

*Kearney, Nebraska
February 9, 2021
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 9, 2021 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; Eric Hellriegel, Assistant City Manager; Bryan Waugh, Chief of Police and Brenda Jensen, Development Services Director, were also present. Members of the media present included: Mike Konz, Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

Mayor Clouse and Council members led the 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

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATE A PORTION OF AVENUE F RIGHT-OF-WAY BETWEEN 20TH STREET AND 21ST STREET

Mayor Clouse opened the public hearing on the application submitted by Buffalo Surveying Corp. for Central States Safety & Driver Training, LLC (c/o Dennis Holz), Blessing Premier Property, LLC (c/o Ron Blessing) and Larry and Rhone Davison to vacate a portion of Avenue F Right-of-Way being the East 10.0 feet of Avenue F from the South line of 20th Street north to the South line of 21st Street AND being the West 10.0 feet of Avenue F from the approximate South line of 20th Street (extended west) north to the South right-of-way line of the Union Pacific Railroad, all in Buffalo County, Nebraska (Avenue F between 20th Street and 21st Street) and consider Ordinance No. 8461.

Council Member Bruce Lear abstained from this item due to a conflict of interest.

Mitch Humphrey, Buffalo Surveying Corporation presented this matter to the Council. Mr. Humphrey explained when Avenue F was platted it was platted at 100 feet which is in excess compared to current standards. Mr. Humphrey noted the Avenue F right-of-way line on the east side of the street lies directly in front of Dennis Holz's classroom building. Because of this, abutting property owners requested a vacation for a 10-foot strip on either side of a portion of Avenue F bringing the right-of-way down to 80 feet. Mr. Humphrey noted there are two conditions associated with the vacation request which include retaining the utility easement on the west side of Avenue F and retaining the sidewalk on the east side of Avenue F.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the application submitted by Buffalo Surveying Corp. for Central States Safety & Driver Training, LLC (c/o Dennis Holz), Blessing Premier Property, LLC (c/o Ron Blessing) and Larry and Rhone Davison and introduced Ordinance No. 8461 to vacate a portion of Avenue F Right-of-Way being the East 10.0 feet of Avenue F from the South line of 20th Street north to the South line of 21st Street AND being the West 10.0 feet of Avenue F from the approximate South line of 20th Street (extended west) north to the South right-of-way line of the Union Pacific Railroad, all in Buffalo County, Nebraska (Avenue F between 20th Street and 21st Street) 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. 8461. 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. Nay: None. Lear abstained. 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. 8461 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. Nay: None. Lear abstained. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8461 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear abstained. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8461 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 THE ALLEY AND REZONE THE ENTIRE BLOCK OF 2401 CENTRAL AVENUE

Mayor Clouse opened the public hearing on the applications submitted by Miller & Associates for City of Kearney and Nebraska Art Collection Foundation, a Non-Profit Nebraska Corporation (1) to vacate the alley from the West line of Avenue A westerly to the East line of Central Avenue as the same abuts Lots 12, 13, 14, 15, 16 and 17 on the north and Lots 68, 69, 70, 71 and 72 on the south in the Southwest Quarter School Section Addition and consider Ordinance No. 8462; and (2) to rezone from District C-3, General Commercial District to District CBD, Kearney Center Mixed Use District for property described as Lots 12, 13, 14, 15, 16, 17 and Lots 68, 69, 70, 71, 72, all in Southwest Quarter School Section Addition, an addition to the City of Kearney, Buffalo County, Nebraska (entire block of 2401 Central Avenue) and consider Ordinance No. 8463.

Craig Bennett, Miller and Associates presented this matter to the Council. Mr. Bennett explained where the property is located and stated the items before Council pertain to the entire block which includes the alley. The request for rezoning to CBD is consistent with the current Land Use Map as well as the surrounding CBD zoning on three sides of the block. Mr. Bennett demonstrated where the platted alley is located on the property and noted because there are utilities located in the alley, the alley easement will be retained until a later date when the utilities will be relocated. Additionally, the requested alley vacation will tie the parking lot and the current location of the MONA building together. Mr. Bennett discussed where the building addition would be located in relation to the current MONA building as well as showing parking that will be added on the east side of the property.

Council Member Buschkoetter questioned the change in the number of parking spaces as a result of the development. Mr. Bennett stated the drawings presented this evening are only schematic drawings; there is not an actual count of parking spaces at this time.

Council Member Buschkoetter stated that it appears there would be a slight reduction in parking available. Mr. Bennett agreed with Council Member Buschkoetter's thoughts on the number of parking spaces and stated parking will be similar to the drawing but may not be identical when the final plan is complete.

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 City of Kearney and Nebraska Art Collection Foundation, a Non-Profit Nebraska Corporation and introduced Ordinance No. 8462 vacating the alley from the West line of Avenue A westerly to the East line of Central Avenue as the same abuts Lots 12, 13, 14, 15, 16 and 17 on the north and Lots 68, 69, 70, 71 and 72 on the south in the Southwest Quarter School Section Addition and Ordinance No. 8463 rezoning from District C-3, General Commercial District to District CBD, Kearney Center Mixed Use District for property described as Lots 12, 13, 14, 15, 16, 17 and Lots 68, 69, 70, 71, 72, all in Southwest Quarter School Section Addition, an addition to the City of Kearney, Buffalo County, Nebraska (entire block of 2401 Central Avenue) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinances on their first reading and then upon their final passage. Council Member Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8462 and 8463. President of the Council asked for discussion or if anyone in the audience was interested in the ordinances. 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. 8462 and 8463 by number. Roll call of those in favor of the passage of said ordinances on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinances were read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance Nos. 8462 and 8463 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. 8462 and 8463 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.

AMENDMENT TO LAND USE MAP FOR PROPERTY LOCATED WEST OF 11TH AVENUE AND NORTH OF 52ND AVENUE

Public Hearings 3, 4, 5, and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Neighborhood Mixed Use and Low Density Residential to Medium Density Residential property described as a tract of land being part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue and North of 52nd Avenue) and consider Resolution No. 2021-18.

