

Kearney, Nebraska
August 10, 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 August 10, 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; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Andy Harter, Director of Public Works; Bryan Waugh, Chief of Police; Brenda Jensen, Development Services Director and Scott Hayden, Director of Park and Recreation were present. Members of the media present included: Mike Konz with the Kearney Hub. Several members from the public were also in attendance.

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

A Boy Scout from Troop 139 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

VACATE UTILITY EASEMENT LOCATED NORTH OF 11TH STREET, SOUTH OF 13TH STREET, EAST OF AVENUE D AND WEST OF AVENUE E

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Home Living, LLC (c/o Gene & Deb McElhinny) to vacate a utility easement as originally dedicated for the use of vacated 12th Street from the East right-of-way line of Avenue D to the West right-of-way line of Avenue E, as the same abuts the South line of Lots 3 and 4, Block One and the North line of Lot 1, Block Two in Hisey Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska and the North line of the East Half of Lot 1772, Original Town Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, EXCEPT the East 10.00 feet of the West Half of vacated 12th Street and the West 10.00 feet of the East Half of vacated 12th Street; to release the retention of easements for right of ingress and egress to all existing utilities (North of 11th Street, South of 13th Street, East of Avenue D and West of Avenue E) and consider Ordinance No. 8506.

Craig Bennett with Miller & Associates presented this matter to the Council. Mr. Bennett demonstrated where the proposed vacated easement is located and stated due to the remaining easements on the block to the north and south side, the request is for a partial vacation. Granting the partial vacation request will allow the lots to be infilled and built on.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the application submitted by Miller & Associates for Home Living, LLC (c/o Gene & Deb McElhinny) and introduced Ordinance No. 8506 vacating 12th Street from the East right-of-way line of Avenue D to the West right-of-way line of Avenue E, as the same abuts the South line of Lots 3 and 4, Block One and the North line of Lot 1, Block Two in Hisey Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska and the North line of the East Half of Lot 1772, Original Town Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, EXCEPT the East 10.00 feet of the West Half of vacated 12th Street and the West 10.00 feet of the East Half of vacated 12th Street; to release the retention of easements for right of ingress and egress to all existing utilities (North of 11th Street, South of 13th Street, East of Avenue D and West of Avenue E) 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. 8506. 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. 8506 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 Busckoetter that Ordinance No. 8506 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Busckoetter. 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. 8506 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.

REZONE PROPERTY LOCATED AT 40TH AVENUE, NORTH OF 70TH STREET

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for RK Development, LLC, a Nebraska Limited Liability Company 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 East Half of the Southwest Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (40th Avenue, North of 70th Street) and consider Ordinance No. 8507.

Craig Bennett with Miller & Associates presented this matter to the Council. Mr. Bennett stated the Future Land Use Map will remain the same; however, the Developer is requesting that the 50.26 acres be rezoned to District RR-1 to stay consistent with the previously platted North Pointe Subdivision. Grading and paving of the roads through both North Pointe Subdivision and North Pointe Second Subdivision has been completed. Mr. Bennett noted provisions on the proposed plat have been made showing right-of-way dedication for the future extension of 74th Street and 78th Street. Mr. Bennett reviewed the Infrastructure plan and noted that all lots will be served by well and septic.

There was no one present in opposition to this hearing.

Moved by Busckoetter to close the public hearing on the Application submitted by application submitted by Miller & Associates for RK Development, LLC, a Nebraska Limited Liability Company and introduced Ordinance No. 8507 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 East Half of the Southwest Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (40th Avenue, North of 70th 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 close the hearing and suspend the rules for Ordinance No. 8507. 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, Busckoetter, Nikkila. 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. 8507 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 absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8507 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. 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. 8507 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 NORTH POINTE SECOND SUBDIVISION

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for RK Development, LLC, a Nebraska Limited Liability Company for the Final Plat and Subdivision Agreement for North Pointe Second, a subdivision being part of the East Half of the Southwest Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as a tract of land being part of the East Half of the Southwest Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (40th Avenue, North of 70th Street) and consider Resolution No. 2021-131.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2021-131 approving the application submitted by Miller & Associates for RK Development, LLC, a Nebraska Limited Liability Company for the Final Plat and Subdivision Agreement for North Pointe Second, a subdivision being part of the East Half of the Southwest Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as a tract of land being part of the East Half of the Southwest Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (40th Avenue, North of 70th Street). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2021-131

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of North Pointe Second, a subdivision being part of the East Half of the Southwest Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for a tract of land being part of the East Half of the Southwest Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a brass cap at the Southeast Corner of the Southwest Quarter of Section 16; thence N 00°13'12" E on the East line of said Southwest Quarter and the East line of North Pointe, a subdivision being part of the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4) of Section Sixteen (16), Township Nine (9) North, Range Sixteen (16) West of the 6th Principal Meridian, Buffalo County, Nebraska, and all bearings contained herein are relative thereto, a distance of 897.00 feet to a 5/8" rebar w/cap at the POINT OF BEGINNING, said point being the Northeast corner of Lot 2, Block One in said North Pointe; thence continuing N 00°13'12" E on said East line of the Southwest Quarter a distance of 1736.98 feet to a stone at the Northeast corner of said Southwest Quarter; thence N 89°40'13" W on the North line of said Southwest Quarter a distance of 1317.72 feet to the Northwest corner of the East Half of said Southwest Quarter; thence S 00°07'58" W on the West line of said East Half of the Southwest Quarter a distance of 1493.23 feet to a 5/8" rebar w/cap at the Northwest corner of Lot 2, Block Three in said North Pointe; thence N 89°20'09" E on the North line of said North Pointe a distance of 263.48 feet to a 5/8" rebar w/cap on the East line of 41st Avenue as shown and dedicated on said North Pointe; thence S 00°39'51" E on said East line of 41st Avenue a distance of 204.25 feet to a 5/8" rebar w/cap at the Northwest corner of Lot 3, Block Two in said North Pointe; thence N 89°20'09" E on said North line of North Pointe a distance of 667.12 feet to a 5/8" rebar w/cap on the East line of 40th Avenue as shown and dedicated on said North Pointe; thence S 00°20'09" W on said East line of 40th Avenue a distance of 62.30 feet to a 5/8" rebar w/cap at the Northwest corner of said Lot 2, Block One; thence N 89°20'09" E on the North line of said Lot 2 a distance of 381.98 feet to the Point of Beginning, containing 50.26 acres more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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

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

PASSED AND APPROVED THIS 10TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

VACATE PROPERTY LOCATED NORTH OF 40TH STREET AND WEST OF FAIRACRES ROAD AND FINAL PLAT FOR WESTOWN SEVENTH ADDITION

Public Hearings 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 West Town Homeowners Association, Inc. (c/o Bahensky Investments, L.L.C.; Betsy Turk; Molly Oertwig; James and Thao Cook; Thomas and Rebecca Hilsabeck; SRM, LLC and West Town Homeowners Association, Inc. c/o Mary Eileen Rainey) for (1) the vacation of Tract A, Tract B, Tract C, Tract D, Tract E, Tract F and Tract G, Westown Subdivision to the City of Kearney, Buffalo County, Nebraska, being a replat of Lot One, of Faden's Addition, a replat of Lot 72, Fairacres 2nd, a subdivision to the City of Kearney, Buffalo County, Nebraska; AND Lot 1, of Faden's Addition, a replat of Lot 72, Fairacres 2nd, a subdivision to the City of Kearney, Buffalo County, Nebraska; AND part of Lot 72, Fairacres 2nd, a subdivision to the City of Kearney, Buffalo County, Nebraska, with that part of Lot 72, Fairacres 2nd, being part of the Southwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8508; and (2) the Final Plat for Westown Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as Tract A, Tract B, Tract C, Tract D, Tract E, Tract F and Tract G, Westown Subdivision to the City of Kearney, Buffalo County, Nebraska, being a replat of Lot One, of Faden's Addition, a replat of Lot 72, Fairacres 2nd, a subdivision to the City of Kearney, Buffalo County, Nebraska, with said Tract A, Tract B, Tract C, Tract D, Tract E, Tract F and Tract G, Westown Subdivision, Lot One, Faden's Addition, and part of Lot 72, Fairacres 2nd, all to be vacated and being part of the Southwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 40th Street and West of Fairacres Road) and consider Resolution No. 2021-132.

