

*Kearney, Nebraska
February 11, 2020
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 February 11, 2020 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 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; Brenda Jensen, Development Services Director and Dan Lillis, Engineering Assistant II, were also present. Members of the media present included: Ryan Boyd, KGFW.

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 Joel Stark from Living Faith Fellowship provided the Invocation.

PLEDGE OF ALLEGIANCE

Members of Kearney Police Department Honor Guard including Lieutenant Dennis Byrne, Sergeant Jared Small, and Officers Tracy Suchsland and Nathan Dennis presented and posted the colors. A Boy Scout 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.

ORAL COMMUNICATIONS/RECOGNITION

Recognition Ceremony for Promotion of Police Sergeant Brad Newell. Chief Bryan Waugh explained Sergeant Newell has been with the Kearney Police Department for nine years and congratulated Sergeant Newell on his promotion. Sergeant Newell thanked everyone for coming and looks forward to the new challenges he will face in his new position.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

CONDITIONAL USE PERMIT FOR PROPERTY LOCATED SOUTH OF 11TH STREET AND EAST OF IMPERIAL AVENUE

Mayor Clouse opened the public hearing on the Application submitted by Brad Vontz for Vontz Paving for Waters View Inc., a Nebraska Corporation for a Conditional Use Permit to operate an asphalt batch plant on property zoned District AG, Agricultural District and described as part of Lots 3 and 4, as part of the Northwest Quarter that lies North of the North Channel of the Platte River, including accreted land, in Section 11, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 11th Street and East of Imperial Avenue) and consider Ordinance No. 8396.

Jay Vontz presented this matter to the Council. Mr. Vontz stated the Vontz's were previously in front of City Council a few weeks prior for a Conditional Use Permit for a sand and gravel operation. Mr. Vontz asked if there were any further questions regarding the matter in front of Council this evening.

Mayor Stanley Clouse questioned if Vontz Paving for Waters View Inc., were in agreeance with the conditions outlined in the Ordinance.

Mr. Vontz stated they were in agreeance of all the conditions.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Brad Vontz for Vontz Paving for Waters View Inc., a Nebraska Corporation for a Conditional Use Permit to operate an asphalt batch plant on property zoned District AG, Agricultural District and described as part of Lots 3 and 4, as part of the Northwest Quarter that lies North of the North Channel of the Platte River, including accreted land, in Section 11, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 11th Street and East of Imperial Avenue) and introduced Ordinance No. 8396 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. 8396. 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. 8396 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 Moore seconded by Lear that Ordinance No. 8396 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. 8396 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

REZONING OF PROPERTY LOCATED AT 8725 17TH 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 Mark Kottmeyer and Anna Eileen Kottmeyer, husband and wife, 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 Southwest Quarter of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8725 17th Avenue) and consider Ordinance No. 8397.

Mitch Humphrey with Buffalo Surveying Corporation presented this matter to the Council. Mr. Humphrey demonstrated where the property is located and noted there is a house currently located on the property. The Nebraska Department of Environment and Energy have notified the owners that because the house has been there for a number of years, there would be no concerns regarding the platting of the property with respect to the septic system.

Council Member Randy Buschkoetter questioned if the flood plain shows up on the legal documents for the subdivision? Mr. Humphrey stated it does show on the proper documents.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by Buffalo Surveying Corp. for Mark Kottmeyer and Anna Eileen Kottmeyer, husband and wife, 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 Southwest Quarter of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8725 17th Avenue) and introduced Ordinance No. 8397 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. 8397. 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

concurrent in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8397 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 Buschkoetter seconded by Clouse that Ordinance No. 8397 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. 8397 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 K AND S SECOND 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 Mark Kottmeyer and Anna Eileen Kottmeyer, husband and wife, for the Final Plat for K and S Second Subdivision, a subdivision being part of the Southwest Quarter of the Southwest Quarter of Section 11, 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 the Southwest Quarter of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8725 17th Avenue) and consider Resolution No. 2020-14.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2020-14 approving the Application submitted by Buffalo Surveying Corp. for Mark Kottmeyer and Anna Eileen Kottmeyer, husband and wife, for the Final Plat for K and S Second Subdivision, a subdivision being part of the Southwest Quarter of the Southwest Quarter of Section 11, 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 the Southwest Quarter of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8725 17th Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2020-14

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of K and S Second Subdivision, a subdivision being part of the Southwest Quarter of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of the Southwest Quarter of Section 11 and assuming the West line of the Southwest Quarter of said Section 11 as bearing NORTH

and all bearings contained herein are relative thereto; thence on the West line of the Southwest Quarter of said Section 11, NORTH a distance of 588.7 feet to the ACTUAL PLACE OF BEGINNING; thence continuing on the West line of the Southwest Quarter of said Section 11, NORTH a distance of 454.00 feet; thence leaving the West line of the Southwest Quarter of said Section 11, N 81°19'53" E a distance of 237.72 feet; thence SOUTH parallel with and 235.0 feet Easterly of the West line of the Southwest Quarter of said Section 11 a distance of 256.77 feet; thence WEST a distance of 38.00 feet; thence SOUTH parallel with and 197.0 feet Easterly of the West line of the Southwest Quarter of said Section 11 a distance of 230.00 feet thence S 89°08'25" W a distance of 197.02 feet to the place of beginning, containing 2.34 acres, more or less, of which 0.35 acres, more or less, are presently being used for road purposes on the West side, all located 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 11TH DAY OF FEBRUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONING OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF 30TH AVENUE AND WEST HIGHWAY 30