Craig Bennett, Miller and Associates presented this matter to the Council. Mr. Bennett

demonstrated to Council where the 8.85 acres of land which includes six residential lots and Outlot A are located for the development. The property is currently outside of City limits. The current Land Use Map shows the property as MU1 and LDR and the Developers are requesting that be changed to MDR. The existing zoning is AG and they are requesting it be rezoned to R-2. Mr. Bennett further demonstrated the proposed, updated circulation map of the area; 54th Street will ultimately provide connectivity all the way to 2nd Avenue. The Infrastructure Feasibility Plan and the 200-foot radius map were also shown showing the new contours of the area, how sanitary sewer and water line will tie into the property. All lots in this development will enter onto 11th Avenue.

Council Member Jonathan Nikkila discussed the connectivity to the trail for this development and explained the trail in this area will be an extra wide sidewalk that will run along 11th Avenue in front of the properties. The trail will connect at Fountain Hills Park and will extend to 56th Street.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2021-18 approving the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Neighborhood Mixed Use and Low Density Residential to Medium Density Residential property described as a tract of land being part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue and North of 52nd Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2021-18

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to a pot at the Southwest corner of the Northwest Quarter of Section 26; thence S 89°48'05" E on the South line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 1490.79 feet to the West line of 11th Avenue as shown and dedicated on Fountain Hills Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, also being the Southeast corner of Outlot "B", Fountain Hills Fifth Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence Northeasterly on said West line of 11th Avenue of Fountain Hills Third Addition and on a non-tangent curve to the Right having a central angle of 21°19'48", a radius of 283.00 feet, and arc length of 105.35 feet, and a chord bearing N 31°44'51" E a distance of 104.75 feet; thence N 42°24'45" E continuing on said West line of 11th Avenue of Fountain Hills Third Addition a distance of 472.28 feet; thence continuing on said West line of 11th Avenue of Fountain Hills Third Addition and on a tangent curve to the Left having a central angle of 67°54'15", a radius of 267.00 feet, an arc length of 316.44 feet, and a chord bearing N 08°27'37" E a distance of 298.24 feet to a 5/8" rebar w/cap; thence N 25°29'30" W continuing on the West line of said 11th Avenue of Fountain Hills Third Addition a distance of 16.90 feet to a 5/8" rebar w/cap on

the Southerly line of a 66.00 foot wide Permanent Right of Way & Utility Easement as shown on Document #2017-06550 recorded in the Buffalo County Register of Deeds office; thence N 67°27'24" E on said Southerly line a distance of 33.02 feet to the centerline of said Permanent Right of Way & Utility Easement; thence N 25°29'29" W on said centerline a distance of 292.57 feet; thence Northerly on a tangent curve to the Right having a central angle of 18°00'18", a radius of 300.00 feet, an arc length of 94.27 feet, and a chord bearing N 16°29'20" W a distance of 93.89 feet; thence continuing on said centerline N 07°29'11" W a distance of 78.02 feet to the POINT OF BEGINNING; thence N 88°41'03" E a distance of 33.19 feet to the East line of said Permanent Right of Way & Utility Easement; thence N 07°29'11" W on said East line a distance of 624.09 feet to a 5/8" rebar on the South line of 11th Avenue as dedicated on Fountain Hills Second Addition (now vacated), a subdivision being part of the Northeast 1/4 of the Northwest 1/4 of Section 26, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 89°38'22" W on the South line of said 11th Avenue a distance of 66.62 feet to the West line of said 11th Avenue; thence N 07°29'11" W on said West line a distance of 186.44 feet to a 5/8" rebar with cap at the Southeast corner of Outlot "A", Fountain Hills Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 87°46'48" W on the South line of said Fountain Hills Sixth Addition a distance of 535.50 feet to a 5/8" rebar w/cap; thence S 00°00'00" E a distance of 378.23 feet to a 5/8" rebar w/cap; thence Southeasterly on a non-tangent curve to the Right having a central angle of 34°01'33", a radius of 533.00 feet, an arc length of 316.53 feet, and a chord bearing of S 59°04'47" E a distance of 311.90 feet to a 5/8" rebar w/cap; thence S 42°04'00" E a distance of 135.81 feet to a 5/8" rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of 8°36'02", a radius of 367.00 feet, an arc length of 55.09 feet, and a chord bearing of S 46°22'01" E a distance of 55.04 feet to a 5/8" rebar w/cap; thence S 39°19'58" W a distance of 66.00 feet; thence Southeasterly on a non-tangent curve to the Left having a central angle of 40°38'55", a radius of 433.00 feet, an arc length of 307.19 feet, and a chord bearing of S 70°59'29" E a distance of 300.79 feet; thence N 88°41'03" E a distance of 33.19 feet to the Point of Beginning, containing 8.85 acres, more or less, all in Buffalo County, Nebraska from Neighborhood Mixed Use and Low Density Residential to Medium Density Residential; and

WHEREAS, the said application for change in the Comprehensive Land Use Plan has been approved by the City Planning Commission, after a public hearing properly published and held, and

WHEREAS, the City Council has held a public hearing upon the said revision and voted in favor of a motion to approve the change in the Land Use Plan as requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Neighborhood Mixed Use and Low Density Residential to Medium Density Residential the use classification for a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to a pot at the Southwest corner of the Northwest Quarter of Section 26; thence S 89°48'05" E on the South line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 1490.79 feet to the West line of 11th Avenue as shown and dedicated on Fountain Hills Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, also being the Southeast corner of Outlot "B", Fountain Hills Fifth

Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence Northeasterly on said West line of 11th Avenue of Fountain Hills Third Addition and on a non-tangent curve to the Right having a central angle of $21^{\circ}19'48''$, a radius of 283.00 feet, and arc length of 105.35 feet, and a chord bearing $N 31^{\circ}44'51'' E$ a distance of 104.75 feet; thence $N 42^{\circ}24'45'' E$ continuing on said West line of 11th Avenue of Fountain Hills Third Addition a distance of 472.28 feet; thence continuing on said West line of 11th Avenue of Fountain Hills Third Addition and on a tangent curve to the Left having a central angle of $67^{\circ}54'15''$, a radius of 267.00 feet, an arc length of 316.44 feet, and a chord bearing $N 08^{\circ}27'37'' E$ a distance of 298.24 feet to a $5/8''$ rebar w/cap; thence $N 25^{\circ}29'30'' W$ continuing on the West line of said 11th Avenue of Fountain Hills Third Addition a distance of 16.90 feet to a $5/8''$ rebar w/cap on the Southerly line of a 66.00 foot wide Permanent Right of Way & Utility Easement as shown on Document #2017-06550 recorded in the Buffalo County Register of Deeds office; thence $N 67^{\circ}27'24'' E$ on said Southerly line a distance of 33.02 feet to the centerline of said Permanent Right of Way & Utility Easement; thence $N 25^{\circ}29'29'' W$ on said centerline a distance of 292.57 feet; thence Northerly on a tangent curve to the Right having a central angle of $18^{\circ}00'18''$, a radius of 300.00 feet, an arc length of 94.27 feet, and a chord bearing $N 16^{\circ}29'20'' W$ a distance of 93.89 feet; thence continuing on said centerline $N 07^{\circ}29'11'' W$ a distance of 78.02 feet to the POINT OF BEGINNING; thence $N 88^{\circ}41'03'' E$ a distance of 33.19 feet to the East line of said Permanent Right of Way & Utility Easement; thence $N 07^{\circ}29'11'' W$ on said East line a distance of 624.09 feet to a $5/8''$ rebar on the South line of 11th Avenue as dedicated on Fountain Hills Second Addition (now vacated), a subdivision being part of the Northeast 1/4 of the Northwest 1/4 of Section 26, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence $N 89^{\circ}38'22'' W$ on the South line of said 11th Avenue a distance of 66.62 feet to the West line of said 11th Avenue; thence $N 07^{\circ}29'11'' W$ on said West line a distance of 186.44 feet to a $5/8''$ rebar with cap at the Southeast corner of Outlot "A", Fountain Hills Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence $N 87^{\circ}46'48'' W$ on the South line of said Fountain Hills Sixth Addition a distance of 535.50 feet to a $5/8''$ rebar w/cap; thence $S 00^{\circ}00'00'' E$ a distance of 378.23 feet to a $5/8''$ rebar w/cap; thence Southeasterly on a non-tangent curve to the Right having a central angle of $34^{\circ}01'33''$, a radius of 533.00 feet, an arc length of 316.53 feet, and a chord bearing of $S 59^{\circ}04'47'' E$ a distance of 311.90 feet to a $5/8''$ rebar w/cap; thence $S 42^{\circ}04'00'' E$ a distance of 135.81 feet to a $5/8''$ rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of $8^{\circ}36'02''$, a radius of 367.00 feet, an arc length of 55.09 feet, and a chord bearing of $S 46^{\circ}22'01'' E$ a distance of 55.04 feet to a $5/8''$ rebar w/cap; thence $S 39^{\circ}19'58'' W$ a distance of 66.00 feet; thence Southeasterly on a non-tangent curve to the Left having a central angle of $40^{\circ}38'55''$, a radius of 433.00 feet, an arc length of 307.19 feet, and a chord bearing of $S 70^{\circ}59'29'' E$ a distance of 300.79 feet; thence $N 88^{\circ}41'03'' E$ a distance of 33.19 feet to the Point of Beginning, containing 8.85 acres, more or less, all in Buffalo County, Nebraska.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONE PROPERTY LOCATED WEST OF 11TH AVENUE AND NORTH OF 52ND AVENUE

Public Hearings 3, 4, 5, and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) to rezone from District AG, Agricultural District to District R-2, Urban Residential Mixed-Density District for property described as a tract of land being part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue and North of 52nd Avenue) and consider Ordinance No. 8464.

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 Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) and introduced Ordinance No. 8464 to rezone from District AG, Agricultural District to District R-2, Urban Residential Mixed-Density District for property described as a tract of land being part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue and North of 52nd Avenue) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Moore seconded the motion to close the hearing and suspend the rules for Ordinance No. 8464. 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. 8464 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. 8464 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. 8464 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 FOUNTAIN HILLS TWELFTH ADDITION

Public Hearings 3, 4, 5, and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for the Final Plat and Subdivision Agreement for Fountain Hills Twelfth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue and North of 52nd Avenue) and consider Resolution No. 2021-19.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2021-19 approving the Final Plat and Subdivision Agreement for Fountain Hills Twelfth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue and North of 52nd Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2021-19

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Fountain Hills Twelfth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to a pot at the Southwest corner of the Northwest Quarter of Section 26; thence S 89°48'05" E on the South line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 1490.79 feet to the West line of 11th Avenue as shown and dedicated on Fountain Hills Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, also being the Southeast corner of Outlot "B", Fountain Hills Fifth Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence Northeasterly on said West line of 11th Avenue of Fountain Hills Third Addition and on a non-tangent curve to the Right having a central angle of 21°19'48", a radius of 283.00 feet, and arc length of 105.35 feet, and a chord bearing N 31°44'51" E a distance of 104.75 feet; thence N 42°24'45" E continuing on said West line of 11th Avenue of Fountain Hills Third Addition a distance of 472.28 feet; thence continuing on said West line of 11th Avenue of Fountain Hills Third Addition and on a tangent curve to the Left having a central angle of 67°54'15", a radius of 267.00 feet, an arc length of 316.44 feet, and a chord bearing N 08°27'37" E a distance of 298.24 feet to a 5/8" rebar w/cap; thence N 25°29'30" W continuing on the West line of said 11th Avenue of Fountain Hills Third Addition a distance of 16.90 feet to a 5/8" rebar w/cap on the Southerly line of a 66.00 foot wide Permanent Right of Way & Utility Easement as shown on Document #2017-06550 recorded in the Buffalo County Register of Deeds office; thence N 67°27'24" E on said Southerly line a distance of 33.02 feet to the centerline of said Permanent Right of Way & Utility Easement; thence N 25°29'29" W on said centerline a distance of 292.57 feet; thence Northerly on a tangent curve to the Right having a central angle of 18°00'18", a radius of 300.00 feet, an arc

