

*Kearney, Nebraska
April 13, 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 April 13, 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, Tami James Moore and Jonathan Nikkila. Absent: Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Eric Hellriegel, Assistant City Manager; 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

Two (2) Boy Scouts from Troop 158 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

REZONING OF PROPERTY LOCATED EAST OF ANTELOPE AVENUE AND NORTH OF 92ND STREET

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

Mayor Clouse opened the public hearing on the application submitted by Buffalo Surveying Corp. for Craig and Kimberly Capellen and Brent and Carolyn Hofferber to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Antelope Avenue and North of 92nd Street) and consider Ordinance No. 8477.

Mitch Humphrey, with Buffalo Surveying Corporation presented this matter to the Council. Mr. Humphrey demonstrated the location of the property and how the City's two mile jurisdiction dissects the area being discussed. Mr. Humphrey explained the difference between the City and County's jurisdictions pertaining to how the property is developed and explained after discussions with both the City and County it was decided to apply for development of the property through the City instead of the County. Because of this, the entire 10.1 acre parcel will be rezoned to District RR-1 so zoning will accommodate future, potential growth of the City, if approved. However, until the Extra Territorial Jurisdiction (ETJ) expands, any building completed on the southern most area of the subdivision would go through the City of Kearney's Development Services Department; any building north of the ETJ would be handled through the County. The Final Plat shows a two (2) lot subdivision with a 50-foot strip of land dedicated for the right-of-away. Mr. Humphrey noted there is an electric easement for an electric transmission line that cuts through the northeast corner of the subdivision.

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 Craig and Kimberly Capellen and Brent and Carolyn Hofferber and introduced Ordinance No. 8477 rezoning from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Antelope Avenue and North of 92nd 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. 8477. 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 absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8477 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 absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8477 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8477 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 HOFFERBER – CAPELLEN SUBDIVISION

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

Mayor Clouse opened the public hearing on the application submitted by Buffalo Surveying Corp. for Craig and Kimberly Capellen and Brent and Carolyn Hofferber for the Final Plat for Hofferber – Capellen Subdivision, a subdivision being part of the Southeast Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Antelope Avenue and North of 92nd Street) and consider Resolution No. 2021-48.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2021-48 approving the application submitted by Buffalo Surveying Corp. for Craig and Kimberly Capellen and Brent and Carolyn Hofferber for the Final Plat for Hofferber – Capellen Subdivision, a subdivision being part of the Southeast Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Antelope Avenue and North of 92nd Street). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2021-48

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Hofferber – Capellen Subdivision, a subdivision being part of the Southeast Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska for a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 8, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of the Northwest Quarter of Section 8 and assuming the South line of the Southwest Quarter of the Northwest Quarter of Section 8 as bearing N 89°39'10" E and all bearings contained herein are relative thereto; thence

on the South line of the Southwest Quarter of the Northwest Quarter of said Section 8, N 89°39'10" E a distance of 1319.06 feet to the Southeast Corner of the Southwest Quarter of the Northwest Quarter of said Section 8, said point also being the Southwest Corner of the Southeast Quarter of the Northwest Quarter of said Section 8; thence on the South line of the Southeast Quarter of the Northwest Quarter of said Section 8, N 89°39'40" E a distance of 89.53 feet to the ACTUAL PLACE OF BEGINNING; thence continuing on the South line of the Southeast Quarter of the Northwest Quarter of said Section 8, N 89°39'40" E a distance of 377.00 feet; thence leaving the South line of the Southeast Quarter of the Northwest Quarter of said Section 8, N 00°28'03" W a distance of 1167.70 feet to a point on the South line of Block Three, Antelope Park Estates, a subdivision being part of the Northwest Quarter of Section 8, Township 9 North, Range 15 West of the Sixth Principal Meridian, Buffalo County, Nebraska, said point being 854.93 feet West of the Southeast Corner of said Antelope Park Estates; thence on the South line of Block Three of said Antelope Park Estates, S 89°41'13" W a distance of 377.00 feet; thence leaving the South line of Block Three of said Antelope Park Estates, S 00°28'03" E, parallel with the West line of R. D. Wilson Administrative Subdivision, an administrative subdivision being part of the Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) of Section Eight (8), Township Nine (9) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, a distance of 1167.87 feet to the place of beginning, containing 10.11 acres, more or less, of which 0.29 acres, more or less, are presently being used for road purposes on the South side, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 13TH DAY OF APRIL, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