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for 21st Century Investment Co., LLC, a Nebraska Limited Liability Company to rezone from District C-3/PD, General Commercial/Planned Development Overlay District to District C-3, General Commercial District for property described as a tract of land being all of Outlot A of Meridian West, 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 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northwest Corner of 30th Avenue and West Highway 30) and consider Ordinance No. 8398.

Craig Bennett with Miller and Associates presented this matter to the Council. Mr. Bennett explained where the property is located and that it is bordered on the north by the Hike/Bike Trail. Mr. Bennett further described the development of the property and infrastructure for the property. The primary portion of the property is in the .2% chance of annual flooding (also known as the 500-year flood); there is a small portion along the north side of the property along the NPPD Tail Race Canal that is in the 1% chance (also known as the 100-year flood) of annual flooding. Entrance for the property on the west side will utilize the same access as the Kearney Area Animal Shelter due to an ingress egress easement; the road will extend east out onto 30th Avenue. The parcel is 8.64 acres.

Mayor Clouse questioned Mr. Bennett on whether the Canal had been surveyed due to the meandering of the canal to insure accuracy? Mr. Bennett stated the Canal was surveyed.

Council Member Jonathan Nikkila questioned if the east access onto 30th Avenue is a right turn only access? Mr. Bennett stated currently access onto 30th Avenue lines up with the driveway across the street to the east and would be either by a left or right turn.

Council Member Randy Buschkoetter observed that since the driveway on the east side of 30th Avenue was installed, traffic has increased greatly due to the high school. Council Member Buschkoetter expressed some concern regarding site lines when turning left onto 30th Avenue during heavy traffic times.

Council Member Nikkila questioned City Attorney Michael Tye if the project is approved as is, would Council have the authority to change the east access into and out of the property if it is warranted at a later date? City Attorney Tye stated a median could be added in the future as warranted by traffic concerns that may arise.

Council Member Buschkoetter questioned if there would be easement concerns with widening the road in the future if a median was warranted? City Attorney Tye and Mr. Bennett both agreed there was enough access to the right-of-way for the median to occur.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Miller & Associates for 21st Century Investment Co., LLC, a Nebraska Limited Liability Company to rezone from District C-3/PD, General Commercial/Planned Development Overlay District to District C-3, General Commercial District for property described as a tract of land being all of Outlot A of Meridian West, 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 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northwest Corner of 30th Avenue and West Highway 30) and introduced Ordinance No. 8398 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. 8398. 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. 8398 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. 8398 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. 8398 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

DEVELOPMENT OF MERIDIAN WEST SECOND

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

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for 21st Century Investment Co., LLC, a Nebraska Limited Liability Company to 1) vacate a sanitary sewer easement and water line easement of varying widths in Outlot "A" of Meridian West, an addition to the City of Kearney, Buffalo County, Nebraska, located in the Southeast Quarter of the Southeast Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8399; 2) vacate all of Lots 1 through 20, inclusive, and Outlot "A" of Meridian West, an addition to the City of Kearney, Buffalo County, Nebraska, located in the Southeast Quarter of the Southeast Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8400; and 3) the Final Plat and Subdivision Agreement for Meridian West Second, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being all Lots 1 through 20, inclusive, and all of Outlot A of Meridian West, 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 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northwest Corner of 30th Avenue and West Highway 30) and consider Resolution No. 2020-15.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearings on the Applications submitted by Miller & Associates for 21st Century Investment Co., LLC, a Nebraska Limited Liability Company and introduced Ordinance No. 8399 vacating a sanitary sewer easement and water line easement of varying widths in Outlot "A" of Meridian West, an addition to the City of Kearney, Buffalo County, Nebraska, located in the Southeast Quarter of the Southeast Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and Ordinance No. 8400 vacating all of Lots 1 through 20, inclusive, and Outlot "A" of Meridian West, an addition to the City of Kearney, Buffalo County, Nebraska, located in the Southeast Quarter of the Southeast Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., 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 Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8399 and 8400. 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 Nos. 8399 and 8400 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 Buschkoetter seconded by Clouse that Ordinance Nos. 8399 and 8400 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 Nos. 8399 and 8400 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 Clouse seconded by Nikkila to adopt Resolution No. 2020-15 approving the Final Plat and Subdivision Agreement for Meridian West Second, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being all Lots 1 through 20, inclusive, and all of Outlot A of Meridian West, 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 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northwest Corner of 30th Avenue and West Highway 30). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2020-15