length of 94.27 feet, and a chord bearing N 16°29'20" W a distance of 93.89 feet; thence continuing on said centerline N 07°29'11" W a distance of 78.02 feet to the POINT OF BEGINNING; thence N 88°41'03" E a distance of 33.19 feet to the East line of said Permanent Right of Way & Utility Easement; thence N 07°29'11" W on said East line a distance of 624.09 feet to a 5/8" rebar on the South line of 11th Avenue as dedicated on Fountain Hills Second Addition (now vacated), a subdivision being part of the Northeast 1/4 of the Northwest 1/4 of Section 26, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 89°38'22" W on the South line of said 11th Avenue a distance of 66.62 feet to the West line of said 11th Avenue; thence N 07°29'11" W on said West line a distance of 186.44 feet to a 5/8" rebar with cap at the Southeast corner of Outlot "A", Fountain Hills Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 87°46'48" W on the South line of said Fountain Hills Sixth Addition a distance of 535.50 feet to a 5/8" rebar w/cap; thence S 00°00'00" E a distance of 378.23 feet to a 5/8" rebar w/cap; thence Southeasterly on a non-tangent curve to the Right having a central angle of 34°01'33", a radius of 533.00 feet, an arc length of 316.53 feet, and a chord bearing of S 59°04'47" E a distance of 311.90 feet to a 5/8" rebar w/cap; thence S 42°04'00" E a distance of 135.81 feet to a 5/8" rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of 8°36'02", a radius of 367.00 feet, an arc length of 55.09 feet, and a chord bearing of S 46°22'01" E a distance of 55.04 feet to a 5/8" rebar w/cap; thence S 39°19'58" W a distance of 66.00 feet; thence Southeasterly on a non-tangent curve to the Left having a central angle of 40°38'55", a radius of 433.00 feet, an arc length of 307.19 feet, and a chord bearing of S 70°59'29" E a distance of 300.79 feet; thence N 88°41'03" E a distance of 33.19 feet to the Point of Beginning, containing 8.85 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 9TH DAY OF FEBRUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ANNEXATION OF FOUNTAIN HILLS TWELFTH ADDITION

Public Hearings 3, 4, 5, and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for the annexation of Fountain Hills Twelfth Addition, an addition to the City of Kearney,

Buffalo County, Nebraska, for property described as a tract of land being part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue and North of 52nd Avenue) and consider Resolution No. 2021-20.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2021-20 approving the annexation of Fountain Hills Twelfth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue and North of 52nd Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2021-20

WHEREAS, an Application has been submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for the inclusion of Fountain Hills Twelfth Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being a part of the East Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to a pot at the Southwest corner of the Northwest Quarter of Section 26; thence S 89°48'05" E on the South line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 1490.79 feet to the West line of 11th Avenue as shown and dedicated on Fountain Hills Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, also being the Southeast corner of Outlot "B", Fountain Hills Fifth Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence Northeasterly on said West line of 11th Avenue of Fountain Hills Third Addition and on a non-tangent curve to the Right having a central angle of 21°19'48", a radius of 283.00 feet, and arc length of 105.35 feet, and a chord bearing N 31°44'51" E a distance of 104.75 feet; thence N 42°24'45" E continuing on said West line of 11th Avenue of Fountain Hills Third Addition a distance of 472.28 feet; thence continuing on said West line of 11th Avenue of Fountain Hills Third Addition and on a tangent curve to the Left having a central angle of 67°54'15", a radius of 267.00 feet, an arc length of 316.44 feet, and a chord bearing N 08°27'37" E a distance of 298.24 feet to a 5/8" rebar w/cap; thence N 25°29'30" W continuing on the West line of said 11th Avenue of Fountain Hills Third Addition a distance of 16.90 feet to a 5/8" rebar w/cap on the Southerly line of a 66.00 foot wide Permanent Right of Way & Utility Easement as shown on Document #2017-06550 recorded in the Buffalo County Register of Deeds office; thence N 67°27'24" E on said Southerly line a distance of 33.02 feet to the centerline of said Permanent Right of Way & Utility Easement; thence N 25°29'29" W on said centerline a distance of 292.57 feet; thence Northerly on a tangent curve to the Right having a central angle of 18°00'18", a radius of 300.00 feet, an arc length of 94.27 feet, and a chord bearing N 16°29'20" W a distance of 93.89 feet; thence continuing on said centerline N 07°29'11" W a distance of 78.02 feet to the POINT OF BEGINNING; thence N 88°41'03" E a distance of 33.19 feet to the East line of said Permanent Right of Way & Utility Easement; thence N 07°29'11" W on said East line a distance of 624.09 feet to a 5/8" rebar on the South line of 11th

Avenue as dedicated on Fountain Hills Second Addition (now vacated), a subdivision being part of the Northeast 1/4 of the Northwest 1/4 of Section 26, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 89°38'22" W on the South line of said 11th Avenue a distance of 66.62 feet to the West line of said 11th Avenue; thence N 07°29'11" W on said West line a distance of 186.44 feet to a 5/8" rebar with cap at the Southeast corner of Outlot "A", Fountain Hills Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 87°46'48" W on the South line of said Fountain Hills Sixth Addition a distance of 535.50 feet to a 5/8" rebar w/cap; thence S 00°00'00" E a distance of 378.23 feet to a 5/8" rebar w/cap; thence Southeasterly on a non-tangent curve to the Right having a central angle of 34°01'33", a radius of 533.00 feet, an arc length of 316.53 feet, and a chord bearing of S 59°04'47" E a distance of 311.90 feet to a 5/8" rebar w/cap; thence S 42°04'00" E a distance of 135.81 feet to a 5/8" rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of 8°36'02", a radius of 367.00 feet, an arc length of 55.09 feet, and a chord bearing of S 46°22'01" E a distance of 55.04 feet to a 5/8" rebar w/cap; thence S 39°19'58" W a distance of 66.00 feet; thence Southeasterly on a non-tangent curve to the Left having a central angle of 40°38'55", a radius of 433.00 feet, an arc length of 307.19 feet, and a chord bearing of S 70°59'29" E a distance of 300.79 feet; thence N 88°41'03" E a distance of 33.19 feet to the Point of Beginning, containing 8.85 acres, more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on January 15, 2021 on the inclusion of Fountain Hills Twelfth 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 Fountain Hills Twelfth 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 February 9, 2021 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 Fountain Hills Twelfth 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 Fountain Hills Twelfth 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 9TH DAY OF FEBRUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

VACATE AND REZONE PROPERTY LOCATED SOUTH OF 39TH STREET, WEST OF AVENUE X, NORTH OF 37TH STREET

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

Mayor Clouse opened the public hearing on the applications submitted by Danny Starostka for Starostka Group Unlimited (1) to vacate all of Lot 1 and Lot 15, Block 2, Millennial Estates Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8465; and (2) to rezone from District AG, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, West of Avenue X, North of 37th Street).