VACATING AND REZONING PROPERTY LOCATED NORTH OF EASTBROOKE DRIVE AND AVENUE K AND EAST OF STONERIDGE LAKE

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

Mayor Clouse opened the public hearing on the applications submitted by Buffalo Surveying Corp. for NP Land Development, Inc., a Nebraska Corporation and Nancy Norwood, Trustee of the Nancy Norwood Revocable Trust to (1) vacate Lot 1, Block Two, Stoneridge Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8478; and (2) rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) for property described as a tract of land being part of the Northeast Quarter of the Southeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Eastbrooke Drive and Avenue K and East of Stoneridge Lake) and consider Ordinance No. 8479. The Developers worked with the City's Utility Department to accommodate

easements for the

Mitch Humphrey, with Buffalo Surveying Corporation presented this matter to the Council. Mr. Humphrey stated the property owners are requesting the ability to develop the land east of Stoneridge Lake. The size of the lot to be vacated will be increased by 26-feet and included on the Stoneridge Tenth Subdivision plat. Mr. Humphrey described traffic circulation through the new subdivision and reviewed how connection to the stormwater and sanitary sewer will be accomplished as well as the infrastructure feasibility plan. A section of the property will remain with the lake due to a relocated irrigation well that will turn on when the lake reaches a certain level.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the application submitted by Buffalo Surveying Corp. for NP Land Development, Inc., a Nebraska Corporation and Nancy Norwood, Trustee of the Nancy Norwood Revocable Trust and introduced Ordinance No. 8478 vacating Lot 1, Block Two, Stoneridge Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and Ordinance No. 8479 rezoning from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) for property described as a tract of land being part of the Northeast Quarter of the Southeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of Eastbrooke Drive and Avenue K and East of Stoneridge Lake) 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. 8478 and 8479. 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, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 8478 and 8479 by number. Roll call of those in favor of the passage of said ordinances on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried. Ordinances were read by number.

Moved by Nikkila seconded by Moore that Ordinance Nos. 8478 and 8479 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinances, Ordinance Nos. 8478 and 8479 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 AND SUBDIVISION AGREEMENT FOR STONERIDGE TENTH ADDITION

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

Mayor Clouse opened the public hearing on the application submitted by Buffalo Surveying Corp. for NP Land Development, Inc., a Nebraska Corporation and Nancy Norwood, Trustee for the Final Plat and Subdivision Agreement for Stoneridge Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northeast Quarter of the Southeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska with said tract of land being inclusive of to be vacated Lot 1, Block Two, Stoneridge Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of Eastbrooke Drive and Avenue K and East of Stoneridge Lake) and consider Resolution No. 2021-49.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Buschkoetter to close the hearing and adopt Resolution No. 2021-49 approving the application submitted by Buffalo Surveying Corp. for NP Land Development, Inc., a Nebraska Corporation and Nancy Norwood, Trustee for the Final Plat and Subdivision Agreement for Stoneridge Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northeast Quarter of the Southeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska with said tract of land being inclusive of to be vacated Lot 1, Block Two, Stoneridge Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of Eastbrooke Drive and Avenue K and East of Stoneridge Lake). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2021-49

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Stoneridge Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Northeast Quarter of the Southeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with said tract of land being inclusive of vacated Lot 1, Block Two, Stoneridge Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, all more particularly described as follows: Referring to the Northeast Corner of the Southeast Quarter of Section 24, said point also being the Northeast Corner of Stoneridge Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska and assuming the East line of the Southeast Quarter of Section 24 as bearing S 00°28'53" E and all bearings contained herein are relative thereto; thence on the North line of said Southeast Quarter of Section 24 and on the North line of said Stoneridge Third Addition and on the North line of Stoneridge Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, S 89°31'01" W a distance of 710.00 feet to the ACTUAL PLACE OF BEGINNING, said point being the Northwest Corner of said Stoneridge Sixth Addition; thence continuing on the North line of said Southeast Quarter of Section 24, S