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Meridian West Second, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being all of Lots 1 through 20 inclusive and all of Outlot A of Meridian West, an Addition to the City of Kearney, Buffalo County, Nebraska (Now Vacated), and being part of the Southeast Quarter of the Southeast Quarter of Section 33, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at the Southeast corner of the Southeast Quarter of Section 33; thence S 89°49'01" W on the South line of said Southeast Quarter, and all bearings contained herein are relative thereto, a distance of 180.00 feet; thence N 00°36'08" E a distance of 122.62 feet to a 5/8" rebar with cap on North Right-Of-Way line of U.S. Highway 30 and the POINT OF BEGINNING; thence S 89°41'21" W on said North Right-Of-Way line a distance of 93.81 feet to a 5/8" rebar with cap; thence S 87°29'15" W continuing on said North Right-Of-Way line a distance of 317.41 feet to a 5/8" rebar with cap; thence S 88°56'07" W continuing on said North Right-Of-Way line a distance of 244.58 feet to a 5/8" rebar; thence S 88°48'58" W continuing on said North Right-Of-Way line a distance of 66.51 feet to a 5/8" rebar; thence N 89°13'51" W continuing on said North Right-Of-Way line a distance of 250.00 feet to a 5/8" rebar; thence S 83°04'47" W continuing on said North Right-Of-Way line a distance of 40.61 feet to a 5/8" rebar at the Southeast Corner of Lot 2, Meadowlark Gardens Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 00°18'46" E on the East line of said Lot 2 a distance of

326.69 feet to a 5/8" rebar at the Northeast corner of said Lot 2 and on the South Right-Of-Way line of the Kearney Canal; thence N 74°57'58" E on said South Right-Of-Way line a distance of 263.32 feet to a 5/8" rebar; thence S 80°40'54" E continuing on said South Right-Of-Way line a distance of 105.22 feet to a 5/8" rebar; thence S 81°58'49" E continuing on said South Right-Of-Way line a distance of 271.44 feet to a 5/8" rebar with cap; thence N 85°24'55" E continuing on said South Right-Of-Way line a distance of 187.50 feet to a 5/8" rebar with cap; thence N 75°11'05" E continuing on said South Right-Of-Way line a distance of 245.21 feet to a 5/8" rebar; thence N 82°26'20" E continuing on said South Right-Of-Way line a distance of 13.70 feet to a 5/8" rebar with cap on the West Right-Of-Way line of 30th Avenue, an Avenue in the City of Kearney, Buffalo County, Nebraska; thence S 00°42'45" W on said West Right-Of-Way line a distance of 291.58 feet to a 5/8" rebar; thence S 17°35'01" W continuing on said West Right-Of-Way line a distance of 41.27 feet to a 5/8" rebar; thence N 89°31'22" W continuing on said West Right-Of-Way line a distance of 37.45 feet to a 5/8" rebar; thence S 00°24'02" W continuing on said West Right-Of-Way line a distance of 67.11 feet to the Place of Beginning, containing 8.63 acres, more or less, 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 FEBRUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONING OF PROPERTY LOCATED WEST OF YANNEY AVENUE AND NORTH OF INTERSTATE 80

Public Hearings 6, 7 and 8 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Corporation, to rezone from District RR-1/PD, Rural Residential District (Rural Standards)/Planned Development Overlay District to District AG, Agricultural District for property described as a tract of land being part of Outlot C, Block One, being part of Lot 12, and part of Outlot B, Block Two, being all of Lots 1, 2, 3, 4, 5, 7, 8, 9 and part of Lot 6, Block Three, being all of Lot 1, and Outlot D, Block Four, and part of Turkey Creek Boulevard of Turkey Creek Second

Subdivision, a subdivision being part of Government Lots 6, 7 and 9, and accretions abutting said lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of Yanney Avenue and North of Interstate 80) and consider Ordinance No. 8401.

Craig Bennett with Miller and Associates presented this matter to the Council. Mr. Bennett reviewed the development of the project. Mr. Bennett and Mr. Paul Younes have met with the property owners who currently own homes on the property and all owners are in agreeance with the proposed development. Mr. Bennett explained the flow of Turkey Creek across the property and how stormwater will flow and collect on the property; he further showed the location of a drainage channel that will collect overflow from Turkey Creek when Turkey Creek becomes full. The entire property is in the 1% chance of annual flood.

Council Member Buschkoetter questioned if the water would eventually drain into the stormwater system? Mr. Bennett stated the drainage channel will eventually join Turkey Creek again and will then dump into the stormwater system.

Council Member Nikkila questioned how soon the drainage channel would be dug? Mr. Bennett stated it will be dug this year.

Council Member Nikkila questioned if there were any governmental agencies that would require permitting for the channel to be dug? Mr. Bennett stated there are some minor permitting requirements; it will be similar to the previous permits for other channels that have been dug further to the east.