Jacob Reiter, Olsson Engineers presented this matter to the Council. Mr. Reiter explained that the request for rezoning the property to R-2/PD would be consistent with the three existing Additions. Mr. Reiter discussed the traffic flow through the new Addition and how sanitary sewer and water will extend through the development; the sanitary sewer will drain to the east detention pond. The roadway will be 32-feet with a standard radius. Drainage for lots will be to the back; runoff will travel east and drain into the existing storm sewers. Developers will continue with the 18-foot drive path for driveways and there will be no parking zones located to the far east and to the far west on the north side of the road and also on the east side of Avenue V. There will be 37 lots including duplex lots, larger lots to accommodate three car garages and two large future use lots.

Jordan Starostka, Starostka Group Unlimited, explained the layout of the dwelling units on the lots. Mr. Starostka explained currently there are 69 buildings in the entire development providing housing for 81 families; this development would be an extension north to what is existing.

Council Member Tami James Moore stated she has followed along with the development of the area and is pleased how it has turned out thus far. She questioned if Starostka Group had experienced anything they didn't expect during the development of the area, from their original vision? Mr. Starostka stated he has noticed numerous young professionals moving in to the area but noted there is a good mix of older and younger people living there.

Mayor Clouse commented he has visited the area and people who live there like the smaller lots and homes this development provides.

Council Member Buschkoetter stated the development provides opportunities for home ownership to many who may have not been able to own their own home in the past. Council Member Buschkoetter noted there are seven deviations and conditions attached to the development in front of Council this evening and questioned Mr. Starostka if he was aware of and in agreeance with all of them? Mr. Starostka stated Starostka Group is aware of them and are in agreeance with all of the deviations and conditions.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the application submitted by Danny Starostka for Starostka Group Unlimited and introduced Ordinance No. 8465 to vacate all of Lot 1 and Lot 15, Block 2, Millennial Estates Third Addition, an addition to the City of

Kearney, Buffalo County, Nebraska and Ordinance No. 8466 to rezone from District AG, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 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 ordinances on their first reading and then upon their final passage. Council Member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8465 and 8466. President of the Council asked for discussion or if anyone in the audience was interested in the ordinances. 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 Nos. 8465 and 8466 by number. Roll call of those in favor of the passage of said ordinances on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinances were read by number.

Moved by Nikkila seconded by Moore that Ordinance Nos. 8465 and 8466 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 ordinances, Ordinance Nos. 8465 and 8466 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.

FINAL PLAT, SUBDIVISION AGREEMENT AND SUPPLEMENTAL SUBDIVISION AGREEMENT FOR MILLENNIAL ESTATES FOURTH 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 Danny Starostka for Starostka Group Unlimited for the Final Plat, Subdivision Agreement and Supplemental Subdivision Agreement for Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, West of Avenue X, North of 37th Street) and consider Resolution No. 2021-21.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2021-21 approving the Final Plat, Subdivision Agreement and Supplemental Subdivision Agreement for Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, West of Avenue X,

North of 37th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2021-21

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: commencing at north Quarter corner of said Section 31; thence on an assumed bearing of N 89°39'25" E along the North line of the Northwest Quarter of the Northeast Quarter a distance of 125.28 feet; thence S 00°33'39" W a distance of 40.29 feet to a point on the south right-of-way line of 39th Street, said point also being the point of beginning; thence N 89°41'45" E, along said south right-of-way line, a distance of 143.70 feet to the Northwest corner of a tract surveyed by W.A. Humphrey, LS#224, on 3/3/1999; thence S 00°34'17" W along said tract a distance of 199.94 feet; thence N 89°38'53" E along the south line of said tract a distance of 450.07 feet; thence N 00°35'03" E along the east line of said tract a distance of 199.88 feet to a point on the south right-of-way line of 39th street; thence N 89°37'58" E, along said south right-of-way line, a distance of 415.83 feet to a point on the West right-of-way line of Avenue X; thence S 00°21'03" E, along said West right-of-way line, a distance of 606.86 feet to a point being on the intersection of said West right-of-way line of Avenue X and the North right-of-way line of 37th Street; thence S 89°38'57" W, along said north right-of-way line, a distance of 67.49 feet to the Southeast corner of Lot 14, Block 2, Millennial Estates Third Addition; thence N 00°21'13" W, along the east line of said Lot 14, a distance of 115.00 feet to the Northeast corner of Lot 14, Block 2, Millennial Estates Third Addition; thence S 89°38'57" W along the north line of said Millennial Estates Third Addition a distance of 676.00 feet to the Northwest corner of Lot 2, Block 2 of said Millennial Estates Third Addition; thence S 00°21'13" E along the West line of said Lot 2, a distance of 115.00 feet to the North right-of-way line of 37th Street; thence S 89°38'57" W, along said North right-of-way line, a distance of 68.00 feet to a point of intersection of said North right-of-way line of Avenue V; thence N 00°21'03" W, along said east right-of-way line, a distance of 115.00 feet; thence N 86°30'56" W a distance of 60.13 feet to a point being the Northeast corner of Lot 4, Block 1 of said Millennial Estates Third Addition also being a point on the West right-of-way line of Avenue V; thence S 89°30'35" W along the north line of said Millennial Estates Third, a distance of 145.92 feet to a point being the Northwest corner of Lot 4, Block 1 of said Millennial Estates Third; thence N 00°33'39" E a distance of 488.31 feet to the point of beginning, said tract contains a calculated area of 423,395.29 square feet or 9.719 acres more or less of which 1.554 acres is new dedicated road right-of-way, 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 Supplemental Subdivision Agreement, marked as Exhibit "B" 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 Supplemental 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 9TH DAY OF FEBRUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ANNEXATION OF MILLENNIAL ESTATES FOURTH 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 Danny Starostka for Starostka Group Unlimited for the annexation of Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, West of Avenue X, North of 37th Street) and consider Resolution No. 2021-22.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2021-22 approving the annexation of Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, West of Avenue X, North of 37th Street). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2021-22

WHEREAS, an Application has been submitted by Danny Starostka for Starostka Group Unlimited for the inclusion of Millennial Estates Fourth Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: commencing at north Quarter corner of said Section 31; thence on an assumed bearing of N 89°39'25" E along the North line of the Northwest Quarter of the Northeast Quarter a distance of 125.28 feet; thence S 00°33'39" W a distance of 40.29 feet to a point on the south right-of-way line of 39th Street, said point also being the point of beginning; thence N 89°41'45" E, along said south right-of-way line, a distance of 143.70 feet to the Northwest corner of a tract surveyed by W.A. Humphrey, LS#224, on 3/3/1999; thence S 00°34'17" W along said tract a distance of 199.94 feet; thence N