Mitch Humphrey with Buffalo Surveying Corporation presented this matter to the Council. Mr. Humphrey stated the current owners would like to either build on or sell what is currently known as Tract G (to be vacated), which measures approximately 94.73-feet wide by 140-feet deep. Mr. Humphrey noted utilities are available to Tract G (to be vacated) that would accommodate a duplex. The vacation request vacates Tracts A through G of Westown Addition and would then be platted as Westown Seventh Addition that includes Lots A through H. Mr. Humphrey presented a rendering of what a duplex on Lot H could look like, noting that one of the garages would be turned to accommodate the two (2) required access points, one onto Fairacres Road and the other onto West 40th Street.

Council Member Tami Moore questioned the reason for the discrepancy between the spelling of Westown the Subdivision and West Town Homeowners Association? Mr. Humphrey stated he did not have a reason for the difference.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the applications submitted by Buffalo Surveying Corp. for West Town Homeowners Association, Inc. (c/o Bahensky Investments, L.L.C.; Betsy Turk; Molly Oertwig; James and Thao Cook; Thomas and

Rebecca Hilsabeck; SRM, LLC and West Town Homeowners Association, Inc. c/o Mary Eileen Rainey) and introduced Ordinance No. 8508 vacating Tract A, Tract B, Tract C, Tract D, Tract E, Tract F and Tract G, Westown Subdivision to the City of Kearney, Buffalo County, Nebraska, being a replat of Lot One, of Faden's Addition, a replat of Lot 72, Fairacres 2nd, a subdivision to the City of Kearney, Buffalo County, Nebraska; AND Lot 1, of Faden's Addition, a replat of Lot 72, Fairacres 2nd, a subdivision to the City of Kearney, Buffalo County, Nebraska; AND part of Lot 72, Fairacres 2nd, a subdivision to the City of Kearney, Buffalo County, Nebraska, with that part of Lot 72, Fairacres 2nd, being part of the Southwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8508. 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. 8508 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. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8508 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. 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. 8508 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Clouse seconded by Nikkila to adopt Resolution No. 2021-132 approving the Final Plat for Westown Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as Tract A, Tract B, Tract C, Tract D, Tract E, Tract F and Tract G, Westown Subdivision to the City of Kearney, Buffalo County, Nebraska, being a replat of Lot One, of Faden's Addition, a replat of Lot 72, Fairacres 2nd, a subdivision to the City of Kearney, Buffalo County, Nebraska, with said Tract A, Tract B, Tract C, Tract D, Tract E, Tract F and Tract G, Westown Subdivision, Lot One, Faden's Addition, and part of Lot 72, Fairacres 2nd, all to be vacated and being part of the Southwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 40th Street and West of Fairacres Road). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2021-132

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Westown Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a parcel of land being Tract A, Tract B, Tract C, Tract D, Tract E, Tract F and Tract G, Westown Subdivision to the City of Kearney, Buffalo County, Nebraska, being a replat of Lot 1, of Faden's Addition, a replat of Lot 72, Fairacres 2nd, a subdivision to the City of Kearney, Buffalo County, Nebraska, with said Tract A, Tract B, Tract C, Tract D, Tract E, Tract F and Tract G, Westown Subdivision, Lot 1, Faden's Addition, and part of Lot 72, Fairacres 2nd, all now vacated and being part of the Southwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska more particularly described as follows: Referring to the Southwest Corner of the Southwest Quarter of Section 26 and assuming the West line of the Southwest Quarter of Section 26 as bearing N 00°26'02" W and all bearings contained herein are relative thereto; thence on the West line of the Southwest Quarter of Section 26, N 00°26'02" W a distance of 40.0 feet to a point on the North line of 39th Street, a street as shown on the plat and dedication of Fairacres 2nd, a subdivision to the City of Kearney, Buffalo County, Nebraska; thence on the North line of said 39th Street and on a line being 40.0' northerly of as measured at right angles from the South line of the Southwest Quarter of said Section 26, N 89°28'08" E a distance of 816.56 feet to a point on the West line of Fairacres Road, a street as shown on the plat and dedication of Fairacres, a subdivision to the City of Kearney, Buffalo County, Nebraska; thence on the West line of said Fairacres Road, N 00°56'02" W a distance of 467.17 feet to the ACTUAL PLACE OF BEGINNING, said point being on the North line of 40th Street, a street as shown on the plat and dedication of said Fairacres 2nd, said point also being on the South line of Westown Subdivision to the City of Kearney, Buffalo County, Nebraska (now vacated), and with said point also being 10.0 feet westerly from the Southeast Corner of said Westown Subdivision; thence on the line common to the North line of said 40th Street and the South line of said Westown Subdivision, N 89°35'28" E a distance of 10.0 feet to the Southeast Corner of said Westown Subdivision; thence on the East line of said Westown Subdivision and on the West line of said Fairacres Road, N 00°56'02" W a distance of 139.87 feet to the Northeast Corner of said Westown Subdivision; thence leaving the line common to the East line of said Westown Subdivision and the West line of said Fairacres Road and on the North line of said Westown Subdivision, S 89°34'40" W a distance of 267.73 feet to the Northwest Corner of said Westown Subdivision; thence on the West line of said Westown Subdivision, S 00°21'32" E a distance of 139.80 feet to the Southwest Corner of said Westown Subdivision, said point also being on the North line of said 40th Street; thence on the line common to the North line of said 40th Street and the South line of said Westown Subdivision, N 89°35'28" E a distance of 259.14 feet to the place of beginning, containing 0.86 acres (37,536.0 Sq. Ft.), 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 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 10TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REVISED PLANNED DISTRICT DEVELOPMENT PLAN FOR PROPERTY LOCATED NORTH OF 40TH STREET AND WEST OF FAIRACRES ROAD

Public Hearings 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 West Town Homeowners Association, Inc. (c/o Bahensky Investments, L.L.C.; Betsy Turk; Molly Oertwig; James and Thao Cook; Thomas and Rebecca Hilsabeck; SRM, LLC and Mary Eileen Rainey) for a Revised Planned District Development Plan Approval for an existing townhome site with plan to divide off excess land for construction of one (1) duplex lot to the east on property to zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Westown Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of 40th Street and West of Fairacres Road) and consider Resolution No. 2021-133.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2021-133 approving the Application submitted by Buffalo Surveying Corp. for West Town Homeowners Association, Inc. (c/o Bahensky Investments, L.L.C.; Betsy Turk; Molly Oertwig; James and Thao Cook; Thomas and Rebecca Hilsabeck; SRM, LLC and Mary Eileen Rainey) for a Revised Planned District Development Plan Approval for an existing townhome site with plan to divide off excess land for construction of one (1) duplex lot to the east on property to zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Westown Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of 40th Street and West of Fairacres Road). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2021-133

WHEREAS, Buffalo Surveying Corp. for West Town Homeowners Association, Inc. (c/o Bahensky Investments, L.L.C.; Betsy Turk; Molly Oertwig; James and Thao Cook; Thomas and Rebecca Hilsabeck; SRM, LLC and Mary Eileen Rainey) has applied for Revised Planned District Development Plan Approval for an existing townhome site with plan to divide off excess land for construction of one (1) duplex lot to the east on property zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Westown Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of 40th Street and West of Fairacres Road).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Buffalo Surveying Corp. for West Town Homeowners Association, Inc. (c/o Bahensky Investments, L.L.C.; Betsy Turk; Molly Oertwig; James and Thao Cook; Thomas and Rebecca Hilsabeck; SRM, LLC and Mary Eileen Rainey) for Revised Planned District Development Plan Approval for an existing townhome site with plan to divide off excess land for construction of one (1) duplex lot to the east on property zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/Planned Development Overlay District and described as Westtown Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of 40th Street and West of Fairacres Road) be approved.