Mr. Bennett stated the current Conditional Use Permit needs to be renewed. Mr. Bennett demonstrated the location of the Conditional Use Permit. The Conditional Use Permit outlines the access for and maintenance of Yanney Avenue.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Corporation, to rezone from District RR-1/PD, Rural Residential District (Rural Standards)/Planned Development Overlay District to District AG, Agricultural District for property described as a tract of land being part of Outlot C, Block One, being part of Lot 12, and part of Outlot B, Block Two, being all of Lots 1, 2, 3, 4, 5, 7, 8, 9 and part of Lot 6, Block Three, being all of Lot 1, and Outlot D, Block Four, and part of Turkey Creek Boulevard of Turkey Creek Second Subdivision, a subdivision being part of Government Lots 6, 7 and 9, and accretions abutting said lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of Yanney Avenue and North of Interstate 80) and introduced Ordinance No. 8401 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. 8401. 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. 8401 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 Moore seconded by Lear that Ordinance No. 8401 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. 8401 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

DEVELOPMENT OF TURKEY CREEK THIRD

Public Hearings 6, 7 and 8 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Corporation to 1) vacate part of the 10 foot wide Utility Easements in Turkey Creek Second Subdivision, part of Government Lots 6, 7 and 9 and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8402; 2) vacate a portion of Turkey Creek Boulevard (private drive) and Talmadge Road described as part of Turkey Creek Second Subdivision, part of Government Lots 6, 7 and 9 and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West, of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8403; 3) vacate part of Turkey Creek Second Subdivision, part of Government Lots 6, 7 and 9 and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West, of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8404; and 4) the Final Plat and Subdivision Agreement for Turkey Creek Third Subdivision, a subdivision being part of Government Lots 6, 7, 9 and accretions thereto, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being all of Lot 11, part of Lot 12, and part of Outlot B, Block Two, part of Lot 6, Block Three, and part of Turkey Creek Boulevard of Turkey Creek Second Subdivision (to be vacated), being part of Government Lot 6, Government Lot 7 and Government Lot 9, and accretions thereto, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of Yanney Avenue and North of Interstate 80) and consider Resolution No. 2020-16.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Applications submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Corporation and introduced Ordinance No. 8402 vacating part of the 10 foot wide Utility Easements in Turkey Creek Second Subdivision, part of Government Lots 6, 7 and 9 and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County,

Nebraska; Ordinance No. 8403 vacating a portion of Turkey Creek Boulevard (private drive) and Talmadge Road described as part of Turkey Creek Second Subdivision, part of Government Lots 6, 7 and 9 and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West, of the 6th P.M., Buffalo County, Nebraska; and Ordinance No. 8404 vacating part of Turkey Creek Second Subdivision, part of Government Lots 6, 7 and 9 and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West, of the 6th P.M., 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 Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8402, 8403 and 8404. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 8402, 8403 and 8404 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 Buschkoetter seconded by Clouse that Ordinance Nos. 8402, 8403 and 8404 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 ordinances, Ordinance Nos. 8402, 8403 and 8404 are 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 Clouse seconded by Nikkila to adopt Resolution No. 2020-16 approving the Final Plat and Subdivision Agreement for Turkey Creek Third Subdivision, a subdivision being part of Government Lots 6, 7, 9 and accretions thereto, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being all of Lot 11, part of Lot 12, and part of Outlot B, Block Two, part of Lot 6, Block Three, and part of Turkey Creek Boulevard of Turkey Creek Second Subdivision (to be vacated), being part of Government Lot 6, Government Lot 7 and Government Lot 9, and accretions thereto, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of Yanney Avenue and North of Interstate 80). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2020-16

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Turkey Creek Third Subdivision, a subdivision being part of Government Lots 6, 7, 9 and accretions thereto, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for a tract of land, being part of Outlot C, Block One, all of Lot 11, part of Lot 12, and part of Outlot B, Block Two,