89°38'53" E along the south line of said tract a distance of 450.07 feet; thence N 00°35'03" E along the east line of said tract a distance of 199.88 feet to a point on the south right-of-way line of 39th street; thence N 89°37'58" E, along said south right-of-way line, a distance of 415.83 feet to a point on the West right-of-way line of Avenue X; thence S 00°21'03" E, along said West right-of-way line, a distance of 606.86 feet to a point being on the intersection of said West right-of-way line of Avenue X and the North right-of-way line of 37th Street; thence S 89°38'57" W, along said north right-of-way line, a distance of 67.49 feet to the Southeast corner of Lot 14, Block 2, Millennial Estates Third Addition; thence N 00°21'13" W, along the east line of said Lot 14, a distance of 115.00 feet to the Northeast corner of Lot 14, Block 2, Millennial Estates Third Addition; thence S 89°38'57" W along the north line of said Millennial Estates Third Addition a distance of 676.00 feet to the Northwest corner of Lot 2, Block 2 of said Millennial Estates Third Addition; thence S 00°21'13" E along the West line of said Lot 2, a distance of 115.00 feet to the North right-of-way line of 37th Street; thence S 89°38'57" W, along said North right-of-way line, a distance of 68.00 feet to a point of intersection of said North right-of-way line of Avenue V; thence N 00°21'03" W, along said east right-of-way line, a distance of 115.00 feet; thence N 86°30'56" W a distance of 60.13 feet to a point being the Northeast corner of Lot 4, Block 1 of said Millennial Estates Third Addition also being a point on the West right-of-way line of Avenue V; thence S 89°30'35" W along the north line of said Millennial Estates Third, a distance of 145.92 feet to a point being the Northwest corner of Lot 4, Block 1 of said Millennial Estates Third; thence N 00°33'39" E a distance of 488.31 feet to the point of beginning, said tract contains a calculated area of 423,395.29 square feet or 9.719 acres more or less of which 1.554 acres is new dedicated road right-of-way, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on January 15, 2021 on the inclusion of Millennial Estates Fourth Addition within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as Millennial Estates Fourth 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 February 9, 2021 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

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

BE IT FURTHER RESOLVED that the inclusion of Millennial Estates Fourth 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 9TH DAY OF FEBRUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

PLANNED DISTRICT DEVELOPMENT FOR CONSTRUCTION OF A SUBDIVISION FOR PROPERTY LOCATED SOUTH OF 39TH STREET, WEST OF AVENUE X, NORTH OF 37TH STREET

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 Danny Starostka for Starostka Group Unlimited for Planned District Development Plan Approval for the proposed construction of a subdivision on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, West of Avenue X, North of 37th Street) and consider Resolution No. 2021-23.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2021-23 approving the Planned District Development Plan Approval for the proposed construction of a subdivision on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, West of Avenue X, North of 37th Street). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2021-23

WHEREAS, Danny Starostka for Starostka Group Unlimited have applied for Planned District Development Plan Approval for the construction of a subdivision on property to be zoned District R-2PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: commencing at north Quarter corner of said Section 31; thence on an assumed bearing of N 89°39'25" E along the North line of the Northwest Quarter of the Northeast Quarter a distance of 125.28 feet; thence S 00°33'39" W a distance of 40.29 feet to a point on the south right-of-way line of 39th Street, said point also being the point of beginning; thence N 89°41'45" E, along said south right-of-way line, a distance of 143.70 feet to the Northwest corner of a tract surveyed by W.A. Humphrey, LS#224, on 3/3/1999; thence S 00°34'17" W along said tract a distance of 199.94 feet; thence N 89°38'53" E along the south line of said tract a distance of 450.07 feet; thence N 00°35'03" E along the east line of said tract a distance of 199.88 feet to a point on the south right-of-way line of 39th street; thence N 89°37'58" E, along said south right-of-way line, a distance of 415.83 feet to a point on the West right-of-way line of Avenue X; thence S 00°21'03" E, along said West right-of-way line, a distance of 606.86 feet to a point being on the intersection of said West right-of-way line of Avenue X and the North right-of-way line of 37th Street; thence S 89°38'57" W, along said north right-of-way line, a distance of 67.49 feet to the Southeast corner of Lot 14,

Block 2, Millennial Estates Third Addition; thence N 00°21'13" W, along the east line of said Lot 14, a distance of 115.00 feet to the Northeast corner of Lot 14, Block 2, Millennial Estates Third Addition; thence S 89°38'57" W along the north line of said Millennial Estates Third Addition a distance of 676.00 feet to the Northwest corner of Lot 2, Block 2 of said Millennial Estates Third Addition; thence S 00°21'13" E along the West line of said Lot 2, a distance of 115.00 feet to the North right-of-way line of 37th Street; thence S 89°38'57" W, along said North right-of-way line, a distance of 68.00 feet to a point of intersection of said North right-of-way line of Avenue V; thence N 00°21'03" W, along said east right-of-way line, a distance of 115.00 feet; thence N 86°30'56" W a distance of 60.13 feet to a point being the Northeast corner of Lot 4, Block 1 of said Millennial Estates Third Addition also being a point on the West right-of-way line of Avenue V; thence S 89°30'35" W along the north line of said Millennial Estates Third, a distance of 145.92 feet to a point being the Northwest corner of Lot 4, Block 1 of said Millennial Estates Third; thence N 00°33'39" E a distance of 488.31 feet to the point of beginning, said tract contains a calculated area of 423,395.29 square feet or 9.719 acres more or less of which 1.554 acres is new dedicated road right-of-way, all in Buffalo County, Nebraska (South of 39th Street, West of Avenue X, North of 37th Street).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Danny Starostka for Starostka Group Unlimited for Planned District Development Plan Approval for the construction of a subdivision on property zoned District R-2PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: commencing at north Quarter corner of said Section 31; thence on an assumed bearing of N 89°39'25" E along the North line of the Northwest Quarter of the Northeast Quarter a distance of 125.28 feet; thence S 00°33'39" W a distance of 40.29 feet to a point on the south right-of-way line of 39th Street, said point also being the point of beginning; thence N 89°41'45" E, along said south right-of-way line, a distance of 143.70 feet to the Northwest corner of a tract surveyed by W.A. Humphrey, LS#224, on 3/3/1999; thence S 00°34'17" W along said tract a distance of 199.94 feet; thence N 89°38'53" E along the south line of said tract a distance of 450.07 feet; thence N 00°35'03" E along the east line of said tract a distance of 199.88 feet to a point on the south right-of-way line of 39th street; thence N 89°37'58" E, along said south right-of-way line, a distance of 415.83 feet to a point on the West right-of-way line of Avenue X; thence S 00°21'03" E, along said West right-of-way line, a distance of 606.86 feet to a point being on the intersection of said West right-of-way line of Avenue X and the North right-of-way line of 37th Street; thence S 89°38'57" W, along said north right-of-way line, a distance of 67.49 feet to the Southeast corner of Lot 14, Block 2, Millennial Estates Third Addition; thence N 00°21'13" W, along the east line of said Lot 14, a distance of 115.00 feet to the Northeast corner of Lot 14, Block 2, Millennial Estates Third Addition; thence S 89°38'57" W along the north line of said Millennial Estates Third Addition a distance of 676.00 feet to the Northwest corner of Lot 2, Block 2 of said Millennial Estates Third Addition; thence S 00°21'13" E along the West line of said Lot 2, a distance of 115.00 feet to the North right-of-way line of 37th Street; thence S 89°38'57" W, along said North right-of-way line, a distance of 68.00 feet to a point of intersection of said North right-of-way line of Avenue V; thence N 00°21'03" W, along said east right-of-way line, a distance of 115.00 feet; thence N 86°30'56" W a distance of 60.13 feet to a point being the Northeast corner of Lot 4, Block 1 of said Millennial Estates Third Addition also being a point on the West