PASSED AND APPROVED THIS 10TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REVISED PLANNED DISTRICT DEVELOPMENT PLAN FOR PROPERTY LOCATED SOUTH OF 39TH STREET, WEST OF AVENUE X, NORTH OF 37TH STREET

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

Mayor Clouse opened the public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for a Revised Planned District Development Plan Approval for an amendment requesting a reduction in the rear yard setback from 25-feet to 21-feet on proposed duplex lots on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, West of Avenue X, North of 37th Street) and consider Resolution No. 2021-134.

Jacob Reiter, from Olsson’s presented this matter to the Council. Mr. Reiter noted Millennial Estates Fourth Addition was previously approved by Planning Commission and City Council; however, the rear yard setbacks on the lots meant for duplexes was shown incorrectly. Mr. Reiter briefly reviewed information previously presented regarding Millennial Estates Fourth Addition and noted the Developer is requesting a reduction in the rear yard setback for the duplex lots, from 25-feet to 21-feet. Mr. Reiter noted an additional minor change for circulation on the 18-foot cart way that pertained to storm sewers due to the grade of the road for drainage in this area. Mr. Reiter stated the 21-foot setback is consistent with duplex lots on all of the previously platted Millennial Estates Additions. According to the Register of Deeds none of the lots in Millennial Estates Fourth Addition have been sold to date.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Buschkoetter to close the hearing and adopt Resolution No. 2021-134 approving the Application submitted by Danny Starostka for Starostka Group Unlimited for a Revised Planned District Development Plan Approval for an amendment requesting a reduction in the rear yard setback from 25-feet to 21-feet on proposed duplex lots on property zoned District R-2/PD, Urban Residential Mixed-

Density/Planned Development Overlay District and described as Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, West of Avenue X, North of 37th Street). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2021-134

WHEREAS, Danny Starostka for Starostka Group Unlimited has applied for Revised Planned District Development Plan Approval for an amendment requesting a reduction in the rear yard setback from 25-feet to 21-feet on proposed duplex lots described as Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, West of Avenue X, North of 37th Street).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Danny Starostka for Starostka Group Unlimited has applied for Revised Planned District Development Plan Approval for an amendment requesting a reduction in the rear yard setback from 25-feet to 21-feet on proposed duplex lots described as Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, West of Avenue X, North of 37th Street) be approved subject to the following deviation (also included are the original deviations granted on February 9, 2021 in Resolution No. 2021-23):

1. Site area of 5,980-square feet for 13 single-family residential lots.
2. 52-foot lot width (13 lots), 53-foot lot width (14 lots), and 57-68-foot lot widths (6 lots).
3. 5-foot side yard setback for 32 residential lots.
- (NEW DEVIATION) 4. 21-foot rear yard setback for 6 duplex lots (Block One, Lot 17; Block Two, Lots 1, 15, 16, 17; Block Three, Lot 2).
5. 32-foot urban local street width with an 18-foot minimum cartway 100% of the time, a minimum of 4 on-premise parking spaces with two tandem parking lanes per single-family residential lots, and the use of cluster mailboxes.
6. One (1) sanitary and water connection per R-2 lots being noted as single-family on the final plat to inform future owners of the limitation.
7. A Planned District Development Plan Approval application for Lots 1 and 18, Block 1 will need to be submitted to the Planning Commission and City Council for approval prior to development.
8. No Parking Signage.

PASSED AND APPROVED THIS 10TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REVISED FINAL PLAT FOR MILLENNIAL ESTATES FOURTH ADDITION

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

Mayor Clouse opened the public hearing on the application submitted by Danny Starostka for Starostka Group Unlimited for the Revised Final Plat for Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; specifically being Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, West of Avenue X, North of 37th Street) and consider Resolution No. 2021-135.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2021-135 approving the application submitted by Danny Starostka for Starostka Group Unlimited for the Revised Final Plat for Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; specifically being Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, West of Avenue X, North of 37th Street). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2021-135

WHEREAS, on February 9, 2021, the Final Plat, Subdivision Agreement, Supplemental Subdivision Agreement by Resolution No. 2021-21 and Planned District Development Plan by Resolution No. 2021-23 for "Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska" were approved by the Kearney City Council; and

WHEREAS, on March 2, 2021, the Final Plat, Subdivision Agreement, Supplemental Subdivision Agreement for "Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska" were recorded at the Office of the Register of Deeds, Buffalo County, Nebraska at Doc 2021-01680 and Doc 2021-01681; and

WHEREAS, on May 28, 2021, Danny Starostka for Starostka Group Unlimited submitted an Application for approval of a Revised Planned District Development Plan for consideration by Planning Commission, requesting an amendment for the reduction in the rear yard setback from 25-feet to 21-feet on proposed duplex lots being Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, and Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska on property zoned

District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, and Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, also on May 28, 2021, Danny Starostka for Starostka Group Unlimited submitted an Application for a Revised Final Plat shown as Exhibits 1-A, 1-B, 1-C, 1-D, 1-E, 1-F, and 1-G detailing the reduction in the rear yard setback from 25-feet to 21-feet on proposed duplex lots being Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, and Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District; and

WHEREAS, Planning Commission unanimously approved the Revised Planned District Development Plan and Revised Final Plat for Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, and Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska at their July 16, 2021 meeting; and

WHEREAS, on August 10, 2021, the Kearney City Council conducted a Public Hearing on the Application for a Revised Planned District Development Plan requesting an amendment for the reduction in the rear yard setback from 25-feet to 21-feet on proposed duplex lots being Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, and Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, and Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, also on August 10, 2021, the Kearney City Council conducted a Public Hearing on the Application for a Revised Final Plat shown as Exhibits 1-A, 1-B, 1-C, 1-D, 1-E, 1-F, and 1-G detailing the reduction in the rear yard setback from 25-feet to 21-feet on proposed duplex lots being Lot 17, Block One, Lots 1, 15, 16, 17, Block Two, and Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that Resolution No. 2021-21 as filed in the Office of the Buffalo County, Nebraska Register of Deeds at Doc 2021-01680, approving the Final Plat, Subdivision Agreement and Supplemental Subdivision Agreement for "Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska", be and remain in full force and effect.

BE IT FURTHER RESOLVED that the Revised Final Plat for Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, marked as:

- Exhibit 1-A for Lot 17, Block One, Lots 1, 15, 16, 17, Block Two and Lot 2, Block Three, all in Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska;
- Exhibit 1-B for Lot 17, Block One, Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska;
- Exhibit 1-C for Lot 1, Block Two, Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska;
- Exhibit 1-D for Lot 15, Block Two, Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska;

- Exhibit 1-E for Lot 16, Block Two, Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska;
- Exhibit 1-F for Lot 17, Block Two, Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and
- Exhibit 1-G for Lot 2, Block Three, Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska

attached hereto and made a part hereof, be approved and be ordered filed and recorded.
 PASSED AND APPROVED THIS 10TH DAY OF AUGUST, 2021.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

REVISED PLANNED DISTRICT DEVELOPMENT PLAN FOR PROPERTY LOCATE SOUTH OF 39TH STREET, EAST OF AVENUE W, NORTH OF GRAND AVENUE

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

Mayor Clouse opened the public hearing on the Application submitted by Danny Starostka for Starostka Group Unlimited for a Revised Planned District Development Plan Approval for an amendment requesting a reduction in the rear yard setback from 25-feet to 21-feet on a proposed duplex lot on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) and consider Resolution No. 2021-136.

