Curbing \$97.50 smcs; Presto-X \$221.00 smcs; Pure Platinum DJ \$195.00 smcs; R & L Sprinklers \$186.00 smcs; Randall,T \$47.41 smcs; RCL Products \$356.93 smcs; Recording Books \$387.25 smcs; Reinke's Heating \$37,800.00 co; R Donnelley \$431.82 smcs; Rutt's Heating \$387.22 smcs; S&B Heating \$1,358.95 smcs; S&J Construction \$17,605.00 co; Sam's Club \$389.00 smcs; Sapp Brothers \$38,300.81 smcs; Schindler Elevator \$1,222.80 smcs; School District #7 \$7,282.10 smcs; Schriver,S \$100.00 smcs; Schroeder,J \$621.00 smcs; Schroer,J \$375.00 smcs; Schwarz,G \$133.33 smcs; See Clear Cleaning \$3,000.00 smcs; Sheldon,S \$37.44 smcs; Shepherd,B \$86.75 smcs; Smith,R \$20.00 smcs; Snap-On Tool \$549.01 smcs; SOS Portable Toilets \$235.00 smcs; State Fire Marshal \$650.00 smcs; Steinbrink's \$8,224.55 smcs; Strategic Materials \$499.70 smcs; Stutsman \$2,196.00 smcs; Sunset Law Enforcement \$2,349.63 smcs; Superior \$240.00 smcs; TCH Central \$4,328.20 smcs; Thompson,K \$44.00 smcs; Towler,A \$22.63 smcs; Traffic Control \$3,000.00 co; Tri-Cities Group \$34,506.00 co; Tri-Co Equipment \$32.25 smcs; Turner Body \$100.00 smcs; Turner,R \$42.52 smcs; Tye & Rowling \$14,331.60 smcs; Underground Construction \$896.80 smcs; Union Bank \$167,018.01 ps; United Way \$438.42 ps; University of NE \$25.00 smcs; Verbeck,D \$100.08 smcs; Verizon \$7,104.14 smcs; Village Uniform \$294.16 smcs; VVS Canteen \$90.00 smcs; Walsh,C \$27.54 smcs; Warren-T Plumbing \$190.00 smcs; Waugh,B \$448.40 smcs; Wells Fargo \$33,804.23 ds; Whalen,J \$621.00 smcs; White,E \$170.00 smcs; Wilco Life Insurance \$10.00 ps; Windy Prairie Systems \$1,500.00 smcs; Younes Construction \$372.11 co; Payroll Ending 10/26/2019 -- \$504,607.04. 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. Approve the Plans and Specifications for the Harmon Park Pool Slide Replacement and set the bid opening date for December 10, 2019 at 2:00 p.m.
- 4. Accept the Proposals received for the installation of a new generator at the Law Enforcement Center and award the Proposal submitted by Ensley Electrical Services in the amount of \$402,680.00.
- 5. Approve the purchase of a 2020 Chevrolet Silverado 3500HD 4WD Crew Cab Work Truck, with Boss Snow Plow package and Tommy Lift Gate in the amount of \$55,116.00 submitted by Sid Dillion Fleet under the Nebraska State Bid to be used by the Fire Department.
- 6. Adopt Resolution No. 2019-204 appointing City employee Brandon Shafto (License No. S-1572, Class B) to continue serving until further notice as the City Street Superintendent with regard to requirements and duties with the Nebraska Department of Transportation as he has served in this capacity since November 6, 2015.

RESOLUTION NO. 2019-204

WHEREAS, State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

WHEREAS, The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent form; and

WHEREAS, The NDOT requires that such certification shall also include a copy of the meeting minutes showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

WHEREAS, The NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor and shall include a copy of a resolution by the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor is hereby authorized to sign the attached Year-End Certification of City Street Superintendent form.

PASSED AND APPROVED THIS 12TH DAY OF NOVEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

- 7. Adopt Resolution No. 2019-205 disposing of four vacant City owned properties described as Lots 1, 2, 3 and 4, all in Lake Villa Estates 3rd Addition and authorizing the sale of each property.

RESOLUTION NO. 2019-205

WHEREAS, in accordance with Section 1-1519, "Surplus Stock" of Article 15, "Purchasing" of Chapter 1, "Administration" of the City Code allows the City to sell or dispose of property \$20,000.00 or more in value which have been deemed unsuitable or unnecessary for public use by any method which is most advantageous to the City, including auction, sealed bid, private or public sale, trade-in for other property or disposal at the landfill; and

WHEREAS, on May 10, 2019, the City acquired four lots from the previous property owner due to delinquent assessments owed for the properties; and

WHEREAS, there are four vacant City owned properties meeting the qualifications of "Surplus Stock" and are described as Lots 1, 2, 3 and 4, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, City staff requests the City Manager to authorize individual bid processes for sale of the properties described as Lots 1, 2, 3 and 4, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that all four properties described as Lots 1, 2, 3 and 4, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska; and be deemed "Surplus Stock" and that the City Manager be and is hereby authorized and directed to proceed with the individual bid process for sale of properties described as Lots 1, 2, 3 and 4, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska; and.

PASSED AND APPROVED THIS 12TH DAY OF NOVEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Accept the Proposals received for the purchase and on-site training of an air curtain wood waste burner at the Kearney Area Solid Waste Agency Landfill and award the Proposal submitted by Air Burner Inc. in the amount of \$132,917.00.

9. Accept the Bids received for the purchase of a new fire pumping apparatus to be used by the Kearney Fire Department and award the Bid submitted by Pierce Manufacturing, Inc. in the amount of \$603,786.00.

10. Adopt Resolution No. 2019-206 approving the Developer Constructed Infrastructure Agreement for Fuller and Daley Third Addition between the City of Kearney and Marc Willis, President of Willis Storage, LLC, a Nebraska Limited Liability Company and Scott Kruger, Private Owner, and Dennis Kenyon, Member of ProSelect, Inc., a Nebraska Company for the construction of paving, water main, sanitary sewer main and storm sewer for Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2019-206

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska" between the City of Kearney and Marc Willis, President of Willis Storage, LLC, a Nebraska Limited Liability Company and Scott Kruger, Private Owner, and Dennis Kenyon, Member of ProSelect, Inc., a Nebraska Company, for the construction of a water main and a sanitary sewer main to serve Fuller and Daley Third Addition, an addition to the City of Kearney, 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 12TH DAY OF NOVEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

UPDATE FROM TWO RIVERS PUBLIC HEALTH DEPARTMENT

Mayor Clouse stated due to an unexpected event there was a request for postponement of Regular Agenda Item 1 to the November 26, 2019 City Council meeting at 5:30 p.m. regarding the update from Two Rivers Health Department.

Moved by Clouse seconded by Nikkila to approve postponing the update from Two Rivers Public Health Department to the November 26, 2019 City Council meeting at 5:30 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Moore that the Open Account Claim in the amount of \$1,545.18 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Mayor Clouse commented on the great support from the community over the weekend for Veterans and stated the new sculpture at the Veteran's Home is remarkable and

encouraged citizens to visit Veteran's at the Veteran's Home and view the sculpture.

CLOSED SESSION

Moved by Clouse seconded by Nikkila that Council adjourn into closed session at 6:22 p.m. for the protection of the public interest to discuss possible litigation matters. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss litigation matters. According to law, the Council has the option to reconvene back into open session and may take any formal action it deems appropriate.

Moved by Buschkoetter seconded by Clouse that Council reconvene in regular session at 7:38 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

VIII. ADJOURN

Moved by Clouse seconded by Lear that Council adjourn at 7:38 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**