right-of-way line of Avenue V; thence S 89°30'35" W along the north line of said Millennial Estates Third, a distance of 145.92 feet to a point being the Northwest corner of Lot 4, Block 1 of said Millennial Estates Third; thence N 00°33'39" E a distance of 488.31 feet to the point of beginning, said tract contains a calculated area of 423,395.29 square feet or 9.719 acres more or less of which 1.554 acres is new dedicated road right-of-way, all in Buffalo County, Nebraska (South of 39th Street, West of Avenue X, North of 37th Street) be approved subject to the following deviations:

1. Site area of 5,980-square feet for 13 single-family residential lots.
2. 52-foot lot width (13 lots), 53-foot lot width (14 lots), and 57-68-foot lot widths (6 lots).
3. 5-foot side yard setback for 32 residential lots.
4. 32-foot urban local street width with an 18-foot minimum cartway 100% of the time, a minimum of 4 on-premise parking spaces with two tandem parking lanes per single-family residential lots, and the use of cluster mailboxes.
5. A Planned District Development Plan Approval application for Lots 1 and 18, Block 1 will need to be submitted to the Planning Commission and City Council for approval prior to development.
6. No Parking Signage.
7. One (1) sanitary and water connection per R-2 lots being noted as single-family on the final plat to inform future owners of the limitation.

PASSED AND APPROVED THIS 9TH DAY OF FEBRUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held January 26, 2021.
2. Approve the following Claims:

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

911 Custom-\$22,871.50-smcs,co; Air Cleaning Technologies-\$84.25-smcs; Alfred Benesch-\$79,314.00-co; American Red Cross-\$137.50-smcs; Ask Supply-\$495.34-smcs; Baer,E-\$85.00-smcs; Baker & Taylor-\$4,498.65-smcs; Bamford-\$1,250.00-smcs; Barco Municipal-\$3,408.59-smcs; Blackstone Publishing-\$1,191.58-smcs; Blackstrap-\$4,864.72-smcs; BlueCross BlueShield-\$133,273.94-smcs; Bosselman-\$5,832.92-smcs; Bridgett Lavene-\$2,500.00-smcs; Buffalo Co Register Deeds-\$138.00-smcs; Cash-wa-\$79.65-smcs; Center Point Large Print-\$75.96-smcs; Central Hyd Systems-\$7,264.50-co; Central NE Bobcat-\$13,068.94-co; Cigna-\$7,899.32-smcs; City of Kearney-

\$424,209.01-smc,ps; CivicPlus-\$752.46-smcs; Collins,G-\$170.00-smcs; Comm Health Agencies-\$58.00-ps; Comm Service Fund of NE-\$52.00-ps; Comm. Action Partnership-\$630.00-smcs; Compute North-\$30,741.82-smcs; Core & Main-\$7,425.80-smcs; Credit Management Serv.-\$94.04-ps; Cummins-\$2,296.60-smcs; Dave Waggoner Plumbing-\$85.00-smcs; Dell Marketing-\$4,858.91-co; Ditch Witch-\$269.51-smcs; DPC Industries-\$7,384.44-smcs; Eakes-\$474.60-smcs; Elliott Equipment-\$3,386.00-smcs; EMC Insurance-\$40,693.29-smcs; Family Practice-\$312.00-ps; Greater NE Cities-\$1,000.00-smcs; HM Life Insurance-\$57,638.98-smcs; Hockemeier,J-\$94.13-smcs; Hometown Leasing-\$159.08-smcs; Hotsy Equipment-\$808.60-smcs; Hydro Optimization-\$609.00-smcs; Hydro Tech-\$120.00-smcs; ICMA Retirement Trust-\$7,106.59-ps; Integrated Security-\$7,748.00-smcs,co; Interstate Batteries-\$687.90-smcs; IRS-\$153,707.87-ps; Jack's Uniforms-\$2,179.91-smcs; Kearney Noon Rotary-\$140.00-smcs; Kearney Winlectric-\$24,640.01-co; Konica Minolta-\$1,884.83-smcs; Magic Cleaning-\$6,650.00-smcs; Marlatt Machine-\$1,039.72-smcs; McDowell,J-\$100.00-smcs; Midlands Contracting-\$28,400.00-smcs; Midwest Connect-\$270.51-smcs; Miller & Associates-\$33,300.75-co; Minitex-\$2,116.00-smcs; Morton Construction-\$55,148.96-co; NE Child Support-\$1,517.12-ps; NE Department of Revenue-\$93,499.36-smcs,ps; NE Public Health-\$18.00-smcs; NE Safety & Fire-\$360.00-smcs; NE Salt & Grain-\$14,878.15-smcs; NE State Fire Service-\$500.00-smcs; Nevada Vital Records-\$25.00-smcs; Nickerson,K-\$1,700.00-smcs; Nielsen Contracting-\$32,367.00-co; Northwestern Energy-\$4,665.47-smcs; Oak Creek Engineering-\$22,721.70-co; O'Keefe Elevator-\$465.55-smcs; One Call Concepts-\$225.61-smcs; Paramount-\$62.52-smcs; Payflex-\$1,044.00-smcs,ps; Penworthy-\$311.46-smcs; Pep Co-\$436.70-smcs; Platte Valley Comm.-\$110.00-smcs; Presto-X-\$496.00-smcs; RDG Planning-\$7,103.30-co; Rheome Tree-\$825.00-smcs; Rinder Printing-\$642.08-smcs; S&B Heating-\$1,202.55-smcs; Scales-\$1,000.00-smcs; Schindler Elevator-\$1,003.08-smcs; Sherwin Williams-\$435.53-smcs; SOS Portable-\$220.00-smcs; State of Nebraska-\$4.90-smcs; Superior-\$1,069.64-smcs; The Shopper-\$733.77-smcs; Transparency-\$525.00-smcs; Tri-Cities Group-\$187.40-smcs; Tri-City Sign-\$98,064.00-co; Tye & Rowling-\$14,827.02-smcs; Union Bank & Trust-\$83,705.05-ps; United Way of Kearney-\$308.76-ps; UNK-\$240.00-smcs; Verizon-\$8,225.03-smcs; Village Uniform-\$275.54-smcs; Volaire Aviation-\$2,000.00-smcs; Payroll Ending 01/30/21 -- \$493,013.27. 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 2021 Part 2 Improvements; Pony Express Road and set the bid opening date for March 2, 2021 at 2:00 p.m.
4. Accept the proposals received for the new splash pad equipment, surfacing and installation at Collins Park and award the proposal submitted by Crouch Recreation in the amount of \$100,000.00.
5. Accept the proposals received for the Collins Park playground structure and award the proposal submitted by Creative Sites, LLC in the amount of \$54,799.00.
6. Accept the proposals received for the 2021 Service Weapon Replacement and award the proposal submitted by Jack's Uniforms and Equipment in the amount not to exceed \$15,000.00.

7. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-124101 liquor license application for Scott Klone dba Brix located at 14 East 21st Street.

8. Adopt Resolution No. 2021-24 approving the Developer Constructed Infrastructure Agreement for Fountain Hills Twelfth Addition between the City of Kearney Susan M. Roberts, President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company, Anna L. Stehlik, Trustee and the Fountain Hills Outlot Maintenance Association, Inc., a Nebraska Non-Profit Corporation, for the construction of paving, water main and storm sewer improvements to serve Fountain Hills Twelfth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2021-24

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Fountain Hills Twelfth Addition, an addition to the City of Kearney, Buffalo County, Nebraska" between the City of Kearney and Susan M. Roberts, President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company, Anna L. Stehlik, Trustee and the Fountain Hills Outlot Maintenance Association, Inc., a Nebraska Non-Profit Corporation for the construction of paving, water, and storm sewer improvements for Fountain Hills Twelfth 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 9TH DAY OF FEBRUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Accept the Proposals received for the construction of sidewalks and miscellaneous concrete work in City parks and award the Proposal submitted by GD Concrete Construction, Inc. in the amount of \$62,005.00.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8467 REPEALING ORDINANCE NO. 8442 ADOPTING SALARY ORDINANCE

Council Member Nikkila introduced Ordinance No. 8467 repealing Ordinance No. 8442 and classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for payment of vehicle allowance; and provide for payment of health and dental benefits for active full-time employees; to provide for payment of health benefits for early retiree employees

pursuant to Resolution No. 2019-68A, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinance 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 suspend the rules for Ordinance No. 8467. 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. 8467 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. 8467 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. 8467 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

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KEARNEY AND THE MUSEUM OF NEBRASKA ART, INC (MONA)

Mayor Clouse opened for discussion the consideration of Resolution No. 2021-25 approving the Memorandum of Understanding between the City of Kearney and the Museum of Nebraska Art, Inc., a Nebraska Non-Profit Corporation (MONA), pertaining to the proposed MONA Expansion Project located at 2401 Central Avenue.

Michael Tye, City Attorney presented this matter to the Council. Mr. Tye stated the Memorandum of Understanding (MOU) pertains to the City owned parking lot directly north of MONA. Mr. Tye noted MONA will be undertaking a fundraising effort to raise approximately \$20,000,000 for their project. The MOU includes MONA's requests of the City, one of which includes Public Hearing 2 on this evening's Agenda regarding vacating the alley and rezoning the block; the acquisition of the City owned parking lot that will be deeded to MONA at no cost, once sufficient funding is raised; and to be allowed the ability to conduct testing in the parking lot while the City is still the owner. Finally, the MOU includes the City's agreeance to find a new, suitable location for the Veteran's Memorial with MONA agreeing to pay the cost to have it moved to a new location. The City will continue to own and maintain the parking lot until MONA is in a position to move forward with their project; once MONA is ready to proceed with their project the parking lot will be deeded to them.

Council Member Nikkila questioned the timing of the relocation of the Veteran's Memorial? City Attorney Michael Tye stated the Memorial will be moved before the

property is transferred to MONA and will be decided through ongoing communication between the City and MONA as MONA progresses through their project.

Moved by Lear seconded by Buschkoetter to approve the Memorandum of Understanding between the City of Kearney and the Museum of Nebraska Art, Inc., a Nebraska Non-Profit Corporation (MONA), pertaining to the proposed MONA Expansion Project located at 2401 Central Avenue and approve Resolution No. 2021-25. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2021-25

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the agreement entitled "Memorandum of Understanding" between the City of Kearney, a Municipal Corporation, and Museum of Nebraska Art, Inc., a Nebraska Non-Profit Corporation (MONA), pertaining to the proposed MONA Expansion Project located at 2401 Central Avenue be and is hereby accepted and approved contingent upon Museum of Nebraska Art, Inc., a Nebraska Non-Profit Corporation executing the Memorandum of Understanding.

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 9TH DAY OF FEBRUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

OPEN ACCOUNT CLAIM

Moved by Clouse seconded by Nikkila that the Open Account Claim in the amount of \$2,725.25 payable to Goodwill Industries be allowed. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter abstained. Motion carried.

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$17,274.63 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Moore Buschkoetter. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:10 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**