

Kearney, Nebraska
May 10, 2022
5:30 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on May 10, 2022 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter and Tami James Moore. Absent: Jonathan Nikkila and Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Kayla James, Director of Finance; Eric Hellriegel, Assistant City Manager; Brenda Jensen, Assistant City Manager; Andy Harter, Director of Public Works; Kevin Thompson, Police Captain; Scott Hayden, Director of Park and Recreation; Shawna Erbsen, Administrative Services Director; Melissa Dougherty-O'Hara, City Planner and Matthew Morrow, Recreation Coordinator were also present.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT

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

RECOGNITION/ORAL COMMUNICATIONS

Mayor Clouse read the Proclamation for National Police Week 2022 and presented it to Captain Kevin Thompson.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATE AND AMEND LAND USE MAP FOR PROPERTY LOCATED WEST OF 11TH AVENUE BETWEEN 50TH STREET AND 52ND STREET

Moved by Moore seconded by Buschkoetter to remove Public Hearings 1, 2, 3 and 4 from the table. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and Lear absent. Motion carried.

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the applications submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) to 1) vacate Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8565; and 2) an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential and Medium Density Residential to Low Density Residential for property described as Lot 1, Fountain Hills Ninth Addition, an addition to the City of Kearney, Nebraska (to be vacated) and further described a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street) and consider Resolution No. 2022-76.

Craig Bennett, Miller & Associates presented this matter to the Council. Mr. Bennett demonstrated the location of the proposed Fountain Hills Fifteenth Addition containing 10.35 acres and lying west of 11th Avenue and south of 54th Street. The rezoning request from AG to R-2 is consistent with the master plan of this area. Utilities for the proposed Addition are available from 11th Avenue and 52nd/54th Streets. The sanitary sewer is located in an easement through the middle of the property; storm sewer drainage that flows to the west will drain into a detention cell designated as Outlot A and will convey water to the north. The proposed Addition will contain nine (9) lots; one (1) large lot (2.7 acres) with the remainder of the lots, excluding two (2) lots abutting 11th Avenue, abutting a cul-de-sac that will be known as 51st Street Place. Mr. Bennett showed the Infrastructure Feasibility Plan noting how the lots will access water and sewer along with the location of the storm sewer that would collect the run off and direct it in a westerly direction to the detention cell.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the applications submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) and introduced Ordinance No. 8565 vacating Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, 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 Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 8565 vacating Lot 1, Fountain Hills Tenth Addition,

an addition to the City of Kearney, Buffalo County, Nebraska. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and 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. 8565 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. Nay: None. Nikkila and Lear absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Moore that Ordinance No. 8565 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8565 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 Moore seconded by Buschkoetter to adopt Resolution No. 2022-76 approving an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential and Medium Density Residential to Low Density Residential for property described as Lot 1, Fountain Hills Ninth Addition, an addition to the City of Kearney, Nebraska (to be vacated) and further described a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Moore. Nay: None. Nikkila and Lear absent. Motion carried.

RESOLUTION NO. 2022-76

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to a pot at the Southwest corner of the Northwest Quarter of Section 26 and assuming the South line of said Northwest Quarter as bearing S 89°48'05" E and all bearings contained herein are relative thereto; thence S 89°48'05" E on said South line of the Northwest Quarter a distance of 1490.79 feet to the West line of 11th Avenue also being the Southeast corner of Fountain Hills Fifth Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence Northeasterly on said West line of 11th Avenue on a non-tangent curve to the Right having a central angle of 21°19'48", a radius of 283.00 feet, and arc length of 105.35 feet, and a chord bearing N 31°44'51" E a distance of 104.75 feet; thence N 42°24'45" E continuing on said West line of 11th Avenue a distance of 284.72 feet to a 5/8" rebar w/cap at the Northeast corner of Lot 1, Block 4 of said Fountain Hills Fifth Addition and the ACTUAL POINT OF BEGINNING; thence N 47°36'14" W on the Northeasterly line of Block 4 of said Fountain Hills Fifth Addition a distance of 150.00 feet to a 5/8" rebar w/cap; thence N 42°30'59" E continuing on said Northeasterly line of Block