Jacob Reiter, from Olsson’s presented this matter to the Council. Mr. Reiter described the location of Millennial Estates Fifth Addition, reviewed information that was previously presented the first time this Addition was approved, where the duplex lot is located in this Addition and stated the rear yard setback for this duplex lot also needs to be decreased to 21-feet.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2021-136 approving the application submitted by Danny Starostka for Starostka Group Unlimited for a Revised Planned District Development Plan Approval for an amendment requesting a reduction in the rear yard setback from 25-feet to 21-feet on a proposed duplex lot on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2021-136

WHEREAS, Danny Starostka for Starostka Group Unlimited has applied for Revised Planned District Development Plan Approval for an amendment requesting a reduction in

the rear yard setback from 25-feet to 21-feet on proposed duplex lots described as Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as described as Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Danny Starostka for Starostka Group Unlimited has applied for Revised Planned District Development Plan Approval for an amendment requesting a reduction in the rear yard setback from 25-feet to 21-feet on proposed duplex lots described as Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as described as Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) be approved subject to the following deviation (also included are the original deviations granted on June 22, 2021 in Resolution No. 2021-94):

1. Site area of 5,980-square feet for four (4) single-family residential lots and 5,959-square feet for one (1) single-family residential lot.
 - 1.2 52-foot lot width (five lots).
 2. 5-foot side yard setback (nine residential lots).
 3. (NEW DEVIATION REQUESTED). 21-foot Rear Yard Setback for 1 Residential Lot (Block Two, Lot 3).
 4. One (1) sanitary and water connection per R-2 lots being noted as single-family on the final plat to inform future owners of the limitation.
 5. 32-foot urban local street width (35th Street Drive) with an 18-foot minimum cartway 100% of the time, a minimum of four (4) on-premise parking spaces with two (2) tandem parking lanes per single-family residential lot, and the use of cluster mailboxes.
 6. No Parking Signage as shown in the PC submittal.
- PASSED AND APPROVED THIS 10TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REVISED FINAL PLAT FOR MILLENNIAL ESTATES FIFTH ADDITION

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

Mayor Clouse opened the public hearing on the application submitted by Danny Starostka for Starostka Group Unlimited for the Revised Final Plat for Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; specifically being Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) and consider Resolution No. 2021-137.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2021-137 approving the application submitted by Danny Starostka for Starostka Group Unlimited for the Revised Final Plat for Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; specifically being Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2021-137

WHEREAS, on June 22, 2021, the Final Plat and Subdivision Agreement, by Resolution No. 2021-92 and Planned District Development Plan by Resolution No. 2021-94 for “Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska” were approved by the Kearney City Council; and

WHEREAS, on July 13, 2021, the Final Plat for “Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska” was recorded at the Office of the Register of Deeds, Buffalo County, Nebraska at Doc 2021-05256; and

WHEREAS, on May 28, 2021, Danny Starostka for Starostka Group Unlimited submitted an Application for approval of a Revised Planned District Development Plan for consideration by Planning Commission, requesting an amendment for the reduction in the rear yard setback from 25-feet to 21-feet on the proposed duplex lot being Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, also on May 28, 2021, Danny Starostka for Starostka Group Unlimited submitted an Application for a Revised Final Plat shown as Exhibits 1-A and 1-B, detailing the reduction in the rear yard setback from 25-feet to 21-feet on the proposed duplex lot being Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District; and

WHEREAS, Planning Commission unanimously approved the Revised Planned District Development Plan and Revised Final Plat for Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska at their July 16, 2021 meeting; and

WHEREAS, on August 10, 2021, the Kearney City Council conducted a Public Hearing on the Application for a Revised Planned District Development Plan requesting an amendment for the reduction in the rear yard setback from 25-feet to 21-feet on proposed duplex lot being Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, also on August 10, 2021, the Kearney City Council conducted a Public Hearing on the Application for a Revised Final Plat shown as Exhibits 1-A and 1-B,

detailing the reduction in the rear yard setback from 25-feet to 21-feet on the proposed duplex lot being Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska on property zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the Revised Final Plat for Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, marked as:

- Exhibit 1-A for Lot 3, Block Two, all in Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and
- Exhibit 1-B for Lot 3, Block Two, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska;

attached hereto and made a part hereof, be approved and be ordered filed and recorded.

PASSED AND APPROVED THIS 10TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

VACATE A 20-FOOT WIDE SANITARY SEWER EASEMENT LOCATED SOUTH OF 39TH STREET, EAST OF AVENUE W, NORTH OF GRAND AVENUE

Mayor Clouse opened the public hearing on the application submitted by Olsson for Starostka Group Unlimited to vacate a 20-foot wide sanitary sewer easement on the centerline and consisting of part of 35th Street Drive Right-of-Way, part of Lot 1, Block 1, and part of Lots 5 and 6, all in Block 3, all in Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) and consider Ordinance No. 8509.

Jacob Reiter, from Olsson’s presented this matter to the Council. Mr. Reiter discussed the location of the easement for the sewer that was constructed in previous Millennial Estates additions; because the area was not platted at the time the sewer was installed, the easement was dedicated to the City for the installation of the sewer. Millennial Estates Fifth Addition now shows a road in this same area; therefore, the easement is no longer needed.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the application submitted by Olsson for Starostka Group Unlimited and introduced Ordinance No. 8509 vacating a 20-foot wide sanitary sewer easement on the centerline and consisting of part of 35th Street Drive Right-of-Way, part of Lot 1, Block 1, and part of Lots 5 and 6, all in Block 3, all in Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand 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. 8509. 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. 8509 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 Buschkoetter seconded by Clouse that Ordinance No. 8509 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. 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. 8509 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.

CONSIDER SUBMITTING A QUESTION TO THE QUALIFIED ELECTORS OF THE CITY OF KEARNEY AT A SPECIAL ELECTION SCHEDULED FOR DECEMBER 14, 2021

Mayor Clouse opened the public hearing on submitting the following question to the qualified electors of the City of Kearney at a Special Election scheduled for December 14, 2021:

“Shall the City of Kearney issue general obligation bonds of said City in the principal amount not to exceed \$34,000,000 for the purpose of constructing a sports complex together with the facilities and improvements related thereto, said bonds to bear interest at a rate or rates as shall be determined by the Mayor and Council of the City and to become due at such time or times as may be fixed by the Mayor and Council, and shall there be provided annually for the payment of the interest and principal of said bonds as and when such interest and principal become due (1) amounts from funds appropriated annually from occupation taxes, other available receipts and (2) after application of any such appropriated funds, amounts from taxes levied on all the taxable property within the City sufficient in rate and amount to pay such principal and interest?”

“Shall the termination date of the existing one percent restaurant and drinking place occupation tax that was approved on November 4, 2014 by Kearney voters in said City be extended from January 31, 2025 to December 31, 2042 to pay the interest and principal of said bonds as the same become due?” and consider Resolution No. 2021-138.

City Manager, Michael Morgan, presented this matter to the Council. Mr. Morgan noted this item was presented by a citizen committee at the prior City Council Meeting. Staff was to bring forward legislation so this issue could be placed on a future ballot. The ballot’s language includes the maximum amount of funding for the construction of the sports complex and establishes a beginning and end date to the potential extension of the Restaurant Tax; the ballot language is set by the City’s Bond Council and State law. He reviewed the variety of sources funding would come from for the sports complex regarding the building and operational costs that were discussed at the prior Council meeting and also reviewed how the State Sales Turnback Tax would assist with funding the project. If the State does not approve the City’s application for the State Sales Turnback Tax, a future Public Hearing would be needed to rescind the ballot question that is on the Agenda this evening as the project would not move forward. Mr. Morgan explained the December 14th date was chosen to allow time for a decision on what type of vote will be held, statutory regulations, offers time for the State to review and make determination on Sales Turnback Tax application, provides ample time to notify citizens if the State Sales Turnback Tax funding is awarded to the City and to address questions from voters.

He stated the indoor sports complex will be available for anyone to use and by all age groups. The facility will be approximately 200,000 to 215,000 square feet with informal plans to accommodate drop down net batting cages, eight (8) basketball courts that convert into twelve (12) volleyball courts; 70,000 square feet of soccer space, pickle ball courts, a running and walking track, concession stands, public restrooms and a significant amount of parking.

Council Member Randy Buschkoetter questioned how the City came up with the figure of \$34,000,000 for the facility? Mr. Morgan stated figures were used from recent, similar projects and their cost, such as the Tennis Facility as well as speaking with various contractors regarding their thoughts on future costs to build the facility. The facility will most likely come in lower than \$34,000,000; however, as with all building projects, it is good to have contingency funds available for unforeseeable things that sometimes arise as projects are built.