89°31'01" W a distance of 371.00 feet to Southwest Corner of Lot Ten (10), Bel Air First Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving said Southeast Quarter of Section 24, S 44°42'07" E a distance of 187.19 feet to a point on a 50.0 foot radius non-tangent curve, concave easterly; thence southerly on said curve forming a central angle of 98°54'56" an arc distance of 86.32 feet to a point being S 04°09'24" E a chord distance of 75.99 feet from the previously described point; thence leaving said curve, non-tangent, S 00°28'53" E a distance of 43.56 feet; thence S 89°31'07" W a distance of 205.39 feet; thence S 54°25'21" W a distance of 109.13 feet; thence S 28°58'08" E a distance of 242.03 feet; thence S 03°38'57" W a distance of 288.28 feet; thence S 06°11'31" E a distance of 199.48 feet to the Northwest Corner of Lot 2, Block Two, Stoneridge Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence on the North line of said Lot 2, Block Two, Stoneridge Eighth Addition, N 89°31'07" E a distance of 180.15 feet to the Northeast Corner of said Lot 2, Block Two, Stoneridge Eighth Addition, said point also being on the West line of Avenue "K" a street as shown on the plat and dedication of said Stoneridge Eighth Addition; thence N 00°28'53" W on the West line of said Avenue "K" a distance of 100.00 feet to a point on the North line of said Stoneridge Eighth Addition; thence on the North line of said Stoneridge Eighth Addition N 89°31'07" E a distance of 60.00 feet to a point on the East line of said Avenue "K", and with said point also being on the West line of Lot 1, Block One of said Stoneridge Eighth Addition; thence continuing on the North line of said Stoneridge Eighth Addition and on the West line of said Lot 1, Block One Stoneridge Eighth Addition and on the East line of said Avenue "K", N 00°28'53" W a distance of 12.90 feet to the Northwest Corner of said Lot 1, Block One, Stoneridge Eighth Addition; thence continuing on the North line of said Stoneridge Eighth Addition N 89°31'07" E a distance of 175.58 feet to the Northeast Corner of said Stoneridge Eighth Addition, said point being on the West line of said Stoneridge Sixth Addition; thence on the West line of said Stoneridge Sixth Addition N 00°28'53" W a distance of 902.15 feet to the place of beginning, containing 8.77 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 13TH DAY OF APRIL, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ANNEXATION OF STONERIDGE TENTH ADDITION

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

Mayor Clouse opened the public hearing on the application submitted by Buffalo Surveying Corp. for NP Land Development, Inc., a Nebraska Corporation and Nancy Norwood, Trustee for the annexation of Stoneridge Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northeast Quarter of the Southeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska with said tract of land being inclusive of to be vacated Lot 1, Block Two, Stoneridge Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of Eastbrooke Drive and Avenue K and East of Stoneridge Lake) and consider Resolution No. 2021-50.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2021-50 approving the application submitted by Buffalo Surveying Corp. for NP Land Development, Inc., a Nebraska Corporation and Nancy Norwood, Trustee for the annexation of Stoneridge Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northeast Quarter of the Southeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska with said tract of land being inclusive of to be vacated Lot 1, Block Two, Stoneridge Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of Eastbrooke Drive and Avenue K and East of Stoneridge Lake). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2021-50

WHEREAS, an Application has been submitted by Buffalo Surveying Corp. for NP Land Development, Inc., a Nebraska Corporation and Nancy Norwood, Trustee for the inclusion of Stoneridge Tenth Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the Northeast Quarter of the Southeast Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with said tract of land being inclusive of vacated Lot 1, Block Two, Stoneridge Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, all more particularly described as follows: Referring to the Northeast Corner of the Southeast Quarter of Section 24, said point also being the Northeast Corner of Stoneridge Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska and assuming the East line of the Southeast Quarter of Section 24 as bearing S 00°28'53" E and all bearings contained herein are relative thereto; thence on the North line of said Southeast Quarter of Section 24 and on the North line of said Stoneridge Third Addition and on the North line of Stoneridge Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, S 89°31'01" W a distance of 710.00 feet to the ACTUAL PLACE OF BEGINNING, said point being the Northwest Corner of said Stoneridge Sixth Addition; thence continuing on the North line of said Southeast Quarter of Section 24, S 89°31'01" W a distance of 371.00 feet to Southwest Corner of Lot Ten (10), Bel Air First Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence leaving

