

*Kearney, Nebraska
May 25, 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 May 25, 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; Jason Whalen, Fire Administrator and Brenda Jensen, Development Services Director were also present. Additional members of the Kearney Volunteer Fire Department and their families were present for the pinning ceremony.

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.

PRESENTATION OF COLORS BY THE KEARNEY VOLUNTEER FIRE DEPARTMENT COLOR GUARD AND PLEDGE OF ALLEGIANCE

Kearney Volunteer Fire Department Color Guard Members Matt Begnoche and Quincy Bennett presented and posted the colors. One (1) Boy Scout from Troop 158 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS/RECOGNITION

Fire Chief Jim Tacha stated elections are held annually and Officers are elected by their peers. Beginning this year, there will be a Deputy Fire Chief and three (3) Battalion Chiefs in lieu of Assistant Fire Chiefs. Fire Chief began the Pinning Ceremony for the Kearney Volunteer Fire Department for Newly Elected Officers and Recognition of New Board Members by reading their names and their elected positions: Lieutenants - Sam Sutherland, Chris Hellerich and Clint Smith; Captains - Max Gintzler, Seth Lunbery and

Tyler Vlasin; Deputy Chief - Jason Whalen; Battalion Chiefs - Dave Krueger, Jeremy Feusner and John Sydow.

Mayor Clouse thanked the Kearney Volunteer Fire Department Officers for all the work they do.

II. UNFINISHED BUSINESS

OPEN ACCOUNT CLAIM

At the May 11, 2021 City Council Meeting, no action was taken on the Open Account Claim to NPPD. Therefore, action is needed on the Open Account Claim to NPPD in the amount of \$5,639.89.

Moved by Nikkila seconded by Moore that the Open Account Claim in the amount of \$5,639.89 payable to Nebraska Public Power District, be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

III. PUBLIC HEARINGS

REZONING OF PROPERTY LOCATED AT 1910 ANTELOPE AVENUE

Moved by Moore seconded by Lear to remove Public Hearings 1 and 2 from the table. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

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 Joni Fenwick and Jennifer Henricksen, Successor Co-Trustees to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1910 Antelope Avenue) and consider Ordinance No. 8485.

Mitch Humphrey with Buffalo Surveying Corporation presented this matter to the Council. Mr. Humphrey explained where the property is located and stated Mr. and Mrs. Fenwick would like to separate the parcel of land that their house sits on from their total acreage of approximately 76 acres. The Fenwick's are requesting the proposed one (1) lot subdivision that the house sits on be rezoned to RR-2 which allows for a smaller lot size. The smaller lot size also required State of Nebraska approval regarding the location of the existing well and septic system, which was received from the State of Nebraska. The proposed Final Plat includes the required 50-foot road right-a-way for the arterial street, Antelope Avenue.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the application submitted by Buffalo Surveying Corp. for Joni Fenwick and Jennifer Henricksen, Successor Co-Trustees to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1910 Antelope Avenue) and introduced Ordinance No. 8485 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8485. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8485 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8485 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8485 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 FENWICK SUBDIVISION

Moved by Moore seconded by Lear to remove Public Hearings 1 and 2 from the table. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

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 Joni Fenwick and Jennifer Henricksen, Successor Co-Trustees for the Final Plat for Fenwick Subdivision, a subdivision being part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 8 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 Northeast Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1910 Antelope Avenue) and consider Resolution No. 2021-69.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2021-69 approving the application submitted by Buffalo Surveying Corp. for Joni Fenwick and Jennifer Henricksen, Successor Co-Trustees for the Final Plat for Fenwick Subdivision, a subdivision being part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 8 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 Northeast Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1910 Antelope Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2021-69

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Fenwick Subdivision, a subdivision being part of the Southeast Quarter of the Northeast Quarter of Section 6, Township 8 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 Northeast Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southeast Corner of the Northeast Quarter of Section 6 and assuming the East line of the Northeast Quarter of said Section 6 as bearing N 00°21'10" E and all bearings contained herein are relative thereto; thence on the East line of the Northeast Quarter of said Section 6, N 00°21'10" E a distance of 290.00 feet; thence leaving the East line of said Northeast Quarter of Section 6, S 89°48'18" W parallel with the South line of said Northeast Quarter of Section 6 a distance of 315.00 feet; thence S 00°21'10" W parallel with the East line of said Northeast Quarter of Section 6 a distance of 290.00 feet to a point on the South line of said Northeast Quarter of Section 6; thence on the South line of said Northeast Quarter of Section 6, N 89°48'18" E a distance of 315.00 feet to the place of beginning, containing 2.10 acres, more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

BE IT FURTHER RESOLVED that the 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 25TH DAY OF MAY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

DEVELOPMENT OF ERIN'S VALLEY SECOND

Moved by Nikkila seconded by Moore to remove Public Hearing 3 from the table. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

Mayor Clouse opened the public hearing on the applications submitted by Trenton Snow for Timothy and Lauren O'Brien to 1) vacate Lot 1, Block One, Erin's Valley Subdivision, a subdivision being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8486; and 2) the Final Plat for Erin's Valley Second, a subdivision being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as (to be vacated) Lot 1, Block One, Erin's Valley Subdivision, a subdivision being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5455 West 60th Street) and consider Resolution No. 2021-70.

Trenton Snow, Land Surveyor presented this matter to the Council. Mr. Snow stated Mr. & Mrs. O'Brien's neighbor to the south of this parcel approached them about purchasing approximately an acre and a half of land from them to use as a pasture for their horses. The neighbor understands due to the size of the parcel it would not be a buildable due to its current zoning; this has also been noted on the proposed Final Plat. Because of the sale, Mr. Snow explained the existing Lot 1, Block 1, Erin's Valley Subdivision needs to be vacated in its entirety; the existing lot to be vacated does have an existing house site on it. The proposed Final Plat will contain Lot 1, where the existing house will be and will still contain well over three (3) acres, and Outlot A which will be used for the horse pasture.