4 a distance of 40.19 feet a 5/8" rebar w/cap; thence N 42°05'00" W continuing on said Northeasterly line of Block 4 a distance of 182.10 feet to a 5/8" rebar w/cap at the Northwest corner of Lot 3 of said Block 4; thence N 63°37'38" E a distance of 411.56 feet to a 5/8" rebar w/cap at the Northwest corner of 11th Avenue as shown and dedicated on Fountain Hills Third Addition, a Subdivision to the City of Kearney, Buffalo County, Nebraska; thence S 25°29'30" E on the West line of said 11th Avenue a distance of 16.90 feet to a 5/8" rebar w/cap; thence continuing on said West line of 11th Avenue on a tangent curve to the Right having a central angle of 67°54'15", a radius of 267.00 feet, an arc length of 316.44 feet, and a chord bearing S 08°27'37" W a distance of 298.24 feet; thence S 42°24'45" W continuing on said West line of 11th Avenue a distance of 187.56 feet to the Point of Beginning, containing 2.21 acres, more or less, all in Buffalo County, Nebraska from Low Density Residential and Medium Density Residential to Low Density Residential, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Low Density Residential and Medium Density Residential to Low Density Residential the use classification for a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to a pot at the Southwest corner of the Northwest Quarter of Section 26 and assuming the South line of said Northwest Quarter as bearing S 89°48'05" E and all bearings contained herein are relative thereto; thence S 89°48'05" E on said South line of the Northwest Quarter a distance of 1490.79 feet to the West line of 11th Avenue also being the Southeast corner of Fountain Hills Fifth Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence Northeasterly on said West line of 11th Avenue on a non-tangent curve to the Right having a central angle of 21°19'48", a radius of 283.00 feet, and arc length of 105.35 feet, and a chord bearing N 31°44'51" E a distance of 104.75 feet; thence N 42°24'45" E continuing on said West line of 11th Avenue a distance of 284.72 feet to a 5/8" rebar w/cap at the Northeast corner of Lot 1, Block 4 of said Fountain Hills Fifth Addition and the ACTUAL POINT OF BEGINNING; thence N 47°36'14" W on the Northeasterly line of Block 4 of said Fountain Hills Fifth Addition a distance of 150.00 feet to a 5/8" rebar w/cap; thence N 42°30'59" E continuing on said Northeasterly line of Block 4 a distance of 40.19 feet a 5/8" rebar w/cap; thence N 42°05'00" W continuing on said Northeasterly line of Block 4 a distance of 182.10 feet to a 5/8" rebar w/cap at the Northwest corner of Lot 3 of said Block 4; thence N 63°37'38" E a distance of 411.56 feet to a 5/8" rebar w/cap at the Northwest corner of 11th Avenue as shown and dedicated on Fountain Hills Third Addition, a Subdivision to the City of Kearney, Buffalo County, Nebraska; thence S 25°29'30" E on the West line of said 11th Avenue a distance of 16.90 feet to a 5/8" rebar w/cap; thence continuing on said West line of 11th Avenue on a tangent curve to the Right having a central angle of 67°54'15", a radius of 267.00 feet, an arc length of 316.44 feet, and a chord bearing S 08°27'37" W a distance of 298.24 feet; thence S 42°24'45" W continuing on said West line of 11th Avenue a distance of 187.56

feet to the Point of Beginning, containing 2.21 acres, more or less, all in Buffalo County, Nebraska.

PASSED AND APPROVED THIS 10TH DAY OF MAY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONE PROPERTY LOCATED WEST OF 11TH AVENUE BETWEEN 50TH STREET AND 52ND STREET

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) to rezone from District AG, Agricultural District to District R-2, Urban Residential Mixed-Density District for property described as a tract of land being a part of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street) and consider Ordinance No. 8566.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) and introduced Ordinance No. 8566 rezoning from District AG, Agricultural District to District R-2, Urban Residential Mixed-Density District for property described as a tract of land being a part of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd 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. 8566 rezoning from District AG, Agricultural District to District R-2, Urban Residential Mixed-Density District for property described as a tract of land being a part of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street). President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and 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. 8566 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. Nay: None. Motion carried. Nikkila and Lear absent. Ordinance was read by number.