part of Lot 6, Block Three, and part of Turkey Creek Boulevard and Turkey Creek Lane, of Turkey Creek Second Subdivision (now vacated), being part of Government Lot 6, part of Government Lot 7 and part of Government Lot 9, and accretions thereto, 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 a hex rod at the Southeast Corner of Government Lot 6 of Section 10; thence N 01°05'59" E on the East line of said Government Lot 6, and all bearings contained herein are relative thereto, a distance of 1245.30 feet; thence N 88°54'01" W a distance of 33.00 feet to a 5/8" rebar with cap on the West line of Yanney Avenue, as platted in Turkey Creek Second Subdivision, a Subdivision in said Section 10 and the POINT OF BEGINNING; thence N 88°54'01" W a distance of 141.37 feet to a 5/8" rebar with cap; thence Northwesterly on a tangent curve to the Right, having a central angle of 45°29'34", a radius of 383.00 feet, an arc length of 304.10 feet, and a chord bearing of N 66°09'14" W a distance of 296.18 feet to a 5/8" rebar with cap; thence Northwesterly on a tangent curve to the Left, having a central angle of 52°28'05", a radius of 224.00 feet, an arc length of 205.13 feet, and a chord bearing of N 69°38'29" W a distance of 198.03 feet to a 5/8" rebar with cap; thence S 84°07'29" W a distance of 806.40 feet to a 5/8" rebar with cap; thence Westerly on a tangent curve to the Right, having a central angle of 19°43'26", a radius of 256.00 feet, an arc length of 88.13 feet, and a chord bearing of N 86°00'48" W a distance of 87.69 feet to a 5/8" rebar with cap; thence N 76°09'05" W a distance of 257.11 feet to a 5/8" rebar with cap; thence Westerly on a tangent curve to the Left, having a central angle of 21°59'59", a radius of 467.00 feet, an arc length of 179.31 feet, and a chord bearing of N 87°09'05" W a distance of 178.21 feet to a 5/8" rebar with cap; thence S 81°50'56" W a distance of 35.48 feet to a 5/8" rebar with cap; thence N 08°09'04" W a distance of 66.00 feet to a 5/8" rebar with cap; thence Northeasterly on a non-tangent curve to the Left, having a central angle of 111°55'47", a radius of 25.00 feet, an arc length of 48.84 feet, and a chord bearing of N 25°53'03" E a distance of 41.43 feet to a 5/8" rebar with cap; thence Northwesterly on a tangent curve to the Left, having a central angle of 16°01'16", a radius of 170.00 feet, an arc length of 47.54 feet, and a chord bearing of N 38°05'29" W a distance of 47.38 feet to a 5/8" rebar with cap at the Southeast corner of Lot 10, Block One of said Turkey Creek Second Subdivision; thence N 43°53'53" E a distance of 60.00 feet to a 5/8" rebar with cap on the Southerly line of Lot 6, Block Two of said Turkey Creek Second Subdivision; thence Southeasterly on said Southerly line of Block Two, and on a non-tangent curve to the Left, having a central angle of 30°02'58", a radius of 220.00 feet, an arc length of 115.38 feet, and a chord bearing of S 61°07'36" E a distance of 114.06 feet to a 5/8" rebar with cap; thence S 76°09'05" E continuing on said Southerly line of Block Two a distance of 378.13 feet to a 5/8" rebar with cap; thence Easterly continuing on said Southerly line of Block Two, and on a tangent curve to the Left, having a central angle of 19°43'26", a radius of 150.00 feet, an arc length of 51.64 feet, and a chord bearing of S 86°00'48" E a distance of 51.38 feet to a 5/8" rebar with cap; thence N 84°07'29" E continuing on said Southerly line of Block Two a distance of 806.41 feet to a 5/8" rebar with cap; thence Easterly continuing on said Southerly line of Block Two, and on a tangent curve to the Right, having a central angle of 16°27'19", a radius of 330.00 feet, an arc length of 94.78 feet, and a chord bearing of S 87°38'52" E a distance of 94.45 feet to a 5/8" rebar with cap at the Southeast corner of Lot 10 of said Block Two; thence N 06°57'40" E on the East line of said Lot 10 a distance of 217.66 feet to the Southerly line of Outlot B of said Block Two; thence N 89°03'40" E on said Southerly line of Outlot B, and all courses following are on said Southerly line until otherwise described, a distance of 42.82 feet; thence N 78°50'45" E a distance of 36.45 feet; thence S 83°37'04" E a distance of 100.46

feet; thence N 83°16'17" E a distance of 97.71 feet; thence N 67°42'43" E a distance of 47.76 feet; thence S 88°54'02" E a distance of 87.07 feet to a 5/8" rebar with cap; thence S 01°06'59" W a distance of 213.01 feet to a 5/8" rebar with cap; thence S 88°50'45" E leaving said Southerly line of Outlot B a distance of 91.59 feet to a 5/8" rebar with cap on said West line of Yanney Avenue; thence S 01°05'59" W on said West line a distance of 318.70 feet to the Point of Beginning, containing 8.72 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 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 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 FEBRUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

CONDITIONAL USE PERMIT FOR PROPERTY LOCATED WEST OF YANNEY AVENUE AND NORTH OF INTERSTATE 80

Public Hearings 6, 7 and 8 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Corporation for a Conditional Use Permit to operate a sand and gravel mining operation on property zoned District AG, Agricultural District and described as a tract of land being part of Government Lot 6, part of Government Lot 7 and part of Government Lot 8, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of Yanney Avenue and North of Interstate 80) and consider Ordinance No. 8405.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Corporation for a Conditional Use Permit to operate a sand and gravel mining operation on property zoned District AG, Agricultural District and described as a tract of land being part of Government Lot 6, part of Government Lot 7 and part of Government Lot 8, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of Yanney Avenue and North of Interstate 80) and introduced Ordinance No. 8405 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. 8405. 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. 8405 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. 8405 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

PROPOSED ACQUISITION AND GRANTING OF VARIOUS EASEMENTS

Mayor Clouse opened the public hearing on the 1) proposed acquisition of a Water Main Easement from Ace Irrigation and Manufacturing, a Nebraska Corporation for an area of land described as a strip of land 20.0 feet in width located in the South Half of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and said strip of land located in Tract "C" in the Midway Industrial District, Kearney Air Field, which tract lies in the South Half of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2020-17; 2) granting of a Fence Line Easement to Ace Irrigation and Manufacturing, a Nebraska Corporation for an existing chain link fence located in part of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2020-18; and 3) granting of a Gap Easement to Ace Irrigation and Manufacturing, a Nebraska Corporation for tracts of land being part of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as being all that part of the Southwest Quarter of Section 28 located southerly of the South line of Lot 1, Block Two, Piper Subdivision, Buffalo County, Nebraska and consider Resolution No. 2020-19.