Council Member Jonathan Nikkila questioned why an Outlot was created; why didn't it remain as just one (1) lot? Mr. Snow stated it is due to Outlot A having a different owner than Lot 1, Erin's Valley Second Subdivision will have.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the applications submitted by Trenton Snow for Timothy and Lauren O'Brien and introduced Ordinance No. 8486 vacating Lot 1, Block One, Erin's Valley Subdivision, a subdivision being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8486. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8486 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8486 be passed, approved

and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8486 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Buschkoetter seconded by Clouse to adopt Resolution No. 2021-70 approving the Final Plat for Erin's Valley Second, a subdivision being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as (to be vacated) Lot 1, Block One, Erin's Valley Subdivision, a subdivision being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5455 West 60th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2021-70

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Erin's Valley Second, a subdivision being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for a tract of land being Lot 1, Block One, Erin's Valley Subdivision, a subdivision being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (NOW VACATED) and more particularly described as follows: a tract of land being part of the West Half of the East Half of the Southwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; referring to the Southwest corner of the East Half of the Southwest Quarter of said section and assuming the west line of said East Half of the Southwest Quarter as bearing N 00°00'46" E and all bearings contained herein are relative thereto; thence N 00°00'46" E on the aforesaid west line a distance of 1014.03 feet to the ACTUAL PLACE OF BEGINNING, said point being on the north line of 60th Street, a road in Buffalo County, Nebraska; thence continuing N 00°00'46" E on the aforesaid west line a distance of 840.14 feet; thence S 89°56'32" E a distance of 665.7 feet; thence S 00°02'55" E a distance of 838.19 feet to a point on the north line of said 60th Street; thence S 89°53'24" W on the aforesaid north line a distance of 666.82 feet to the place of beginning, 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 25TH DAY OF MAY, 2021.

ATTEST:
LAUREN BRANDT

STANLEY A. CLOUSE
PRESIDENT OF THE COUNCIL

CITY CLERK

AND EX-OFFICIO MAYOR

REZONING OF PROPERTY LOCATED AT 5145 COTTONMILL AVENUE

Moved by Clouse seconded by Nikkila to remove Public Hearings 4 and 5 from the table. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

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

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for Pamela Radtke and Rhonda Artrup to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land located in the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5145 Cottonmill Avenue) and consider Ordinance No. 8487.

Trenton Snow, Land Surveyor presented this matter to the Council. Pamela Radtke and Rhonda Artrup currently live in the house located on proposed Lot 2, Radtke Artrup Subdivision. They would like to build a new home on proposed Lot 1, Radtke Artrup Subdivision and sell their current home. Mr. Snow stated the entire property is currently zoned AG; the requested zoning is RR-2 due to the size of Lot 2 which contains less than three (3) acres. NDEQ has been notified of the size of proposed Lot 2 and has no problem with the size of the lot since utilities are already located there.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the application submitted by Trenton Snow for Pamela Radtke and Rhonda Artrup and introduced Ordinance No. 8487 rezoning from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land located in the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5145 Cottonmill 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 Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8487. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. 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. 8487 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear abstained. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8487 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse,

Buschkoetter, Nikkila, Moore. 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. 8487 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 RADTKE ARTRUP SUBDIVISION

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

Mayor Clouse opened the public hearing on the application submitted by Trenton Snow for Pamela Radtke and Rhonda Artrup for the Final Plat for Radtke Artrup Subdivision, a subdivision being part of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as a tract of land located in the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5145 Cottonmill Avenue) and consider Resolution No. 2021-71.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2021-71 approving the application submitted by Trenton Snow for Pamela Radtke and Rhonda Artrup for the Final Plat for Radtke Artrup Subdivision, a subdivision being part of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as a tract of land located in the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (5145 Cottonmill Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear abstained. Motion carried.

RESOLUTION NO. 2021-71

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Radtke Artrup Subdivision, a subdivision being part of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for a tract of land located in the Northwest 1/4 of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of said Section 29; thence Southerly on and along the West line of said Section 29 a distance of 1431.7 feet to a point; thence with a deflection angle to the left of $100^{\circ}43'52''$ a distance of 33.6 feet to the actual place of beginning, said place of beginning being on the East property line of a public road; thence left $79^{\circ}16'08''$ on and along said East property line a distance of 64.3 feet; thence right $83^{\circ}00'$ a distance of 250.0 feet; thence left $83^{\circ}00'$ a distance of 168.0 feet; thence right $89^{\circ}45'$ a distance of 491.4 feet; thence right $90^{\circ}00'$ a distance of 289.3 feet; thence right $68^{\circ}42'$ a distance of 131.25 feet; thence right $00^{\circ}05'$ a distance of 550.0 feet to a point on the East property line of the Cotton Mill Lake Road; thence Northwesterly on and along said East property line a distance of 293.99 feet to the place of beginning, containing 5.940 acres, more or less, together with an easement for ingress and egress as shown on survey made by Buffalo Surveying Corporation on May 6, 1975,

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 25TH DAY OF MAY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONING OF PROPERTY LOCATED EAST OF 11TH AVENUE BETWEEN 50TH STREET AND 55TH STREET

Moved by Nikkila seconded by Moore to remove Public Hearings 6, 7, 8 and 9 from the table. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

Public Hearings 6, 7, 8 and 9 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 R-3, Urban Residential Multi-Family District (Medium Density) to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District for property described as a tract of land being a part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street) and consider Ordinance No. 8488.

Craig Bennett with Miller & Associates presented this matter to the Council. Mr. Bennett described where the property is located and reminded Council this property had been rezoned to R-3 at a previous Council meeting; the rezoning request this evening is adding a PD designation due to the type and size of development being proposed. Mr. Bennett reviewed the circulation map of the area and noted 52nd Street has now been extended through this area. The area of land has increased slightly due to the inclusion of 11th Avenue right of way which will be dedicated and annexed into the City with this development project. Mr. Bennett explained drainage of the property mainly flows from east to west with an already defined detention cell; therefore, this development does not require onsite detention due to the regional detention west of 11th Avenue. The final plat includes three (3) lots, two (2) of which will be located north of 52nd Street and one (1) south of it for a total area of 24.4 acres. Mr. Bennett explained the existing infrastructure that is available for water, sanitary sewer and storm water. He further explained fire truck accessibility and turn radius for the largest fire truck that the City of Kearney has into and out of the development on both the north and south sides of 52nd Street.