Jon Garner with A Place to Play, thanked the Council for considering this item and continues to feel this is a great project for the community as a whole as well as for the State of Nebraska. Mr. Garner stated since the last Council meeting, he has received numerous phone calls, emails and Facebook messages with several questions regarding the proposed sports complex and noted once he explained there would not be an increase in taxes people agreed that building the facility makes sense. Mr. Garner feels there are numerous people in support of the project and those that are not may not understand or be completely informed on the project.

Council Member Jonathan Nikkila questioned what the majority of questions were that

Mr. Garner had received? Mr. Garner stated questions pertained to the facility's location, how it would be paid for and if the funds could be used for other things in the City instead of a sports complex.

Roger Jasnoch, Director of the Kearney Visitors Bureau stated he is in support of the sports complex. He feels Kearney needs to do more now so that Kearney is not surpassed and further noted the addition of an indoor sports complex will assist Kearney in becoming a regional destination for sporting events.

Council Member Nikkila questioned if there were any facilities in the eastern part of the State that compare to the proposed Kearney facility? Mr. Janosch stated Council Bluffs has a similar facility but none that parallel what is being proposed in Kearney.

Seth Gates of Kearney stated he is strongly in support of the sports complex as he grew up in Kearney and has played sports in Kearney for several years. Mr. Gates suggested the City look into including a hockey rink as plans are developed for the facility; his children play hockey and travel over 6 ½ hours for tournaments. Mr. Gates noted his family researched the cost of building just a hockey rink, excluding a building, and found the cost to be approximately \$2,100,000 to \$2,300,000. Although this would be a significant part of the proposed funding, there are a lot of children that play hockey in the community.

Council Member Nikkila stated he is not familiar with the hockey program in Kearney and questioned where they practice/play currently and also what the hours are of where they hold practice/games? Mr. Gates stated currently they use the Viaero Event Center and are limited to the hours of 5:30 p.m. to 9:00 p.m. Tuesday through Sunday. Mr. Gates stated if the City installed two (2) sheets of ice, they would be able to hold hockey tournaments in Kearney and feels teams could be pulled from Denver and Kansas City.

Jim Bunger of Kearney stated he is neither for nor against the sports complex and is learning about it every day. Mr. Bunger noted that \$34,000,000 is over 25% of the 2021-2022 fiscal budget for the City and further feels the extension of the sunseting Restaurant Tax would be a tax increase even though it is a tax that is already in place. Mr. Bunger wanted to make sure the City looked into different options like partnering with the YMCA to assist them with building a new facility. This partnership would help the City with managing the property and operating it. Mr. Bunger stated that the City had bailed out the Event Center numerous times in the past as well as still managing the Archway. Mr. Bunger requested Council keep those things in mind when they consider their vote on this item.

Council Member Nikkila stated he is curious how Mr. Morgan and City staff came up with the projected cost to operate the facility and the revenues that would come the facility. Mr. Morgan stated City staff put together an estimated budget that included costs for insurance, the number of staff needed, maintenance, equipment , power and based projected revenue on existing, similar projects in the City as well as how other communities who have similar facilities, receive revenue.

Council Member Nikkila questioned if it is estimated that operating costs will be approximately \$900,000 per year? Mr. Morgan agreed with the approximate cost but

noted revenues could be \$650,000, depending on the events held there and noted there are numerous events that we do not even know about that could be held there. Mr. Morgan stated the City will also hire a marketing professional for the facility to maximize it's use.

Council Member Buschkoetter stated he received an email asking about including a hockey rink and asked Mr. Morgan to further discuss that idea further. Mr. Morgan stated the biggest issue with a hockey rink is that it would exceed \$34,000,000 and would also have increased operating costs. Council Member Buschkoetter stated if a group or individual stepped forward with a gift or donation or if fundraisers were held, there would be a possibility down the road that a hockey rink could be added. Mr. Morgan agreed and noted other groups have raised money for their facilities to be built in the past and further commented this proposed building will be built with potential for future additions; however, this proposed project offers a good start.

Council Member Nikkila stated he thought the Restaurant Tax brought in approximately \$1,000,000 annually, and noted that most likely half of that amount is paid by visitors to Kearney. He stated he feels comfortable asking citizens for their vote and feels comfortable with the explanation given on how the sports complex will be funded as the City is not putting people in a bind to operate it; however, the extension of the 1% Restaurant tax will be up to the residents of Kearney.

Council Member Nikkila questioned what type of information voters will have before they vote in December and also wondered if there would be anything for them to view? Mr. Morgan stated there will be an informal rendering of the sports complex; however, due to the cost, there will not be a formal design or drawing process started until the outcome of the vote is known. In addition, a fact sheet will be prepared to better help assist with information on the project and to potentially answer any additional questions.

Council Member Buschkoetter stated the Park and Recreation Department would be running the facility like it does any other public facility.

Mr. Morgan noted the City has had numerous conversations with the YMCA and noted this facility would complement their facility.

Mayor Clouse stated the key is to open it up to the citizens of Kearney as it will be their facility and it is up for them to decide.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2021-138 approving the submittal of the following question to the qualified electors of the City of Kearney at a Special Election scheduled for December 14, 2021:

“Shall the City of Kearney issue general obligation bonds of said City in the principal amount not to exceed \$34,000,000 for the purpose of constructing a sports complex together with the facilities and improvements related thereto, said bonds to bear interest at a rate or rates as shall be determined by the Mayor and Council of the City and

to become due at such time or times as may be fixed by the Mayor and Council, and shall there be provided annually for the payment of the interest and principal of said bonds as and when such interest and principal become due (1) amounts from funds appropriated annually from occupation taxes, other available receipts and (2) after application of any such appropriated funds, amounts from taxes levied on all the taxable property within the City sufficient in rate and amount to pay such principal and interest?"

"Shall the termination date of the existing one percent restaurant and drinking place occupation tax that was approved on November 4, 2014 by Kearney voters in said City be extended from January 31, 2025 to December 31, 2042 to pay the interest and principal of said bonds as the same become due?". Roll call resulted as follows: Aye: Clouse, Buschkoetter, Moore, Nikkila. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2021-138

WHEREAS, citizens of the City of Kearney, Nebraska have expressed their desire to construct an indoor sports complex within the community; and

WHEREAS, the Mayor and City Council wish to place this issue before the voters of the City of Kearney, Nebraska for their decision at a special election to be held December 14, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that the following question be submitted to the qualified electors of the City of Kearney at a special election to be held within the City on December 14, 2021:

"Shall the City of Kearney issue general obligation bonds of said City in the principal amount not to exceed \$34,000,000 for the purpose of constructing a sports complex together with the facilities and improvements related thereto, said bonds to bear interest at a rate or rates as shall be determined by the Mayor and Council of the City and to become due at such time or times as may be fixed by the Mayor and Council, and shall there be provided annually for the payment of the interest and principal of said bonds as and when such interest and principal become due (1) amounts from funds appropriated annually from occupation taxes, other available receipts and (2) after application of any such appropriated funds, amounts from taxes levied on all the taxable property within the City sufficient in rate and amount to pay such principal and interest?"

"Shall the termination date of the existing one percent restaurant and drinking place occupation tax that was approved on November 4, 2014 by Kearney voters in said City be extended from January 31, 2025 to December 31, 2042 to pay the interest and principal of said bonds as the same become due?"

- FOR said bonds and extension of such occupation tax
- AGAINST said bonds and extension of such occupation tax

The ballots to be voted upon and cast at said election shall have printed thereon the foregoing proposition and the words "FOR said bonds and extension of such occupation tax" and "AGAINST said bonds and extension of such occupation tax" after such proposition. Qualified electors voting in favor of the proposition shall blacken the oval opposite the words "FOR said bonds and extension of such occupation tax" following said proposition, and qualified electors voting against the proposition shall blacken the oval opposite the words "AGAINST said bonds and extension of such occupation tax" following said proposition.

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to certify at least fifty days prior to the election a copy of this resolution to the Buffalo County Election Commissioner by October 25, 2021 who shall conduct the election as provided by law.