Michael Tye, City Attorney presented this matter to the Council. A recent survey by Ace Irrigation showed a fence Ace Irrigation constructed along the rail spur behind their building that is located on City owned property; the survey also showed small gaps between the fence line and the City's boundary line. A Fence Line Easement and a Gap Easement were created so the fence could remain at its current location. It was also discovered that the water main for this property is not in a dedicated public easement, therefore; a Water Main Easement has been prepared granting the City an easement at the location of the existing water main.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2020-17, regarding the proposed acquisition of a Water Main Easement from Ace Irrigation and Manufacturing, a Nebraska Corporation for an area of land described as a strip of land 20.0 feet in width located in the South Half of Section 28, Township 9 North,

Range 15 West of the 6th P.M., Buffalo County, Nebraska, and adopt Resolution No. 2020-18 granting of a Fence Line Easement to Ace Irrigation and Manufacturing, a Nebraska Corporation for an existing chain link fence located in part of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and adopt Resolution No. 2020-19 granting of a Gap Easement to Ace Irrigation and Manufacturing, a Nebraska Corporation for tracts of land being part of the Southwest Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as being all that part of the Southwest Quarter of Section 28 located southerly of the South line of Lot 1, Block Two, Piper Subdivision, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2020-17

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

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

WHEREAS, Ace Irrigation and Manufacturing Company, a Nebraska Corporation, have granted to the City of Kearney, Nebraska a Water Main Easement as follows:

WATER MAIN EASEMENT

A strip of land 20.0 feet in width located in the South Half (S1/2) Section Twenty-eight (28), Township Nine (9) North, Range Fifteen (15) West of the 6th Principal Meridian, Buffalo County, Nebraska, and said strip of land located in Tract "C" in the Midway Industrial District, Kearney Air Field, which tract lies in the South Half (S1/2) of Section Twenty-eight (28), Township Nine (9) North, Range Fifteen (15) West of the 6th Principal Meridian, Buffalo County, Nebraska, with said strip of land being 10.0 feet on each side of the following described centerline: Referring to the Southwest Corner of Lot Five (5), Block One (1), Piper Subdivision, Buffalo County, Nebraska, said also being the Southeast Corner of Piper Avenue Place, a street as shown on the plat and dedication of said Piper Subdivision, and assuming the South line of Lot 5, Block One and the South line of said Piper Avenue Place as bearing S 59°17'45" W and all bearings here in are relative thereto; thence on the South line of said Piper Avenue Place S 59°17'45" W a distance of 96.04 feet to the ACTUAL PLACE OF BEGINNING; thence leaving the South line of said Piper Avenue Place, S 06°49'35" W a distance of 57.5 feet; thence S 30°48'15" E a distance of 127.2 feet; thence N 59°11'45" E a distance of 385.8 feet; thence S 30°48'15" E a distance of 23.1 feet; thence N 59°11'45" E a distance of 13.8 feet to the point of termination. The sidelines of the aforescribed strip of land to be extended or shortened as necessary to begin on the South line of said Piper Avenue Place.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Water Main Easement granted by Ace Irrigation and Manufacturing Company, a Nebraska Corporation, to the City of Kearney be and is hereby approved and accepted.

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

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

PASSED AND APPROVED THIS 11TH DAY OF FEBRUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2020-18

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the President be and is hereby authorized to execute a Fence Line Easement granting Ace Irrigation and Manufacturing Company, a Nebraska Corporation an easement over and through a portion of property which lies in Lot 1, Block Two, Piper Subdivision, Buffalo County, Nebraska and fully described in the Fence Line Easement, as shown on Exhibit "1" attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF FEBRUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2020-19

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the President be and is hereby authorized to execute a Gap Easement granting Ace Irrigation and Manufacturing Company, a Nebraska Corporation an easement over and through a portion of property which lies in Lot 1, Block Two, Piper Subdivision, Buffalo County, Nebraska and fully described in the Fence Line Easement, as shown on Exhibit "1" attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF FEBRUARY, 2020.