The development will be completed in phases beginning with the northwest corner of the

property, north of 52nd Street. Mr. Bennett reviewed the landscape plan and noted the amount of greenspace the development will have and described the parking lot placement as well. The density plan was reviewed and Mr. Bennett discussed the requested deviation of the 40-square foot reduction from the 2,500-square foot per unit site area to the Unit Density Ratio for the south portion of the project which is included in the Planned District (PD) plan. The apartment complexes will be three (3) story and have a modern and conventional look. The walls be built with concrete, tilt up/pre-cast exterior walls and some concrete walls, floors and ceilings will be carried throughout the interior as well. Floor plans include one (1), two (2) and three (3) bedroom living units that have patios on the ground level and decks on the second and third floors, it also includes plans for a Commons Area that will have an Administration Building and a pool.

There was no one present in opposition to this hearing.

Moved by Moore 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. 8488 rezoning from District R-3, Urban Residential Multi-Family District (Medium Density) to District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District for property described as a tract of land being a part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th 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 Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8488. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8488 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8488 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8488 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 THIRTEENTH ADDITION

Public Hearings 6, 7, 8 and 9 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 Thirteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being a part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street) and consider Resolution No. 2021-72.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2021-72 approving 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 Thirteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being a part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2021-72

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Fountain Hills Thirteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being a part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter 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: Commencing at the Northeast corner of the Northwest Quarter of Section 26; thence S 00°21'33" W on the East line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 664.76 feet to the Southeast corner of Lot 2, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence continuing S 00°21'33" W on said East line of the Northwest Quarter a distance of 1275.06 feet to the Northeast corner of Block One (1), Outlot B, Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 71°56'06" W on the Northerly line of said Outlot B a distance of 390.63 feet; thence N 87°42'12" W continuing on said Northerly line of Outlot B a distance of 222.08 feet; thence S 67°29'49" W continuing on said Northerly line of Outlot B a distance of 101.35 feet to the Northwest corner of said Outlot B and the East line of 11th Avenue as shown and dedicated on Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 25°29'29" W on said East line of 11th Avenue a distance of

92.45 feet to the Easterly extension of the Northerly line of said Fountain Hills Tenth Addition; thence S 64°30'31" W on the Northerly line of said Fountain Hills Tenth Addition a distance of 66.00 feet to the Northeast corner of Lot One (1) in said Fountain Hills Tenth Addition and the West line of said 11th Avenue; thence N 25°29'29" W on the West line of said 11th Avenue a distance of 201.79 feet; thence Northwesterly on a tangent curve to the Right having a central angle of 18°00'18", a radius of 333.00 feet, an arc length of 104.64 feet, and a chord bearing of N 16°29'20" W a distance of 104.21 feet; thence N 07°29'11" W on said West line a distance of 81.59 feet to the Southerly line of 52nd Street and West line of said 11th Avenue; thence N 88°41'03" E on the South line of said 52nd Street a distance of 66.38 feet to the East line of said 11th Avenue; thence N 07°29'11" W on said East line of 11th Avenue a distance of 624.09 feet; thence N 07°27'02" W on the East line of said 11th Avenue a distance of 184.23 feet to the Southwest corner of said Lot 2, Fountain Hills Seventh Addition; thence S 87°46'48" E on the South line of Lot 2 a distance of 960.84 feet to the Point of Beginning, containing 24.40 acres, more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved and that the President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

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

PASSED AND APPROVED THIS 25TH DAY OF MAY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ANNEXATION OF FOUNTAIN HILLS THIRTEENTH ADDITION

Public Hearings 6, 7, 8 and 9 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 Thirteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being a part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street) and consider Resolution No. 2021-73.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2021-73 approving 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 Thirteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being a part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2021-73

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 Thirteenth 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 Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter 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: Commencing at the Northeast corner of the Northwest Quarter of Section 26; thence S 00°21'33" W on the East line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 664.76 feet to the Southeast corner of Lot 2, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence continuing S 00°21'33" W on said East line of the Northwest Quarter a distance of 1275.06 feet to the Northeast corner of Block One (1), Outlot B, Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 71°56'06" W on the Northerly line of said Outlot B a distance of 390.63 feet; thence N 87°42'12" W continuing on said Northerly line of Outlot B a distance of 222.08 feet; thence S 67°29'49" W continuing on said Northerly line of Outlot B a distance of 101.35 feet to the Northwest corner of said Outlot B and the East line of 11th Avenue as shown and dedicated on Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 25°29'29" W on said East line of 11th Avenue a distance of 92.45 feet to the Easterly extension of the Northerly line of said Fountain Hills Tenth Addition; thence S 64°30'31" W on the Northerly line of said Fountain Hills Tenth Addition a distance of 66.00 feet to the Northeast corner of Lot One (1) in said Fountain Hills Tenth Addition and the West line of said 11th Avenue; thence N 25°29'29" W on the West line of said 11th Avenue a distance of 201.79 feet; thence Northwesterly on a tangent curve to the Right having a central angle of 18°00'18", a radius of 333.00 feet, an arc length of 104.64 feet, and a chord bearing of N 16°29'20" W a distance of 104.21 feet; thence N 07°29'11" W on said West line a distance of 81.59 feet to the Southerly line of 52nd Street and West line of said 11th Avenue; thence N 88°41'03" E on the South line of said 52nd Street a distance of 66.38 feet to the East line of said 11th Avenue; thence N 07°29'11" W on said East line of 11th Avenue a distance of 624.09 feet; thence N 07°27'02" W on the East line of said 11th Avenue a distance of 184.23 feet to the Southwest corner of said Lot 2, Fountain Hills Seventh Addition; thence S 87°46'48" E on the South line of Lot 2 a distance of 960.84 feet to the Point of Beginning, containing 24.40 acres, more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on April 16, 2021 on the inclusion of Fountain Hills Thirteenth 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 Thirteenth 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 May 25, 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 Thirteenth 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 Thirteenth 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 25TH DAY OF MAY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

PLANNED DISTRICT DEVELOPMENT PLAN FOR PROPERTY LOCATED EAST OF 11TH AVENUE BETWEEN 50TH STREET AND 55TH STREET

Public Hearings 6, 7, 8 and 9 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 Planned District Development Plan Approval for the proposed construction of an apartment development on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lots 1 and 2, Block One and Lot 1, Block Two, all in Fountain Hills Thirteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street) and consider Resolution No. 2021-74.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2021-74 approving the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for Planned District Development Plan Approval for the proposed construction of an apartment development on property to be zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Lots 1 and 2, Block One and Lot 1, Block Two, all in Fountain Hills Thirteenth Addition, an addition to the City of