BE IT FURTHER RESOLVED that such election may be conducted as an election by mail, in the discretion of the Buffalo County Election Commissioner. In the event such election is conducted by mail, the Buffalo County Election Commissioner shall submit to the Secretary of State of Nebraska a written plan for the conduct of the election on the question issuing such bonds in accordance with the Election Act.

BE IT FURTHER RESOLVED that the City Clerk shall cause notice of said election to be published in the Kearney Hub, a legal newspaper published in Buffalo County and of general circulation in said City, once each week for at least five consecutive weeks prior to the date of said election. The Election Commissioner shall also cause a copy of the official ballot to be published once in said paper not more than 15 days nor less than 2 days prior to the date of said election. The forms of notice of election and sample ballot shall be substantially in the following forms:

**NOTICE OF ELECTION
CITY OF KEARNEY, NEBRASKA**

PUBLIC NOTICE IS HEREBY GIVEN that pursuant to a resolution passed by the Mayor and Council of the City of Kearney, Nebraska, a special election has been called and will be held in said City, on the 14th day of December, 2021, at which the following question will be submitted to the qualified electors of the City for their approval or rejection:

"Shall the City of Kearney issue general obligation bonds of said City in the principal amount not to exceed \$34,000,000 for the purpose of constructing a sports complex together with the facilities and improvements related thereto, said bonds to bear interest at a rate or rates as shall be determined by the Mayor and Council of the City and to become due at such time or times as may be fixed by the Mayor and Council, and shall there be provided annually for the payment of the interest and principal of said bonds as and when such interest and principal become due (1) amounts from funds appropriated annually from occupation taxes, other available receipts and (2) after application of any such appropriated funds, amounts from taxes levied on all the taxable property within the City sufficient in rate and amount to pay such principal and interest?"

“Shall the termination date of the existing one percent restaurant and drinking place occupation tax that was approved on November 4, 2014 by Kearney voters in said City be extended from January 31, 2025 to December 31, 2042 to pay the interest and principal of said bonds as the same become due?”

- FOR said bonds and extension of such occupation tax*
- AGAINST said bonds and extension of such occupation tax*

Voters desiring to vote in favor of the question shall blacken the oval preceding the words “FOR said bonds and extension of such occupation tax” and voters desiring to vote against the question shall blacken the oval preceding the words “AGAINST said bonds and extension of such occupation tax”.

[USE THE FOLLOWING FOR STANDARD ELECTION]

The polls will be open continuously from 8:00 a.m. to 8:00 p.m. on such date.

The voting places for qualified electors of the City will be as follows:

Residence
(Precinct) Polling Place Address

The polling places are accessible to individuals with physical mobility limitations.

Ballots for early voting may be obtained from the Election Commissioner of Buffalo County, at PO Box 1270, Kearney, Nebraska 68848.

The polls on said date of election will be open at 8:00 a.m. and will continue to be open until 8:00 p.m. of the same day. The polling places will be the same as the regular polling places for the general election to be held on said date. Absentee voters’ ballots may be obtained by application to the Election Commissioner of Buffalo County in Kearney, Nebraska.

[USE THE FOLLOWING FOR AN ELECTION BY MAIL]

Election by Mail

This election will be an election by mail. Each registered voter residing within the District will receive a ballot by mail at his/her address as it appears on the voter registration register; and therefore no polling places will be open for voting. Ballots will be mailed by the Election Commissioner of Buffalo County between November 22, 2021 and December 4, 2021.

Voter Registration Deadlines

- 1. November 29, 2021: is the last day for mail-in registrations, online registrations, registrar registrations, delivered registrations and agency registrations (3rd Friday prior to the election however, due to the Thanksgiving holiday resulting in the closure of Buffalo County offices on Friday, November 26, 2021, the mail-in registrations, online*

registrations, registrar registrations, delivered registrations and agency registrations deadline is Monday, November 29, 2021).

2. December 3, 2021: is the last day for in-person voter registration in the office of the Election Commissioner of Buffalo County (6:00 p.m.).

Early Voting Ballot

Voters may complete an “Application for Early Voting Ballot” available from the office of the Election Commissioner of Buffalo County. The last day to request an Early Voting ballot to be mailed: Friday, December 3, 2021, at 6:00 p.m. Early Voting requests made after ballots have been mailed require an affidavit to be completed with their request. Contact the Election Office with questions.

Ballot Return Deadline

Voted ballots that are sealed in the “Return Identification Envelope” may be returned in person, by agent or mailed to the Election Commissioner of Buffalo County at PO Box 1270, Kearney, NE 68848.

NOTE: All ballots must be in the possession of the Election Commissioner of Buffalo County no later than 5:00 p.m. on Election Day, December 14, 2021.

Buffalo County Election Commissioner Information

Physical Location: 1512 Central Avenue, Nebraska, 68847

Mailing Location: PO Box 1270, Kearney, Nebraska, 68848

Phone: (308) 236-1233

Fax: (308) 236-1868

E-mail: elections@buffalocounty.ne.gov

CITY PUBLISH - 5 Times (November 9, 2021, November 16, 2021, November 23, 2021, November 30, 2021, and December 7, 2021)

OFFICIAL BALLOT

CITY SPECIAL ELECTION

CITY OF KEARNEY, NEBRASKA

TUESDAY, DECEMBER 14, 2021

“Shall the City of Kearney issue general obligation bonds of said City in the principal amount not to exceed \$34,000,000 for the purpose of constructing a sports complex together with the facilities and improvements related thereto, said bonds to bear interest at a rate or rates as shall be determined by the Mayor and Council of the City and to become due at such time or times as may be fixed by the Mayor and

Council, and shall there be provided annually for the payment of the interest and principal of said bonds as and when such interest and principal become due (1) amounts from funds appropriated annually from occupation taxes, other available receipts and (2) after application of any such appropriated funds, amounts from taxes levied on all the taxable property within the City sufficient in rate and amount to pay such principal and interest?"

"Shall the termination date of the existing one percent restaurant and drinking place occupation tax that was approved on November 4, 2014 by Kearney voters in said City be extended from January 31, 2025 to December 31, 2042 to pay the interest and principal of said bonds as the same become due?"

- FOR said bonds and extension of such occupation tax
- AGAINST said bonds and extension of such occupation tax

Voters desiring to vote in favor of the question shall blacken the oval preceding the words "FOR said bonds and extension of such occupation tax" and voters desiring to vote against the question shall blacken the oval preceding the words "AGAINST said bonds and extension of such occupation tax".

PUBLISH - 1 Time (Between November 30, 2021, and December 12, 2021)

BE IT FURTHER RESOLVED that the Election Commissioner of Buffalo County, Nebraska, be and is hereby employed in accordance with Section 32-559, R.R.S. and is hereby authorized and directed to conduct the said special election, including designation of polling places, appointing election officials, prepare and print ballots containing said question, provide for absentee ballots and do all other things necessary or proper to properly submit the foregoing question to the qualified electors of the City at said special election and to carry out the intent of this Resolution. The City does hereby agree to reimburse said Election Commissioner for the expenses of conducting the election.