said Southeast Quarter of Section 24, S 44°42'07" E a distance of 187.19 feet to a point on a 50.0 foot radius non-tangent curve, concave easterly; thence southerly on said curve forming a central angle of 98°54'56" an arc distance of 86.32 feet to a point being S 04°09'24" E a chord distance of 75.99 feet from the previously described point; thence leaving said curve, non-tangent, S 00°28'53" E a distance of 43.56 feet; thence S 89°31'07" W a distance of 205.39 feet; thence S 54°25'21" W a distance of 109.13 feet; thence S 28°58'08" E a distance of 242.03 feet; thence S 03°38'57" W a distance of 288.28 feet; thence S 06°11'31" E a distance of 199.48 feet to the Northwest Corner of Lot 2, Block Two, Stoneridge Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence on the North line of said Lot 2, Block Two, Stoneridge Eighth Addition, N 89°31'07" E a distance of 180.15 feet to the Northeast Corner of said Lot 2, Block Two, Stoneridge Eighth Addition, said point also being on the West line of Avenue "K" a street as shown on the plat and dedication of said Stoneridge Eighth Addition; thence N 00°28'53" W on the West line of said Avenue "K" a distance of 100.00 feet to a point on the North line of said Stoneridge Eighth Addition; thence on the North line of said Stoneridge Eighth Addition N 89°31'07" E a distance of 60.00 feet to a point on the East line of said Avenue "K", and with said point also being on the West line of Lot 1, Block One of said Stoneridge Eighth Addition; thence continuing on the North line of said Stoneridge Eighth Addition and on the West line of said Lot 1, Block One Stoneridge Eighth Addition and on the East line of said Avenue "K", N 00°28'53" W a distance of 12.90 feet to the Northwest Corner of said Lot 1, Block One, Stoneridge Eighth Addition; thence continuing on the North line of said Stoneridge Eighth Addition N 89°31'07" E a distance of 175.58 feet to the Northeast Corner of said Stoneridge Eighth Addition, said point being on the West line of said Stoneridge Sixth Addition; thence on the West line of said Stoneridge Sixth Addition N 00°28'53" W a distance of 902.15 feet to the place of beginning, containing 8.77 acres, more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on March 19, 2021 on the inclusion of Stoneridge Tenth 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 Stoneridge Tenth 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 April 13, 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 Stoneridge Tenth 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 Stoneridge Tenth 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 13TH DAY OF APRIL, 2021.

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 15 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held March 23, 2021.
2. Approve the following Claims:

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

2nd Chance Body Shop-\$600.00-smcs; Acushnet-\$6,177.01-smcs; Amax -\$54.40-smcs; Aurora Coop-\$59.04-smcs; Amazon-\$1,863.55-smcs; Anderson,S-\$61.26-smcs; Arrants,J-\$31.81-smcs; Artisans Photography-\$40.00-smcs; Ask Supply-\$4,927.06-smcs; Auto Value Parts-\$1,396.41-smcs; Avfuel-\$25,959.91-smcs; Baker & Taylor-\$3,192.88-smcs; Blackstone-\$40.00-smcs; BlueCross BlueShield-\$267,328.94-smcs; Bontz,M-\$21.99-smcs; Bosselman-\$67,810.71-smcs; Boyd,A-\$55.00-smcs; Bridgett Lavene Consult.-\$2,500.00-smcs; Buffalo Co. Register-\$80.00-smcs; Buffalo Co. Sheriff-\$199,400.00-smcs; Buffalo Outdoor Power-\$15,103.75-co; Builders-\$1,905.90-smcs,co; Carolina Software-\$800.00-co; Carquest-\$109.41-smcs; Cash-Wa-\$3,426.86-smcs; CDW Government-\$7,586.84-smcs; Cengage/Gale-\$23.99-smcs; Central Piping-\$110.00-smcs; Central States Wire-\$216.80-smcs; Chesterman-\$539.20-smcs; Cigna-\$8,075.07-smcs; Cintas-\$41.27-smcs; City of Ky-\$453,943.89-smcs,ps; Community Action -\$544.50-smcs; Community Health Agency-\$58.00-ps; Comm Serv Fund of NE-\$52.00-ps; Compasscom-\$225.00-smcs; Compute North-\$42,251.05-smcs; Continued Education Dept.-\$4,000.00-smcs; Credit Management-\$198.94-ps; Crowell,M-\$17.46-ps; Cummins-\$324.33-smcs; Cutting Edge Cleaning-\$140.00-smcs; D & K Products-\$6,647.82-smcs; D & M Security-\$70.50-smcs; Dakon,M-\$500.00-smcs; Dan's Plumbing-\$115.86-smcs; Demco-\$4,504.89-smcs; Depository Trust-\$13,353.75-ds; Dish-\$119.82-smcs; Double J -\$158.78-smcs; Dowhy Towing -\$200.00-smcs; DPC Industries-\$6,901.68-smcs; Eagle Distributing-\$19.58-smcs; Eakes-\$15,802.02-smcs,co; Ed Broadfoot-\$582.00-smcs; Electric Pump-\$5,834.07-smcs; Engel,M-\$12.23-smcs; English,C-\$30.02-smcs; Envirotech-\$5,088.39-smcs; ESRI-\$10,800.00-co; Eustis Body-\$1,080.00-smcs; Faz,A-\$132.00-smcs; Fedex-\$31.82-smcs; Fiddelke-\$2,173.00-smcs; Fire Com-\$3,142.45-smcs; Greater NE Cities-\$1,000.00-smcs; Hahn,S-\$600.00-smcs; Handy Andy Rentals-\$300.31-smcs; Hastings Tribune-\$293.25-smcs; Heartland Cleaning-\$370.00-smcs; Heiman Fire-\$709.60-smcs; Highland Park-\$1,918.91-smcs; HM Life Insurance-\$58,389.23-smcs; Hockemeier,J-\$37.43-smcs; Holiday Inn-\$2,034.00-smcs; Home Depot Pro-\$306.00-smcs; Hometown Leasing-\$159.08-smcs;