Kearney, Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2021-74

WHEREAS, Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) have applied for Planned District Development Plan Approval for the construction of an apartment development on property to be zoned R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as a tract of land being a part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter 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: Commencing at the Northeast corner of the Northwest Quarter of Section 26; thence S 00°21'33" W on the East line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 664.76 feet to the Southeast corner of Lot 2, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence continuing S 00°21'33" W on said East line of the Northwest Quarter a distance of 1275.06 feet to the Northeast corner of Block One (1), Outlot B, Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 71°56'06" W on the Northerly line of said Outlot B a distance of 390.63 feet; thence N 87°42'12" W continuing on said Northerly line of Outlot B a distance of 222.08 feet; thence S 67°29'49" W continuing on said Northerly line of Outlot B a distance of 101.35 feet to the Northwest corner of said Outlot B and the East line of 11th Avenue as shown and dedicated on Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 25°29'29" W on said East line of 11th Avenue a distance of 92.45 feet to the Easterly extension of the Northerly line of said Fountain Hills Tenth Addition; thence S 64°30'31" W on the Northerly line of said Fountain Hills Tenth Addition a distance of 66.00 feet to the Northeast corner of Lot One (1) in said Fountain Hills Tenth Addition and the West line of said 11th Avenue; thence N 25°29'29" W on the West line of said 11th Avenue a distance of 201.79 feet; thence Northwesterly on a tangent curve to the Right having a central angle of 18°00'18", a radius of 333.00 feet, an arc length of 104.64 feet, and a chord bearing of N 16°29'20" W a distance of 104.21 feet; thence N 07°29'11" W on said West line a distance of 81.59 feet to the Southerly line of 52nd Street and West line of said 11th Avenue; thence N 88°41'03" E on the South line of said 52nd Street a distance of 66.38 feet to the East line of said 11th Avenue; thence N 07°29'11" W on said East line of 11th Avenue a distance of 624.09 feet; thence N 07°27'02" W on the East line of said 11th Avenue a distance of 184.23 feet to the Southwest corner of said Lot 2, Fountain Hills Seventh Addition; thence S 87°46'48" E on the South line of Lot 2 a distance of 960.84 feet to the Point of Beginning, containing 24.40 acres, more or less, all in Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for Planned District Development Plan Approval for the construction of an apartment development on property zoned R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as a tract of land being a part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter 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: Commencing at the Northeast corner of the Northwest Quarter of Section 26; thence S 00°21'33" W on the East line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 664.76 feet to the Southeast corner of Lot 2, Fountain Hills Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence continuing S 00°21'33" W on said East line of the Northwest Quarter a distance of 1275.06 feet to the Northeast corner of Block One (1), Outlot B, Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 71°56'06" W on the Northerly line of said Outlot B a distance of 390.63 feet; thence N 87°42'12" W continuing on said Northerly line of Outlot B a distance of 222.08 feet; thence S 67°29'49" W continuing on said Northerly line of Outlot B a distance of 101.35 feet to the Northwest corner of said Outlot B and the East line of 11th Avenue as shown and dedicated on Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 25°29'29" W on said East line of 11th Avenue a distance of 92.45 feet to the Easterly extension of the Northerly line of said Fountain Hills Tenth Addition; thence S 64°30'31" W on the Northerly line of said Fountain Hills Tenth Addition a distance of 66.00 feet to the Northeast corner of Lot One (1) in said Fountain Hills Tenth Addition and the West line of said 11th Avenue; thence N 25°29'29" W on the West line of said 11th Avenue a distance of 201.79 feet; thence Northwesterly on a tangent curve to the Right having a central angle of 18°00'18", a radius of 333.00 feet, an arc length of 104.64 feet, and a chord bearing of N 16°29'20" W a distance of 104.21 feet; thence N 07°29'11" W on said West line a distance of 81.59 feet to the Southerly line of 52nd Street and West line of said 11th Avenue; thence N 88°41'03" E on the South line of said 52nd Street a distance of 66.38 feet to the East line of said 11th Avenue; thence N 07°29'11" W on said East line of 11th Avenue a distance of 624.09 feet; thence N 07°27'02" W on the East line of said 11th Avenue a distance of 184.23 feet to the Southwest corner of said Lot 2, Fountain Hills Seventh Addition; thence S 87°46'48" E on the South line of Lot 2 a distance of 960.84 feet to the Point of Beginning, containing 24.40 acres, more or less, all in Buffalo County, Nebraska (East of 11th Avenue between 50th Street and 55th Street) be approved subject to the following deviation:

1. A 40 square foot reduction from the 2,500 square foot per unit site area allowed by Planned Development for Block Two of Fountain Hills Thirteenth (South Portion of the Planned District Development Plan).

PASSED AND APPROVED THIS 25TH DAY OF MAY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Lear seconded by Buschkoetter that Subsections 1 through 17 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held May 11, 2021.