PASSED AND APPROVED THIS 10TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Nikkila seconded by Moore that Subsections 1 through 11 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held July 27, 2021.
2. Approve the following Claims:
 - PS Personnel Services

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

Agri Coop \$3,113.78 smcs; Alfred Benesch \$39,421.97 co; Amazon \$1,400.46 smcs; American Electric \$148.44 smcs; Anderson Brothers \$100.27 smcs; Ask Supply \$2,165.12 smcs; Aurora Coop \$58.88 smcs; Avfuel \$45,638.22 smcs; B2 Environmental \$1,275.00 co; Baker & Taylor \$5,079.53 smcs; Bamford \$225.00 smcs; Barlow, J \$250.00 smcs; Bill's Trailer Sales \$7,182.00 co; Blackstone \$1,191.53 smcs; BlueCross BlueShield \$151,811.22 smcs; Bolte, C \$223.00 smcs; Bosselman \$48,017.53 smcs; Bridgett Lavene Consulting \$2,500.00 smcs; Brown Construction \$430,293.95 co; Brown, C \$40.63 smcs; Browns, J \$47.60 smcs; Buffalo Co. Register \$46.00 smcs; Buffalo Co Sheriff \$175.00 smcs; Builders \$3,147.55 smcs,co; Cash Wa \$8,965.51 smcs; Cheerful Books \$23.96 smcs; Chesterman \$1,808.40 smcs; CIGNA \$8,313.86 smcs; Ciox Health \$20.00 smcs; City of Ky \$439,734.94 smcs,ps; Coldspring \$866.25 smcs; Colling, L \$19.00 smcs; Comm Action Part of NE \$1,019.00 smcs; Comm. Health Agencies \$48.00 ps; Comm. Recreation Spec. \$775.00 smcs; Comm. Serv Fund of NE \$47.00 ps; Compute North \$78,485.23 smcs; Construction Rental \$422.23 smcs, co; Control Yours \$433.75 smcs; Crane River Theater \$1,042.50 smcs; Creative Sites \$19,954.00 co; Credit Managemen \$97.57 ps; Criss, N \$50.00 smcs; Cutting Edge Cleaning \$215.00 smcs; D & M Security \$122.50 smcs; Dakota Pump \$3,378.00 smcs; Dell \$31,191.60 co; Dons Pioneer Uniforms \$818.56 smcs; Eagle Distributing \$3,156.15 smcs; Eakes \$271.82 smcs; Ebsco \$4,162.00 smcs; Enforcement Video \$11,498.00 co; Faro Technologies \$76,845.60 smcs,co; First National Bank \$75.00 smcs; Fyr-Tek \$148.75 smcs; Gale \$1,038.79 smcs; General Traffic Controls \$695.00 smcs; Gillming, C \$31.00 smcs; Goodwin Tucker \$133.50 smcs; Hawkins, J \$223.00 smcs; HM Life Insurance \$58,256.70 smcs; HOA Solutions \$175.16 smcs; Hockemeier, J \$19.13 smcs; ICMA \$6,297.45 ps; IRS \$184,934.52 ps; Jack Lederman \$30.06 smcs; Jack's Uniforms \$1,144.52 smcs; Jarecke, MJ \$76.00 smcs; JCB Delivery \$223.00 smcs; Johnson Brothers \$2,286.20 smcs; Ky Catholic School \$3,600.00 smcs; Ky Crossfit \$100.00 smcs; Ky Literacy Council \$1,500.00 smcs; Kimble, J \$370.60 smcs; Koerner, Jaunita \$35.00 smcs; Konica Minolta \$1,289.30 smcs; League of NE Municipalities \$4,167.00 smcs; Lin R Rogers Electric \$845.00 smcs; Loper Athletics \$1,327.50 smcs; Magic Cleaning \$7,050.00 smcs; Marlow White \$1,035.80 smcs; Marshall, I \$31.00 smcs; Menards \$53.67 smcs; Microfilm Imaging Systems \$8,320.00 smcs; Mid-American Signal \$1,715.00 smcs; Midlands Contracting \$51,101.85 co; Midwest Connect \$7,953.85 smcs; Miller & Associates \$56,128.25 co; Miller Signs \$403.50 smcs; Moonlight Embroidery \$2,600.75 smcs; Municipal Supply \$18,217.35 smcs; NE Child Support Pmt \$1,517.12 ps; NE Dept. Environment \$150.00 smcs; NE Dept. of Revenue \$105,838.56 smcs, ps; NE Law Enforcement \$72.00 smcs; NE Municipal Clerks' Assn. \$90.00 smcs; Nebraskaland Distrib. \$3,341.90 smcs; NetMotion \$1,003.81 smcs; New Deal Deicing \$9,360.00 smcs; Northwest Electric \$5,516.46 smcs; Northwestern Energy \$4,246.31 smcs; OCLC \$779.76 smcs; Olsson \$350.00 co; One Call Concepts \$531.23 smcs; Outdoor Recreation \$6,823.00 co; Paramount \$62.52 smcs; Payflex Systems \$539.75 smcs,ps; Peerless Machine \$2,275.00 smcs; Pep Co. \$50.00 smcs; Ping \$701.58 smcs; Presto-X \$81.00 smcs; ProFlo Industries \$445,990.00 co; Rafter Holdings \$5.35 smcs; Rasmussen Mechanical \$568.00 smcs; RDG Planning \$3,487.50 co; Reinke's \$95.00 smcs; Rheome

Tree \$2,525.00 smcs; RMV Construction \$105,219.00 co; Rowe,L \$577.50 smcs; Runge,C \$555.00 smcs; Runyan,EJ \$200.00 smcs; Russell's \$1,598.00 smcs; Schindler Elevator \$1,330.30 smcs; School District 7 \$595.00 smcs; Schroer,J \$190.00 smcs; See Clear Cleaning \$950.00 smcs; Shumacher Bros. Fencing \$585.00 smcs; SignIT \$91.00 smcs; Smallcakes \$59.54 smcs; Steinbrook,S \$22.50 smcs; Stitch 3 \$157.00 smcs; Straight Line Striping \$13,056.00 smcs; Stutsman \$549.00 smcs; Sunset Law Enforcement \$10,483.77 smcs; Sutphen Corp. \$2,600.00 smcs; Taillon,R \$800.00 smcs; Titan Machinery \$422.46 smcs; TK Elevator \$378.75 smcs; Trade Well Pallet \$3,660.00 smcs; Traffic Control \$720.00 smcs; Tri Cities Group \$192.23 smcs; Tri Co Equipment \$146.23 smcs; Trugreen \$291.00 smcs; Tye & Rowling \$14,595.31 smcs; Union Bank & Trust \$89,672.60 ps; United Way of Ky \$268.76 ps; Verizon \$8,125.17 smcs; Village Uniform \$209.00 smcs; Witte,K \$22.50 smcs; World Book \$2,098.00 smcs; Wright,R \$110.00 smcs; Yant Equipment \$368.60 smcs; Young,M \$223.00 smcs; Payroll Ending 07/31/2021 -- \$ 592,558.91. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Adopt Resolution No. 2021-139 approving Amendment No. 1 to the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for Airport Improvement Program in connection with the Terminal Building Expansion project at the Kearney Regional Airport (AIP/CARES Act Project No. 3-31-0045-036) adding final design and bidding phase services.

RESOLUTION NO. 2021-139

WHEREAS, on January 26, 2021 the City Council adopted Resolution No. 2021-14 approving the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for Airport Improvement Program/CARES Act Project (AIP No. 3-31-0045-036) in connection with the Terminal Building Expansion project at the Kearney Regional Airport; and

WHEREAS, Amendment No. 1, marked as Exhibit "A" attached hereto and made a part hereof by reference, is to supplement Benesch's existing contract by adding Final Design and Bidding Phase Services; and

WHEREAS, approval is contingent upon Federal Aviation Administration (FAA) concurrence of Amendment No. 1;

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute Amendment No. 1 to the Consultant Agreement with Alfred Benesch and Company, contingent upon Federal Aviation Administration (FAA) concurrence. Amendment No. 1, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 10TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Krystal Carter submitted by Casey's

Retail Company dba Casey’s General Store for their store locations and in connection with their liquor licenses as follows:

- Casey’s Store #1735 located at 1308 East 39th Street (D-122342);
- Casey’s Store #2711 located at 607 West 39th Street (D-122826);
- Casey’s Store #2717 located at 705 2nd Avenue (B-071401);
- Casey’s Store #2038 located at 2710 West 24th Street (D-124250);
- Casey’s Store #2884 located at 115 East 25th Street (B-086848);
- Casey’s Store #3298 located at 112 West Talmadge Road (D-106697); and
- Casey’s Store #3997 located at 1107 2nd Avenue (D-124269).

ATTEST:
LAUREN BRANDT
CITY CLERK

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

5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Laura Hodgins submitted by Blazin Wings, Inc. dba Buffalo Wild Wings #584 located at 5208 North 2nd Avenue in connection with their I-112992 liquor license.