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 9 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 January 28, 2020.
- 2. Approve the following Claims:
 - PS Personnel Services

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

Agri Coop-\$676.25-smcs; Alfred Benesch-\$509.00-co; Alvine & Associates-\$285.00-co; Amazon-\$2,728.61-smcs; American Fence-\$214.69-smcs; Anderson Brothers-\$1,089.75-smcs; Antillon,B-\$23.87-smcs; Antolik,D-\$37.12-smcs; Ask Supply-\$1,465.43-smcs; Baker & Taylor-\$3,315.84-smcs; Baye,S-\$77.00-smcs; Beehive -\$7,697.00-smcs; Blackstone Audio -\$277.98-smcs; Blackstrap -\$7,960.78-smcs; Blessing -\$6,093.75-smcs; BlueCross BlueShield-\$79,541.94-smcs; Bosselman Energy-\$45,325.70-smcs; Bridgett Lavene Consulting-\$2,500.00-smcs; Broadfoot's-\$2,205.00-smcs; Buffalo Co Treasurer-\$4,056.62-smcs; Builders-\$83.59-smcs; Carrier,A-\$31.00-smcs; Cash Wa-\$2,861.05-smcs; Central District Heath Dept-\$2,214.00-smcs; Chavez,K-\$24.16-smcs; Chesterman-\$47.00-smcs; Christensen,C-\$132.00-smcs; Cigna-\$8,022.95-smcs; City of Ky-\$439,405.20-smcs,ps; City Plumbing-\$493.47-smcs; Cold Spring Granite-\$271.95-smcs; Comm. Act. Partnership-\$1,960.00-smcs; Comm. Health Agencies-\$106.00-ps; Community Service Fund-\$58.00-ps; Compasscom-\$225.00-smcs; Cooley,K-\$15.00-smcs; Cryotech Deicing -\$3,748.65-smcs; Culligan-\$1,600.00-smcs; Cummins-\$16,087.54-smcs; Curbit-\$324.00-smcs; Dakan,M-\$14.36-smcs; Dan's Plumbing-\$152.00-smcs; Department of Education-\$513.34-ps; DPC Industries-\$6,250.51-smcs; Duncan,K-\$59.54-smcs; Duple,C-\$43.93-smcs; Eakes-\$2,178.16-smcs; Farmers Union-\$35.20-smcs; Fearnley,M-\$93.50-smcs; Flaherty,T-\$189.00-smcs; Fletcher,M-\$36.00-smcs; Gale-\$1,219.64-smcs; Ghassemi,H-\$26.61-smcs; Glass Doctor-\$85.00-smcs; Graczyk Lawn-\$642.95-smcs; Gray,C-\$283.49-smcs; Greater NE Cities-\$1,000.00-smcs; Handy Andy Rentals-\$1,955.25-smcs; HM Life Insurance-\$59,924.16-smcs; Hoffman,J-\$444.04-smcs; Hollars,S-\$42.16-smcs; Hometown Leasing-\$159.08-smcs; ICMA-\$6,653.10-ps; Integrated Security-\$6,363.00-smcs; IPMA-HR-\$347.17-smcs; IRS-\$160,108.35-ps; Jack Lederman-\$22.40-smcs; Jack's Uniforms-\$6,728.66-smcs; Jackson,B-\$493.97-smcs; Jelinek,A-\$88.00-smcs; Johnson Controls-\$353.22-smcs; Kantaras,A-\$34.00-smcs; Ky Winnelson-\$26.65-smcs; Kim Dart Design-\$500.00-smcs; Konica Minolta-\$889.08-smcs; Magic Cleaning-\$7,050.00-smcs; Mallory Safety -\$668.00-smcs; Marlatt Machine-\$1.80-smcs; Masoner,M-\$276.00-smcs; Merryman-\$50.80-smcs; Michael Todd-\$2,149.80-smcs; Mid American Signal-\$1,175.27-smcs; Midlands Contracting-\$188,318.77-smcs; Mid-NE Garage Doors-\$150.00-smcs; Midwest Connect-\$8,210.13-smcs; Miller & Associates-\$28,957.10-co; Motorola-\$60,841.70-co; Municipal Supply-\$5,996.28-smcs; NE Assn. of Senior Centers-\$40.00-smcs; NE Child Support Pymt. Ctr.-\$2,287.35-ps; NE Crane-\$1,610.00-cp; NE Dept of Agriculture-\$5.00-smcs; NE Dept of Revenue-\$93,805.51-smcs,ps; NE Public Health-\$133.00-smcs; NE Salt & Grain-\$11,081.25-smcs; New Deal Deicing-\$4,123.00-smcs; NLETC-\$20.00-smcs; Northwestern Energy-\$4,775.90-smcs; Novus Glass-\$45.00-smcs; Oak Creek Engineering-\$3,420.75-co; Office Depot-\$340.11-smcs; O'Keefe Elevator-\$1,287.66-smcs; One Call Concepts-\$96.85-smcs; Oswald,L-\$26.61-smcs; Otto Environmental-\$24,282.00-smcs; Paramount-\$202.19-smcs; Paulsen-\$10,000.00-co; Payflex-\$1,061.00-smc,ps; Pep Co-\$137.34-smcs; Presto-X-\$320.00-smcs; Recorded Books-\$4,202.25-smcs; Richmond,D-\$60.00-smcs; Roesler,A-\$38.50-smcs; Romero,A-\$46.05-smcs; Sawin,S-\$110.50-smcs; School District #7-\$858.50-smcs; Schroer,J-\$330.00-smcs; Schwarz,G-\$147.00-smcs; See Clear Cleaning-\$3,000.00-smcs; Senior