2. Approve the following Claims:

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

1000 Bulbs-\$319.43-smcs; 24 Hour Tees-\$81.30-smcs; 24 Hour Wrist Bands-\$122.45-smcs; Acushnet-\$9,099.83-smcs; Adobe-\$286.66-smcs; Affordable Funeral-\$108.98-smcs; Ainsworth,T-\$19.23-smcs; Alert Shirt-\$399.13-smcs; Alfred Benesch-\$54,191.08-co; All City Garage Door-\$449.00-smcs; All Makes Auto-\$3,014.70-smcs; Ally B Design-\$1,150.00-smcs; Amazon-\$9,595.22-smcs,co; American-\$480.32-smcs,co; American Legion-\$53.34-smcs; American Red Cross-\$573.57-smcs; Andersen Wrecking-\$25.00-smcs; Apple-\$0.99-smcs; Apple Market-\$18.98-smcs; Aramark Uniform-\$274.77-smcs; Arlo Technologies-\$2.99-smcs; Arrow Seed-\$2,679.48-smcs; ASCAP-\$368.17-smcs; Ask Supply-\$331.45-smcs; Athletic Stuff-\$267.28-smcs; Aurora Coop-\$433.37-smcs; Aussie Hydraulics-\$13.18-smcs; Authorize.net-\$30.00-smcs; Auto Value-\$79.37-smcs; Avfuel-\$19,800.97-smcs; B&B Research-\$30.00-smcs; B&H Photo-\$781.89-smcs,co; Baker & Taylor-\$2,999.53-smcs; Ballard-\$99.98-smcs; Ballast Shop-\$174.35-smcs; Bath & Body Works-\$41.67-smcs; Bear Frame-\$417.56-smcs; Bebensee,J-\$4.39-smcs; Beehive Industries-\$5,773.00-smcs; Belgum,B-\$13.37-smcs; Blackstone Publishing-\$1,579.39-smcs; BlueCross BlueShield-\$63,979.62-smcs; Bluehost-\$71.88-co; Border States Industries-\$1,838.15-smcs; Bosselman-\$30,105.17-smcs; Bridgett Lavene Consulting-\$1,000.00-smcs; Broadfoot Sand-\$2,544.00-smcs; Brown Construction-\$510,129.58-co; Buffalo Co. Treasurer-\$132.23-smcs,co; Buffalo Outdoor Power-\$1,084.43-smcs; Builders-\$2,307.62-smcs,co; Cabela's-\$74.89-smcs; Cable Ties & More-\$71.34-smcs; Canva-\$119.40-smcs; Capstone-\$3,160.44-smcs; Car ID-\$859.78-smcs; Carquest-\$464.32-smcs; Carrot Top Industries-\$1,147.55-smcs; Cash-Wa-\$4,140.36-smcs; CBA Lighting-\$324.09-smcs; Cenex-\$275.20-smcs; Central Hydraulic-\$889.26-smcs; Central NE Bobcat-\$18,102.21-smcs,co; Central NE Rehab-\$135.00-ps; Central States Wire-\$2,640.01-smcs; Century Laundry-\$538.50-smcs; Chemsearch-\$307.00-smcs; Chesterman-\$886.75-smcs; CHS Agri Service Center-\$3,476.72-smcs; Cintas-\$298.25-smcs; City of Ky-\$15,172.14-smcs,ps; Clevenger Oil-\$20.02-smcs; CNA Surety-\$40.00-smcs; ColdSpring-\$577.50-smcs; Computer Hardware-\$413.95-smcs; Construction Rental-\$1,757.52-smcs,co; Control Yours-\$100.00-smcs; Copycat-\$944.65-smcs; Corey's Complete Detailing-\$160.00-smcs; Country Partners-\$20,484.05-smcs; Credit Management Serv.-\$101.08-ps; Crouch Recreation-\$1,052.00-smcs; Crowne Plaza-\$395.96-smcs; Culligan-\$562.06-smcs; Cummins-\$105.94-smcs; Cutter & Buck-\$895.21-smcs; Cutting Edge-\$192.50-smcs; Dakota Pump-\$770.43-smcs; Dawson Public Power-\$21,427.59-smcs; Daylight Donuts-\$58.10-smcs; Dell-\$3,236.07-smcs,co; Deterdings-\$339.98-smcs; Diamond Engineering-\$32,740.80-co; Disc Golf Assn.-\$1,384.00-smcs; Dish-\$237.18-smcs; Dollar Tree-\$6.42-smcs; Dowhy Towing-\$205.00-smcs; DPC Industries-\$28,237.49-smcs; Dutton-Lainson-\$21.69-smcs; Eakes-\$1,405.20-smcs; Easy Picker Golf-\$86.19-smcs; Echo Electric-\$756.81-co; Ecolab Pest-\$83.06-smcs; Ehrlich-\$57.00-smcs; Elder,E-\$577.45-smcs; Electro Switch-\$1,422.40-smcs; Elliott Equipment-\$2,546.77-smcs; Entenmann-Rovin-\$475.50-smcs; Enterprise Rent-A-Car-\$835.90-smcs; Erac Toll-\$10.95-smcs; Exhaust Pros-\$15.00-smcs; Extended Stay-\$1,138.39-smcs; Eyemed-\$2,606.43-smcs; Facebook-\$102.00-smcs;