6. Adopt Resolution No. 2021-140 approving the Kearney Indoor Sports Complex project description, project cost estimate and project commencement date as required by Nebraska Revised State Statutes 13-3102(5) and 13-3104(1).

RESOLUTION NO. 2021-140

WHEREAS, the City of Kearney is a political subdivision of the State of Nebraska, being a City of the First Class as defined by Nebraska Revised Statute 16-101; and

WHEREAS, the City has determined it to be in the best interests of the City of Kearney and its citizens to undertake the development and construction of a Kearney Indoor Sports Complex; and

WHEREAS, it is necessary to issue general obligation bonds to finance the contemplated improvements and to secure such bonds by utilizing available revenue, income and receipts of the City, including occupation taxes, other available receipts, and/or property tax revenue sufficient to pay the principal of and the interest on said bonds as they become due and payable.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that (as required by Nebraska Revised State Statute 13-3104(1)) the attached Kearney Indoor Sports Complex Project Description is hereby approved.

BE IT FURTHER RESOLVED that (as required by Nebraska Revised State Statute 13-3104(1)) the estimated cost to the City of constructing the project will be \$34,000,000 and in order to finance the cost or a portion thereof, it will be necessary for the City to issue general obligation bonds, pursuant to Section 16-695, R.R.S. Neb. 2007, in a principal amount not to exceed \$34,000,000, such bonds to be dated at the time of their issuance and to become due and payable on such dates, to bear interest at such rates and to have such other terms as may be fixed by the City at the time of their issuance.

BE IT FURTHER RESOLVED that (as required by Nebraska Revised State Statute 13-3102(5)) the project commencement date of the Kearney Indoor Sports Complex is August 11, 2021.

PASSED AND APPROVED THIS 10TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Approve the Plans and Specifications for the 2021 Part 5 Improvements; Extension of Talmadge Street and set the bid opening date for September 7, 2021 at 2:00 p.m.

8. Adopt Resolution No. 2021-141 approving the corrected legal description to allow for the filing of the Subdivision Agreement for Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, at the Buffalo County Register of Deeds Office.

RESOLUTION NO. 2021-141

WHEREAS, Resolution No. 2021-92 was adopted by the City Council on June 22, 2021; and

WHEREAS, said Resolution No. 2021-92 approved the Final Plat and Subdivision Agreement for Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and

WHEREAS, when the final plat was filed at the Buffalo County Register of Deeds Office, the approved subdivision agreement for Millennial Estates Fifth Addition was not filed prior to the filing of the final plat, therefore, the legal description for Millennial Estates Fifth Addition changed; and

WHEREAS, the legal description for Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska is now described as a tract of land being Lot 1, Block One and Lots 1 through 3 inclusive, Block Two and Lots 1 through 7 inclusive, Block Three, all in Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that 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 Buffalo County Register of Deeds.

BE IT FURTHER RESOLVED that except as amended by this Resolution, all of the terms and conditions of original Resolution No. 2021-92 passed and approved on June 22, 2021 are hereby confirmed.

PASSED AND APPROVED THIS 10TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Adopt Resolution No. 2021-142 approving T-Hangar B-05 Lease Agreement at the Kearney Regional Airport between the City of Kearney and Nebraska Generator Service c/o Dustin Brumood.

RESOLUTION NO. 2021-142

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 T-Hangar B-05 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Nebraska Generator Service c/o Dustin Brumood, the Agreement, marked Exhibit "1" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 10TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Approve the Agreement for Termination of Lease for Hangar T-913 and renewal of the Agreements for Hangar T-926 and Hangar T-927 between the City of Kearney and Kearney Aviation Center for Fixed Base Operations and storage at the Kearney Regional Airport and adopt Resolution No. 2021-143.

RESOLUTION NO. 2021-143

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Fixed Base Operator Use and Operations Agreements for Hangars T-926 and T-927 for the said operation at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska with Kearney Aviation Center, the Agreements, marked Exhibits "1" and "2" are attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Termination of Lease for Hangar T-913 at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska with Kearney Aviation Center, the Termination, marked Exhibit "3", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 10TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Accept the bids received for the 2021 Part 4 Improvements; Traffic Signal at Intersection of 15th Avenue and 11th Street and adopt Resolution No. 2021-144 awarding the bid to Ensley Electrical Services in the amount of \$231,276.

RESOLUTION NO. 2021-144

WHEREAS, Olsson and the City of Kearney have reviewed the sealed bids which were opened on August 3, 2021 at 2:00 p.m. for the 2021 Part 4 Improvements; Traffic

Signal at Intersection of 15th Avenue and 11th Street; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$286,489.30; and

WHEREAS, Olsson and the City have recommended the bid offered by Ensley Electrical Services of Grand Island, Nebraska in the amount of \$231,276.00 be accepted as the lowest responsible bid for 2021 Part 4 Improvements; Traffic Signal at Intersection of 15th Avenue and 11th Street.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer’s recommendation is hereby accepted, that Ensley Electrical Services be and is the lowest responsible bidder for the 2021 Part 4 Improvements; Traffic Signal at Intersection of 15th Avenue and 11th Street to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Ensley Electrical Services in the amount of \$231,276.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$286,489.30 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 10TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Moore seconded by Buschkoetter that the Open Account Claim in the amount of \$108,773.33 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter. Nay: None. Clouse abstained. Lear absent. Motion carried.

VII. REPORTS

Council Member Moore stated the Nebraska Legislature brought their Urban Affairs committee to Kearney recently and noted there is a housing issue that needs to be focused on. The infrastructure being installed in the City will help, but noted some of the statistics that were presented were unsettling. She was happy the meeting was held in Kearney and that it was well attended and stated Brenda Jensen, Development Services Director, did a great job on her presentation.

Mr. Morgan stated Mike Konz with the Kearney Hub, did a great article on Kearney's air service and also thanked City staff and the project contractor regarding all of the work completed to provide additional, free parking at the Kearney Regional Airport that is now open. Eric Hellriegel, Assistant City Manager stated there are 40 new parking stalls added to the north side of the main parking lot with additional parking that is still in the process of being constructed which are located south of the main parking lot.

Mr. Morgan stated the City is currently working on millions of dollars of street projects and several more streets are in the planning phase to be fixed; the majority of Special Sales Tax dollars are going towards street projects now and for the foreseeable future. He stated that the City understands the issues street closures cause; however, summer is the only time street work can be done. This year has been even more difficult with street work as there are equipment shortages, staff shortages and material shortages that also play into the timing of street closures. Mr. Morgan stated the second and third phase of Yanney Gardens are still in the process of being funded, but encouraged citizens to walk through the first phase which is in the process of being completed. He stated the pedestrian bridge crossing from 8th Street over the canal into Yanney Park is currently under construction. Compute North brought in \$100,000 in revenue to the City of Kearney for the month and NPPD is moving forward on the installation of substations for this project.

Earlier this week, Mr. Morgan and City staff met with Brent Yaw to discuss the renovation of his Downtown Kearney building as the remodel and development of second and third stories of downtown buildings has been a discussion with the City for many years. Mr. Yaw's cost per square foot, challenges he faced as well as what went smoothly during his remodel, and costs associated with fire prevention were discussed. Mr. Morgan stated there is a synergy in Downtown Kearney right now and feels the City can help do some great things for downtown. He plans to discuss this more at upcoming listening sessions with Downtown Kearney property and business owners.

Mr. Hellriegel stated he met with NEMA onsite today for a tour of the City of Kearney's 2019 flood related projects. Because the 2019 flooding in Kearney met certain thresholds for FEMA's reimbursement for disaster related projects, FEMA increased reimbursement from 75% to 90% which equates to an approximate \$75,000 savings. This reimbursement relates to the Hike/Bike Trail, Cherry Avenue Bridge and Archway Parkway, in addition to debris removal and temporary onsite pumping.

Mr. Hellriegel stated the Archway had the 4th busiest July since 2008 and had record revenues in both April and May. Bronze sculptures are going to be added at the Archway due to a donation from a Lincoln donor. Concrete work for the bases for the sculptures will begin this week. An unveiling of the bronze sculptures is forthcoming.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 7:02 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**