ICMA Retirement-\$64,363.96-ps; IRS-\$356,617.00-ps; Jack Lederman-\$188.91-smcs; Jack's Uniforms-\$15,601.24-smcs; Jackson Services-\$303.67-smcs; Johnson,T-\$38.88-smcs; Jonak,K-\$100.00-smcs; Ky Animal Shelter-\$10,000.00-smcs; Ky Concrete-\$1,880.00-smcs; Kiesler Police Supply-\$15,046.70-co; Kirkham Michael-\$165.00-smcs; Konica Minolta-\$719.74-smcs; Kwaitkowski,D-\$48.40-smcs; Landmark Implement-\$46,500.00-co; Landstrom,C-\$400.00-smcs; Library Ideas-\$7,725.00-smcs; Logan Contractors-\$22,825.00-co; Mac Tools-\$638.99-smcs; Magic Cleaning-\$6,650.00-smcs; Marlatt Machine-\$3,381.82-smcs; Martinez,J-\$100.00-smcs; Menards-\$145.67-smcs; Merryman -\$145.00-smcs; Mid NE Aggregate-\$213.60-smcs; Midwest Connect-\$9,275.92-smcs; Midwest Petroleum-\$722.00-smcs; Milco Environmental-\$6,492.89-smcs; Miller & Associates-\$153,321.50-co; Mirror Image-\$537.76-smcs; Moore & O'Conner Const.-\$47.19-smcs; Mostek Electric-\$855.00-smcs; Municode-\$131.23-smcs; Murphy Tractor-\$2,038.62-smcs; NE Child Support-\$3,034.24-ps; NE Dept of Labor-\$6.38-smcs; NE Dept of Revenue-\$64,622.02-ps; NE Public Health-\$1,058.00-smcs; NE Safety & Fire-\$360.00-smcs; NE Salt & Grain-\$1,641.41-smcs; Nebraskaland Distributing-\$506.50-smcs; New Deal Deicing-\$6,160.00-smcs; Newman-\$40.53-smcs; Northwestern Energy-\$8,457.45-smcs; Northwestern University-\$4,200.00-smcs; Oak Creek Engineering-\$8,368.50-co; Odeys Inc-\$12,290.00-smcs; Olsson-\$5,489.62-co; Omni Engineering-\$4,991.85-smcs; One Call Concepts-\$441.11-smcs; Orlando,T-\$5.40-smcs; Paramount-\$31.26-smcs; Park Seed Wholesale-\$58.59-smcs; Payflex-\$544.00-smcs,ps; Pep Co-\$137.34-smcs; Perez,Y-\$62.50-smcs; Petri,K-\$20.05-ps; Ping-\$1,846.25-smcs; Pioneer Mfg.-\$1,351.25-smcs; Platte Valley Laboratories- \$655.00-smcs; Pohlman,K-\$43.00-smcs; Powertech-\$1,011.63-smcs; Prime Communications-\$115.00-smcs; Ravenna Sanitation -\$45.00-smcs; RDG Planning-\$8,475.00-smcs; Republic National-\$690.46-smcs; Rubicon Global-\$1,774.03-smcs; Russell,S-\$68.10-smcs; S&B Heating-\$855.90-smcs; Sandry Fire-\$2,566.50-smcs; Schroeder,J-\$25.00-smcs; Schroeder,L-\$13.37-smcs; Schumacher Bros Fencing-\$10,775.00-smcs; Schwanke,G-\$59.54-smcs; See Clear Cleaning-\$2,439.25-smcs; Setcom-\$544.47-smcs; Sherwin Williams-\$31.77-smcs; Shredding Solutions-\$45.00-smcs; SiteOne-\$393.18-smcs; Smallwood,G-\$18.66-smcs; Sorensen,D-\$48.04-smcs; SOS Portable Toilets-\$220.00-smcs; Southern Glazers-\$2,620.31-smcs; Springer Roofing-\$470.00-smcs; Stratman,N-\$5.57-smcs; Stutsman-\$2,196.00-smcs; Suchsland,T-\$31.00-smcs; TFD INV-\$35.61-smcs; Trade Well Pallet-\$1,700.00-smcs; Tri Cities Group-\$1,595.21-smcs; Tri Co Glass-\$1,447.75-smcs; Turner Body Shop-\$100.00-smcs; Twin City Hardware-\$177.66-smcs; Tye & Rowling-\$14,680.91-smcs; Union Bank & Trust-\$320,254.19-smcs,ps; United Way of Ky-\$273.76-ps; University Rentals-\$51.93-smcs; Verizon-\$7,863.58-smcs; Village Uniform-\$210.00-smcs; Walter's Electric-\$288.04-co; Waterlink-\$682.12-smcs; Wellman,P-\$31.00-smcs; Wilco Life-\$10.00-ps; Payroll Ending 03/27/2021 -- \$494,913.10. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Authorize the City Clerk to send a letter of approval to the Nebraska Liquor Control Commission for an Addition to Liquor License submitted by Upper Room Brewery, LLC, dba Upper Room Brewery located at 1540 West 56th Street, Suite D in connection with their Class C-123999 liquor license.

4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the catering application submitted by B & B Research & Invest LLC, dba Cup 1919 located at 1220 Central Avenue, Suite 3 in connection with their Class C-124010 liquor license.

5. Adopt Resolution No. 2021-51 approving the Annual Redevelopment Project Report as required by State Statute 18.2117.02.

RESOLUTION NO. 2021-51

WHEREAS, on March 21, 2018, Governor Ricketts signed LB 874 which took effect on July 19, 2018; and

WHEREAS, Section 18-2117.02 of LB 874 states that on or before May 1 of each year, each authority shall compile information regarding the approval and progress of redevelopment projects that are financed in whole or in part through the division of taxes as provided in section 18-2147 and report such information to the governing body of the city and to the governing body of each county, school district, community college area, educational service unit, and natural resources district whose property taxes are affected by such division of taxes; and

WHEREAS, The report is required to include the following information:

1. Total number of active redevelopment projects within the city that have been financed in whole or in part through the division of taxes as provided in section 18-2147.
2. Total estimated project costs for such redevelopment projects.
3. A comparison between the initial projected valuation for property included in each such redevelopment project as described in the redevelopment contract and the assessed value of the property included in each such redevelopment project as of January 1 of the year of the report.
4. The number of such redevelopment projects approved by the governing body in the previous calendar year.
5. Information specific to each such redevelopment project approved by the governing body in the previous calendar year, including the project area, project type, amount of financing approved, and total estimated project costs.
6. The number of such redevelopment projects for which financing has been paid in full during the previous calendar year and for which taxes are no longer being divided pursuant to section 18-2147.
7. The percentage of the city that has been designated as blighted; and

WHEREAS, on April 5, 2021, the Community Redevelopment Authority approved the 2021 annual report.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the 2021 Annual Report required by Section 18-2117.02 of LB 874 as set forth in the attached report, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby approved.