Fairfield Inn-\$1,587.60-smcs; Fastenal-\$286.45-smcs; Firespring Print-\$300.69-smcs; Focus on the Family-\$21.99-smcs; Friesen Chevrolet-\$292.82-smcs,co; Frontier-\$229.97-smcs; Gale-\$449.38-smcs; Galls-\$938.11-smcs; Garrett Tires-\$4,694.83-smcs; GD Concrete-\$33,121.00-co; Gerdes,J-\$445.00-smcs; Glass Doctor-\$100.00-smcs; Grainger-\$1,959.91-smcs; Hach-\$776.97-smcs; Hafer,L-\$3.40-smcs; Hajek,L-\$13.83-smcs; Hampton Inn-\$631.89-smcs; Heartland Motor Sports-\$15,644.00-co; Hobby Lobby-\$1,079.90-smcs; Holiday Inn-\$246.30-smcs; Holmes Plumbing-\$1,031.67-smcs,co; Home Depot Pro-\$880.37-smcs; Hometown Leasing-\$159.08-smcs; Hotsy Equipment-\$1,053.00-smcs; Hyperikon LED-\$225.04-smcs; Hy-Vee-\$65.60-smcs; IACA-\$25.00-smcs; ICMA-\$6,222.16-ps; Icon-\$250.00-smcs; Indelco Plastics-\$2,843.67-smcs; Inst. of Police Tech-\$1,875.00-smcs; IRS-\$168,772.02-ps; Island Supply-\$810.59-smcs; J&A Traffic-\$455.00-smcs; Jack Lederman-\$3,528.01-smcs; Jack's Uniforms-\$568.64-smcs; Jackson Services-\$382.90-smcs; Johnson Service-\$6,300.00-smcs; Johnstone Supply-\$97.82-smcs; Ky Ace-\$89.29-smcs; Ky Animal Shelter-\$12,400.00-smcs; Ky Cinema 8-\$30.00-smcs; Ky Concert-\$240.00-smcs; Ky Concrete-\$16,415.97-smcs,co; Ky Crete & Block-\$6,685.35-smcs,co; Ky Hub-\$4,739.59-smcs; Ky Quality Sew-\$19.97-smcs; Ky Towing-\$300.00-smcs; Ky Visitors Bureau-\$95,908.97-smcs; Ky Winlectric-\$32,557.31-smcs,co; Ky Winnelson-\$61.75-smcs; Kelly Supply-\$503.97-smcs; Kellyco Metal Detection-\$152.95-smcs; Kewanna Screen Printing-\$154.22-smcs; Kimball Midwest-\$71.30-smcs; Kohls-\$80.25-smcs; Konica Minolta-\$313.33-smcs; KU Continuing Educ.-\$90.00-smcs; Landmark Implement-\$640.87-smcs; Leach,C-\$128.00-smcs; League NE Municipalities-\$325.00-smcs; Lifeguard Store-\$1,020.20-smcs; Lockmobile-\$12.32-smcs; Loves-\$45.14-smcs; Luke,D-\$193.03-smcs; Mac Tools-\$216.02-smcs; Macqueen Equipment-\$31,175.21-smcs,co; Magic Cleaning-\$400.00-smcs; Mallory Safety-\$337.00-smcs; Manuel,B-\$1.07-smcs; Marlatt Machine-\$356.04-smcs; Masek Golf Car-\$295.80-smcs; Mason RV-\$18.32-smcs; Master True Value-\$433.86-smcs; Matheson Tri-Gas-\$74.16-smcs; Mead Lumber-\$85.80-co; Meisiger,B-\$19.79-smcs; Menards-\$2,853.79-smcs,co; Mid American Signal-\$292.71-smcs; Mid-States Crime-\$1,375.00-smcs; Midwest Connect-\$714.88-smcs; Midwest Turf-\$247.45-smcs; Milco Environmental-\$356.25-smcs; Miller Signs-\$320.00-smcs; Mirror Image-\$324.96-smcs; Mity Lite-\$16.06-co; Moonlight Embroidery-\$402.50-smcs; MPH Industries-\$1,496.00-co; Municipal Supply-\$15,520.87-smcs,co; My Senior Center-\$250.00-smcs; Myfonts-\$46.99-smcs; Nat'l Registry EMT-\$255.00-smcs; Nat'l School Resource-\$2,145.00-smcs; NE Central Seniors-\$126.00-smcs; NE Child Support-\$1,517.12-ps; NE City Mgmt. Assoc.-\$863.00-smcs; NE Dept of Revenue-\$49,297.48-smcs; NE Dept. Labor-\$28.00-smcs; NE FBI-\$100.00-smcs; NE Golf Assn.-\$2,002.00-smcs; NE Machinery-\$801.81-smcs; NE Peterbilt-\$1,092.69-smcs; NE Truck Center-\$5,334.26-smcs; Nebraskaland Distributors-\$374.40-smcs; Nebraskarur-\$1,580.00-smcs; Northwestern Energy-\$204.24-smcs; NSVFA-\$690.00-smcs; Office Supply-\$78.49-smcs; Officemax-\$1,698.13-smcs; Officenet-\$220.45-smcs; Old Chicago-\$30.00-smcs; Olson,A-\$8.70-smcs; Olsson-\$18,494.49-co; Open VPN-\$720.00-smcs; O'Reilly Auto-\$1,913.45-smcs; Orkin-\$96.30-smcs; Orscheln-\$885.59-smcs; Outdoor Recreation Prod.-\$1,396.00-co; Overhead Door-\$1,093.60-smcs; Panera Bread-\$107.15-smcs; Papa John's-\$26.46-smcs; Paramount-\$104.42-smcs; Paulsen-\$570,938.40-co; Peavey Corp-\$175.00-smcs; Penworthy-\$301.91-smcs; Pep Co.-\$200.00-smcs; Pet Pick Ups-\$499.69-smcs; Petsmart-\$199.96-smcs; Peyton,A-\$75.00-smcs; Pickleball-\$228.87-smcs; Pineda,E-\$36.44-smcs; Ping-\$57.94-smcs; Platte Valley Auto Mart-\$279.85-smcs; Platte Valley Comm.-\$95.40-smcs; Positive Concepts-\$200.00-smcs; Poster My Wall-\$7.99-smcs; Pot O Gold-\$77.00-smcs; Presto-X-\$189.00-

smcs; Professional Law Enfor.-\$449.00-smcs; PTC Laboratories-\$150.00-smcs; Publication Printers-\$5,428.73-smcs; Pukka-\$2,529.52-smcs; Pump & Pantry-\$96.38-smcs; Quill-\$897.90-smcs; Ravenna Sanitation-\$24.50-smcs; Rayallen.com-\$139.98-smcs; Ready Mixed Concrete-\$209.50-co; Reams Sprinkler-\$2,723.95-smcs; Redbox-\$4.28-smcs; Redman's Shoes-\$591.24-smcs; Reinkes Heating-\$95.00-smcs; Resource Mgmt.-\$4,160.40-smcs; Revgear Sports-\$979.09-smcs; Richard's Electric-\$8,077.87-smcs; Rokform-\$47.49-co; Romwod.com-\$139.95-ps; RR Products-\$45.08-smcs; Rutt's Heating-\$928.00-smcs; RW Sorensen-\$51,962.78-co; S&J Construction-\$21,074.54-co; Safelite-\$417.36-smcs; Sandry Fire-\$182.50-smcs; Schultz,N-\$31.85-smcs; Sherwin Williams-\$407.08-smcs; Sign Center-\$1,304.30-smcs; SignIt-\$36.00-smcs; Silverstone Group-\$6,405.92-smcs; Siteone Landscape-\$3,629.52-smcs; Snap-On Tools-\$3,630.00-smcs; SOS Portable Toilets-\$235.00-smcs; Spectrum-\$1,088.70-smcs; Sporting Edge-\$1,331.00-smcs; Sprinkler Warehouse-\$3,074.38-smcs; Steinbrinks-\$419.37-smcs; Streakwave Wireless-\$215.99-co; Stutsman-\$1,098.00-smcs; Suchsland,T-\$30.10-smcs; Sunbelt Rentals-\$765.27-smcs; Super Shine Auto-\$101.87-smcs; Superior Signals-\$554.70-smcs; SW Firefighting Foam-\$2,720.96-smcs; Target-\$115.49-smcs; Teachers Pay Teachers-\$13.38-smcs; Thrifty-\$42.77-smcs; Thunderhead Brewing-\$22.13-smcs; Thyssenkrupp Elevator-\$375.62-smcs; Tractor Supply-\$872.81-smcs,co; Trade Well Pallet-\$1,700.00-smcs; Transparency-\$1,540.00-smcs; Transunion-\$122.30-smcs; Tri-Co Glass-\$162.50-smcs; Tru Café-\$30.00-smcs; Turner Body Shop-\$100.00-smcs; Uline-\$589.97-smcs; Union Bank & Trust-\$87,550.63-ps; Unique-\$116.35 -smcs; United-\$1,074.85-smcs; UNL-\$100.00-smcs; UPS-\$52.81-smcs; USA Blue Book-\$271.91-smcs; USA Communications-\$284.70-smcs; USPS-\$363.30-smcs; Vanmeter & Assoc.-\$490.00-smcs; Venger Tactical-\$700.00-smcs; Verizon-\$7,828.07-smcs; Village Payment-\$101.79-smcs; Vizards Guns-\$224.15-smcs; VVS-\$75.15-smcs; VW Golf-\$2,430.29-smcs; Waldinger Corp.-\$1,311.21-smcs; Wal-Mart-\$1,142.51-smcs; Walters Electric-\$220.57-co; Watchguard Video-\$408.50-smc,co; Waytek-\$79.95-smcs; Weaver,N-\$53.50-smcs; Wef Main-\$83.00-smcs; Welding Supplies-\$89.81-smcs; Wells Fargo-\$78,378.80-ds; West Music-\$36.63-smcs; Whalen,J-\$10.00-smcs; Whentowork-\$180.00-smcs; Wilco Life Ins.-\$10.00-ps; Willowbrook-\$15.64-smcs; Woodcraft-\$120.88-smcs; WPCI-\$830.50-ps; Yanda's Music-\$5,306.00-smcs; Yant Equipment-\$360.00-smcs;; Payroll Ending 05/08/2021 -- \$518,901.11. 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. Receive recommendations of Planning Commission and set June 8, 2021 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Accept the report from the City Clerk on the sufficiency of objection/protest filed in connection with 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.
5. Approve the agreement with the City of Kearney and Tri-City Auction Center to provide auctioneering services for surplus City property to be sold at auction and adopt Resolution No. 2021-85.