Excursions-\$200.00-smcs; Shredding Solutions-\$54.15-smcs; Solid Waste Equipment-\$115.18-smcs; Springer Roofing-\$465.00-smcs; Stutsman-\$5,490.00-smcs; Suchsland,T-\$21.40-smcs; Taillon,R-\$1,232.64-smcs; Tye & Rowling-\$14,269.70-smcs; Union Bank & Trust-\$83,046.56-ps; Union Pacific Railroad-\$237.70-smcs; United Way of Ky-\$387.00-ps; University of NE-Extension-\$200.00-smcs; Vandiest -\$4,223.10-smcs; Verizon-\$7,956.14-smcs; Waggoner Plumbing-\$2,228.00-smcs; Warrington,D-\$244.20-smcs; Weber,J-\$49.00-smcs; Wentz,A-\$15.00-smcs; Wentz,K-\$112.50-smcs; Yanda's Music-\$554.00-smcs; Younes,P-\$813.78-smcs; Payroll Ending 02/01/2020 -- \$488,017.12. 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. Adopt Resolution No. 2020-20 approving the amendment to Section 9 of the Employment Agreement between the City of Kearney and City Manager Michael Morgan regarding Disability, Health and Life Insurance.

RESOLUTION NO. 2020-20

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the amendment of Section 9 to the City Manager Employment Agreement originally approved through Resolution No. 2019-169, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF FEBRUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

4. Accept the bids received for the purchase of a 1-Ton Regular Cab Pick-Up Chassis used in the Water Operations Division of the Utilities Department and award the bid to Platte Valley Auto in the amount of \$26,737.00.

5. Approve the Plans and Specifications for the 2020 Part 5 Improvements for the removal and replacement of 11th Street and 2nd Avenue Intersection and set the bid opening date for March 3, 2020 at 2:00 p.m.

6. Approve the Plans and Specifications for the Airport Lift Station Grinder and set the bid opening date for March 17, 2020 at 2:00 p.m.

7. Adopt Resolution No. 2020-21 accepting the Certificate of Completion and Release submitted by Paulsen, Inc. and approved by the Nebraska Department of Transportation – Division of Aeronautics for AIP Project 3-31-0045-031; Runway 18/36 Reconstruction at the Kearney Regional Airport.

RESOLUTION NO. 2020-21

WHEREAS, Paulsen, Inc. from Cozad, Nebraska has performed services in connection with the construction of the Runway 18/36 Reconstruction (AIP 3-31-0045-030/031) at the Kearney Regional Airport, and has now certified that the work is

completed, as shown by Exhibit "A" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, hereby accepts the Certificate of Completion and Release as shown on Exhibit "A".

PASSED AND APPROVED THIS 11TH DAY OF FEBRUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class D-123538 liquor license application and manager application for Justin Hoff submitted by Hoff Brothers Inc dba Fill-N-Chill #011 located at 5605 2nd Avenue West.

9. Adopt Resolution No. 2020-22 approving the Real Estate Purchase Agreement between Kappas Enterprises, LLC, a Nebraska Limited Liability Company and the City of Kearney for the purchase of property described as a tract of land being accretions that lie South of Government Lot 4, Section 9, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Cherry Avenue and North of Pony Lake Drive).

RESOLUTION NO. 2020-22

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the Real Estate Purchase Agreement between Kappas Enterprises, LLC, a Nebraska Limited Liability Company and the City of Kearney, Nebraska a Municipal Corporation for the purchase of real property which is legally described as: A tract of land being accretions that lie South of Government Lot 4, Section 9, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of Government Lot 4 in said Section 9; thence southerly on the West line of said Section 9, a distance of 1270.0 feet to the ACTUAL PLACE OF BEGINNING; thence with a deflection angle to the left of 90°00', a distance of 183.0 feet; thence right 90°00', a distance of 300.0 feet; thence right 90°00' a distance of 183.0 feet to a point on the West line of said Section 9; thence northerly on the aforesaid West line, a distance of 300.0 feet to the place of beginning, containing 1.260 acres, more or less, of which 0.227 acres, more or less, are presently being use for road purposes; TOGETHER WITH additional property of approximately 37 acres, more or less, all in Buffalo County, Nebraska, subject to a survey that is agreeable to both parties 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 11TH DAY OF FEBRUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8406 AMENDING ARTICLE 3 "GENERAL TRAFFIC REGULATIONS" OF CHAPTER 8 "POLICE"

Council Member Clouse introduced Ordinance No. 8406 amending Section 8-309 "Spilling Loads" of Article 3 "General Traffic Regulations" of Chapter 8 "Police" of the City Code to amend the Section Number incorrectly listed for "State Law Reference – Similar Provisions, Nebraska Revised Statute 39-6,137", and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Nikkila seconded the motion to suspend the rules for Ordinance No. 8406. 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. 8406 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 Nikkila seconded by Moore that Ordinance No. 8406 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. 8406 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

None.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:22 p.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**