PASSED AND APPROVED THIS 13TH DAY OF APRIL, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution No. 2021-52 approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Connor Brown, Steven Brumbaugh, Adam Grazier, Logan Hansen, Shane Trofholz, Vince Vollmer and Ryan Wheeler.

RESOLUTION NO. 2021-52

WHEREAS, Jim Tacha, Chief of the Kearney Volunteer Fire Department, has forwarded names of individuals desiring to serve as a volunteer in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Tacha, the City Council of the City of Kearney, Nebraska hereby finds and determines that said persons listed are fully capable and qualified to serve a membership in the Kearney Volunteer Fire Department; and

WHEREAS, in order to be qualified for benefits in accordance with Sections 48-115, et seq. of the Nebraska Revised Statutes, said volunteer firefighters acting outside the corporate limits of the City must be officially directed to do so in order to be eligible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that the persons recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as members of the Kearney Volunteer Fire Department for the purposes of and in accordance with Section 48-115 of the Nebraska Revised Statutes, and that said members are fully entitled to benefits under the Workers' Compensation Act.

BE IT FURTHER RESOLVED that all of said volunteer firefighters named on Exhibit "A" are hereby specifically authorized and directed to serve outside the corporate limits of the municipality under the direction, orders and authority of the Chief of the Kearney Volunteer Fire Department in accordance with Section 4-204 of the Kearney City Code.

PASSED AND APPROVED THIS 13TH DAY OF APRIL, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2021-53 approving Application for Payment No. 1 in the amount of \$53,012.70 submitted by Wilke Contracting and approved by Oak Creek Engineering for 2021 Part 1 Improvements; Rolling Hills Road Bridge Repairs.

RESOLUTION NO. 2021-53

WHEREAS, Wilke Contracting of Kearney, Nebraska has performed services in connection with 2021 Part 1 Improvements; Rolling Hills Road Bridge Repairs, and the City's engineer, Oak Creek Engineering, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$53,012.70 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 78,959.25</u>
Contract Sum To Date	78,959.25

Gross Amount Due	58,903.00
Retainage (10%)	- <u>5,890.30</u>
Amount Due to Date	53,012.70
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$ 53,012.70

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 1, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF APRIL, 2021.

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-124250 liquor license application and manager application for Tina Stone submitted by Casey's Retail Company dba Casey's General Store #2038 located at 2710 West 24th Street.

9. Approve the request submitted by Broadfoot's Sand and Gravel to extend Conditional Use Permit No. 2000-03 locating a mining of gravel operation on property located ¾ mile west of Kearney Best Western Plus Mid-Nebraska Inn and Suites (formerly Fort Kearny Inn) and south of Interstate 80 for a period of five years.

10. Approve the application submitted by Werner Construction, Inc. for Kappas Enterprises, to extend Conditional Use Permit No. 2018-02 to locate and operate a sand and gravel pumping operation and temporary batch plant located east of the Kearney Expressway and north of Interstate 80 for a period of two years.

11. Approve the Agreement between the City of Kearney and Central Nebraska Auto Club on behalf of Cruise Nite 2021 which describes parking on these public properties that are prohibited on July 17, 2021 beginning at 2:00 a.m. and adopt Resolution No. 2021-54.

RESOLUTION NO. 2021-54

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Agreement, on behalf of the City of Kearney, Nebraska, with the Central Nebraska Auto Club, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF APRIL, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. Adopt Resolution No. 2021-55 approving the Developer Constructed Infrastructure Agreement for Stoneridge Tenth Addition between the City of Kearney and Timothy Norwood, President of NP Land Development, Inc., a Nebraska Corporation and Nancy Norwood, Trustee of the Nancy Norwood Revocable Trust for the construction of paving, water main, sanitary sewer main and storm sewer to serve Stoneridge Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2021-55

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Stoneridge Tenth Addition" between the City of Kearney and Timothy J. Norwood, President of NP Land Development, Inc., a Nebraska Corporation and Nancy A. Norwood, Trustee of the Nancy A. Norwood Revocable Trust dated October 14, 1999, for the construction of paving, water main, sanitary sewer main and storm sewer to serve Stoneridge Tenth 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 13TH DAY OF APRIL, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Adopt Resolution No. 2021-56 allowing the City of Kearney to expend funds on the 2020 Part 1 Improvements (Paving Improvement District No. 2020-004), the 2020 Part 2 Improvements, and the 2021 Part 3 Improvements (Sanitary Sewer Connection District No. 2020-1) and reimburse itself from the proceeds of the debt issued at a later date.