RESOLUTION NO. 2021-85

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement for Auction Services between the City of Kearney and Tri-City Auction Center for the purpose of providing auctioneering services for City surplus property to be sold at auction by the City of Kearney be and is hereby approved. The Agreement, marked as Exhibit 'A', is hereby attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Agreement for Auction Services on behalf of the City of Kearney.

PASSED AND APPROVED THIS 25TH DAY OF MAY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution No. 2021-86 approving the Standard Form of Agreement between Owner and Architect with Wilkins Architecture Design Planning LLC for design of the Harmon Park Sonatorium Restoration and addition of roof structure over the stage.

RESOLUTION NO. 2021-86

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Standard Form of Agreement Between Owner and Architect entered into by the City of Kearney and Wilkins Architecture Design Planning LLC for the purpose of providing architect and design services for the restoration of the Harmon Park Sonatorium be and is hereby approved. The Agreement, marked as Exhibit 'A', is hereby attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Standard Form of Agreement Between Owner and Architect on behalf of the City of Kearney.

PASSED AND APPROVED THIS 25TH DAY OF MAY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court licenses until May 31, 2022: Restrictions Permit Applications as follows:

- a) Countryside Mobile Park, 1920 15th Avenue;
- b) Merriweather Mobile Home Village, 914 West 17th Street;
- c) Rodeo Court, 2414 West 24th Street;
- d) R-Villa East, 2500, 2719, 2803 West 24th Street;
- e) R-Villa West, 2500, 2719, 2803 West 24th Street;
- f) R-Villa South, 2500, 2719, 2803 West 24th Street;
- g) Valley View Mobile Home Court, 2701 and 2801 Grand Avenue; and
- h) Villa Park, 2703 West 24th Street.

8. Adopt Resolution No. 2021-87 approving the Developer Constructed Infrastructure Agreement for Millennial Estates Fourth Addition between the City of Kearney and Danny Starostka, President of Starostka Group Unlimited, Inc., a Nebraska Corporation for the construction of paving, water main, sanitary sewer main and storm sewer improvements to serve Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2021-87

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska" between the City of Kearney and Danny Starostka, President of Starostka Group Unlimited, Inc., a Nebraska Corporation for the construction of paving, water main, sanitary sewer main and storm sewer improvements for Millennial Estates Fourth 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 25TH DAY OF MAY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the new Class I-124226 liquor license application and manager application for Jasmin McGinnis submitted by Jazzed Bean, LLC dba Barista's Daily Grind located at 1502 2nd Avenue.

10. Authorize the City Clerk to send a letter of approval to the Nebraska Liquor Control Commission for an Addition to Liquor License submitted by Apple Fun Center Inc dba Big Apple Fun Center located at 500 West 4th Street in connection with their Class C-024505 liquor license.

11. Accept the Proposals received for the Brick Paver Patching for the 2021 Construction Season and award the Proposal submitted by GD Concrete Construction Inc. in the amount of \$93,600.

12. Approve the purchase of a Caterpillar 950M Series Wheel Loader in the amount of \$325,395.00 submitted by Nebraska Machinery under the Sourcwell Cooperative Purchasing Contract program to be used at the Kearney Area Solid Waste Agency Landfill by the Utilities Department.

13. Adopt Resolution No. 2021-88 approving Application for Payment No. 5 in the amount of \$510,129.58 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.

RESOLUTION NO. 2021-88

WHEREAS, Brown Construction of Kearney, Nebraska has performed services in connection with the construction of the Community Tennis Facility, and the City's engineer, RDG Planning & Design, have filed with the City Clerk Application and Certificate for Payment No. 5 in the amount of \$510,129.58 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 7,250,100.00
Contract Sum To Date	<u>7,250,100.00</u>
Gross Amount Due	1,097,961.88
Retainage (5%)	<u>- 54,898.09</u>
Amount Due to Date	1,043,063.79
Less Previous Certificates for Payment	<u>- 532,934.21</u>
Current Payment Due	\$ 510,129.58

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. 5, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF MAY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

14. Adopt Resolution No. 2021-89 approving Change Order No. 1 showing an increase in the amount of \$3,610.00, Change Order No. 2 showing a decrease in the amount of \$1,490.40, Application for Payment No. 2-Final in the amount of \$28,066.15 and accept the Certificate of Substantial Completion submitted by Wilke Contracting and approved by Oak Creek Engineering for 2021 Part 1 Improvements; Rolling Hills Road Bridge Repairs.

RESOLUTION NO. 2021-89

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 Change Order No. 1 showing an increase in the amount of \$3,610.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Wilke Contracting and Oak Creek Engineering have filed with the City Clerk Change Order No. 2 showing a decrease in the amount of \$1,490.40 as shown on Exhibit "B" attached hereto and made a part hereof by reference; and

WHEREAS, Wilke Contracting and Oak Creek Engineering have filed with the City Clerk have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$28,066.15 as shown on Exhibit "C" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 78,959.25</u>
Change Order No. 1 (5/25/21)	+ \$3,610.00
	<u>- \$1,490.40</u>
Contract Sum To Date	81,078.85
Gross Amount Due	81,078.85
Retainage (0%)	<u>0.00</u>
Amount Due to Date	81,078.85
Less Previous Certificates for Payment	<u>- 53,012.70</u>
Current Payment Due	\$ 28,066.15

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of April 16, 2021, as shown by Exhibit “D” attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order Nos. 1 and 2, as shown on Exhibit “A” and “B”, Application and Certificate for Payment No. 2-Final, as shown on Exhibit “C” and the Certificate of Substantial Completion as shown on Exhibit “D” be and are hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF MAY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

15. Approve the Plans and Specifications for the Landfill Bypass Road Improvements and set the bid opening date for June 15, 2021 at 2:00 p.m.

16. Adopt Resolution No. 2021-90 approving Change Order No. 1 showing an increase in the amount of \$18,440.00 submitted by Dan Roeder Concrete and approved by Olsson for 2020 Part 2 Improvements; 31st Street from D Avenue to G Avenue.

RESOLUTION NO. 2021-90

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with 2020 Part 2 Improvements; 31st Street from D Avenue to G Avenue, and the City's engineer, Olsson, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$18,440.00 as shown on Exhibit “A” attached hereto and made a part hereof by reference; and

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit “A” be and is hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF MAY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

17. Adopt Resolution No. 2021-91 approving Application for Payment No. 2 in the amount of \$303,594.36 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. 2021-91

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. 2 in the amount of \$303,594.36 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 561,015.00</u>
Contract Sum To Date	561,015.00
Gross Amount Due	419,566.98
Retainage (10%)	<u>- 20,978.35</u>
Amount Due to Date	398,588.63
Less Previous Certificates for Payment	<u>94,994.27</u>
Current Payment Due	\$ 303,594.36

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. 2, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF MAY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8489 AMENDING CHAPTER 4 "FIRE REGULATIONS"

Postponed from the May 11, 2021 City Council meeting. Council Member Buschkoetter introduced Ordinance No. 8489 amending two (2) Sections of Article 2 "Fire Department" of Chapter 4 "Fire Regulations" of the City Code specifically being Section 4-203 "Officers Generally" to amend and update the created offices; and Section 4-210 "Duties of Assistant Chief" to amend and update the title of Assistant Chief to Deputy Chief and Battalion Chiefs, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8489. 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. 8489 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 Clouse seconded by Nikkila that Ordinance No. 8489 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. 8489 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. 8490 AMENDING SECTION 8-617 "CHEMICAL TESTS; REFUSAL; PENALTIES" OF ARTICLE 6 "OPERATION OF VEHICLES" OF CHAPTER 8 "POLICE"

Postponed from the May 11, 2021 City Council meeting. Council Member Buschkoetter introduced Ordinance No. 8490 amending Section 8-617 "Chemical Tests; Refusal; Penalties" of Article 6 "Operation of Vehicles" of Chapter 8 "Police" of the City Code to amend language to align with Nebraska Revised Statute, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8490. 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. 8490 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 Clouse seconded by Nikkila that Ordinance No. 8490 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. 8490 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. 8491 REPEALING ORDINANCE NO. 8490 CREATING PAVING IMPROVEMENT DISTRICT NO. 2021-005

Council Member Buschkoetter introduced Ordinance No. 8491 repealing 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 Clouse seconded the motion to suspend the rules for Ordinance No. 8491. 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. 8491 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 Clouse seconded by Nikkila that Ordinance No. 8491 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. 8491 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. 8492 AMENDING CHAPTER 4 "FIRE REGULATIONS" TO ALIGN WITH NEBRASKA REVISED STATUTE BASED ON LEGISLATIVE BILL 152

Council Member Buschkoetter introduced Ordinance No. 8492 amending Section 4-601 "Fireworks; Definitions" of Article 6 "Fireworks" of Chapter 4 "Fire Regulations" of the City Code to amend language to align with Nebraska Revised Statute based on Legislative Bill 152; and to delete in its entirety Section 4-612 "Rockets Prohibited" of Article 6 "Fireworks" of Chapter 4 "Fire Regulations", and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8492. 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. 8492 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 Clouse seconded by Nikkila that Ordinance No. 8492 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. 8492 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. 8493 AMENDING SECTION 1-1519 "SURPLUS STOCK" OF ARTICLE 15 "PURCHASING" OF CHAPTER 1 "ADMINISTRATION" AND SECTION 8-103 "SALE AND DISPOSAL OF ABANDONED, IMPOUNDED OR UNCLAIMED PROPERTY" OF ARTICLE 1 "GENERAL PROVISIONS" OF CHAPTER 8 "POLICE"

Council Member Buschkoetter introduced Ordinance No. 8493 amending Section 1-1519 "Surplus Stock" of Article 15 "Purchasing" of Chapter 1 "Administration" of the City Code to add the use of online auction as an authorized method to sell or dispose of surplus stock property; and Section 8-103 "Sale and Disposal of Abandoned, Impounded or Unclaimed Property" of Article 1 "General Provisions" of Chapter 8 "Police" of the City Code to add online auction as an authorized method of sale or sell of abandoned, recovered, confiscated, impounded or unclaimed property by the Kearney Police Department and to add the City of Kearney website as an additional location of notice allowable for publishing the notice of such sale, in a period of at least ten (10) days prior to sale, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8493. 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. 8493 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 Clouse seconded by Nikkila that Ordinance No. 8493 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. 8493 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 Nikkila seconded by Moore that the Open Account Claim in the amount of \$10.59 payable to Goodwill Industries be allowed. Roll call resulted as follows: Aye: Clouse, Moore, Lear, Nikkila. Nay: None. Buschkoetter abstained. Motion carried.

Moved by Moore seconded by Lear that the Open Account Claim in the amount of \$84,234.23 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. 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, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**