RESOLUTION NO. 2021-56

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska (the "City"), as follows:

Section 1. The President and Council of the City hereby find and determine that it is necessary and appropriate to declare their official intent to issue tax-exempt bonds on behalf of the City and in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below.

Section 2. This resolution shall stand as a statement of the City's official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is as follows:

<u>2020 Part 1 Improvements – Avenue N, 28th Street to 39th Street</u>	
Paving District Number 2020-004	\$3,000,000.00

2020 Part 2 Improvements – 31st Street, Avenue D to Avenue G
 Water Main Improvement Project \$400,000.00

2021 Part 3 Improvements – 56th Street/Cherry Avenue
 Sewer Connection District Number 2020-1 \$650,000.00

2. The maximum principal amount of debt expected to be issued for such project is \$4,050,000.00.

PASSED AND APPROVED THIS 13TH DAY OF APRIL, 2021.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

14. Adopt Resolution No. 2021-57 approving Application for Payment No. 1 in the amount of \$94,994.27 submitted by Midlands Contracting Inc. and approved by Miller & Associates for the 2021 Part 3 Improvements; 56th Street/Cherry Avenue Sanitary Sewer Infrastructure in connection with Sanitary Sewer Connection District No. 2020-1.

RESOLUTION NO. 2021-57

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with 2021 Part 3 Improvements; 56th Street/Cherry Avenue Sanitary Sewer Infrastructure in connection with Sanitary Sewer Connection District No. 2020-1, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$94,994.27 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 561,015.00
Contract Sum To Date	561,015.00
Gross Amount Due	105,549.19
Retainage (10%)	- 10,554.92
Amount Due to Date	94,994.27
Less Previous Certificates for Payment	0.00
Current Payment Due	\$ 94,994.27

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 1, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF APRIL, 2021.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

15. Adopt Resolution No. 2021-58 approving the Lease Agreement between the City of Kearney and Kearney Raceway Park for property located at the Kearney Regional Airport.

RESOLUTION NO. 2021-58

WHEREAS, on April 24, 2018, a three-year property lease agreement was entered into between Kearney Raceway Park and the City of Kearney;

WHEREAS, Kearney Raceway Park has entered into new management since 2018 and desires renew the current lease for an additional three-years.

THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Lease Agreement, on behalf of the City of Kearney, Nebraska, with Kearney Raceway Park, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF APRIL, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8480 CREATING PAVING IMPROVEMENT DISTRICT NO. 2021-005

Council Member Nikkila introduced Ordinance No. 8480 creating Paving Improvement District No. 2021-005 for an alley lying between 7th Avenue and 8th Avenue, running north to south from 23rd Street and to 22nd 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 suspend the rules for Ordinance No. 8480. 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 absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8480 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 absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8480 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8480 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.

ORDINANCE NO. 8481 REPEALING ORDINANCE NO. 8467 AND AMEND THE SALARY ORDINANCE

Council Member Nikkila introduced Ordinance No. 8481 repealing Ordinance No. 8467 and amend the Salary Ordinance reflecting the reclassifications of certain positions, 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 suspend the rules for Ordinance No. 8481. 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 absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8481 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 absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8481 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8481 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

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$3,050.00 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Moore, Buschkoetter, Nikkila. Nay: None. Clouse abstained. Lear absent. Motion carried.

VII. REPORTS

Michael Morgan, City Manager stated the second flight to Denver will resume on June 3rd and noted the month of March was the second busiest in Kearney Airport's history. Mr. Morgan noted work continues on the quiet zone on Central Avenue.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:53 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

ATTEST:

**LAUREN BRANDT
CITY CLERK**

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