Moved by Clouse seconded by Moore that Ordinance No. 8566 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8566 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR FOUNTAIN HILLS FIFTEENTH ADDITION

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for the Final Plat and Subdivision Agreement for Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street) and consider Resolution No. 2022-77.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Moore to close the hearing and adopt Resolution No. 2022-77 approving the Final Plat and Subdivision Agreement for Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and Lear absent. Motion carried.

RESOLUTION NO. 2022-77

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated), and part the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Meridian, Buffalo County, Nebraska and more particularly described as follows: Referring to the Southwest corner of the Northwest Quarter of Section 26; thence S 89°48'05" E on the South line of said Northwest Quarter and all bearings contained herein are relative thereto a distance of 1490.79 feet to the West line of 11th Avenue as shown and dedicated on Fountain Hills Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, also being the Southeast corner of Outlot "B",

Fountain Hills Fifth Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence Northeasterly on said West line of 11th Avenue and on a non-tangent curve to the Right having a central angle of $21^{\circ}19'48''$, a radius of 283.00 feet, an arc length of 105.35 feet, and a chord bearing $N 31^{\circ}44'51'' E$ a distance of 104.75 feet; thence $N 42^{\circ}24'45'' E$ continuing on said West line of 11th Avenue a distance of 284.72 feet to a 5/8" rebar w/cap at the Northeast corner of Lot 1, Block 4 of said Fountain Hills Fifth Addition and the POINT OF BEGINNING; thence $N 47^{\circ}36'14'' W$ on the Northeasterly line of said Block 4, Fountain Hills Fifth Addition a distance of 150.00 feet to a 5/8" rebar w/cap; thence $N 42^{\circ}30'59'' E$ continuing on said Northeasterly line of Block 4 a distance of 40.21 feet to a 5/8" rebar w/cap; thence $N 42^{\circ}05'00'' W$ continuing on said Northeasterly line a distance of 182.22 feet to the Northwest corner of Lot 3, Block 4, of said Fountain Hills Fifth Addition; thence $S 64^{\circ}30'47'' W$ on the West line of said Lot 3, Block 4 a distance of 78.64 feet to a 5/8" rebar w/cap; thence $S 40^{\circ}50'37'' W$ continuing on said West line a distance of 77.27 feet to a 5/8" rebar w/cap at the Southwest corner of said Lot 3, Block 4 and on the North line of 50th Street as shown and dedicated on said Fountain Hills Fifth Addition; thence Northwesterly on said North line and on a non-tangent curve to the Left having a central angle of $10^{\circ}56'44''$, a radius of 533.00 feet, an arc length of 101.82 feet, and a chord bearing of $N 54^{\circ}26'23'' W$ a distance of 101.67 feet to a 5/8" rebar w/cap at the Southeast corner of Lot 1, Block 3 of said Fountain Hills Fifth Addition; thence $N 00^{\circ}21'52'' E$ on the East line of said Lot 1, Block 3 a distance of 191.06 feet to a 5/8" rebar w/cap at the Northeast corner of said Lot 1, Block 3; thence $N 07^{\circ}05'59'' W$ on the West line of an Easement to Maintain and Operate Drainage System as recorded in Document 2021-02633 in the Buffalo County Register of Deeds Office a distance of 229.96 feet to a 5/8" rebar w/cap; thence continuing on said West line $N 01^{\circ}41'39'' W$ a distance of 512.19 feet to a 5/8" rebar w/cap; thence $N 43^{\circ}05'14'' E$ a distance of 66.00 feet to a 5/8" rebar w/cap on the South line of Outlot A of Fountain Hills Twelfth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence Southeasterly on said South line of Outlot A on a non-tangent curve to the Right having a central angle of $04^{\circ}50'46''$, a radius of 533.00 feet, an arc length of 45.08 feet, and a chord bearing of $S 44^{\circ}29'23'' E$ a distance of 45.07 feet; thence $S 42^{\circ}04'00'' E$ continuing on said South line a distance of 135.81 feet to a 5/8" rebar w/cap; thence Southeasterly continuing on said South line on a tangent curve to the Left having a central angle of $08^{\circ}36'02''$, a radius of 367.00 feet, an arc length of 55.09 feet, and a chord bearing of $S 46^{\circ}22'01'' E$ a distance of 55.04 feet to a 5/8" rebar w/cap at the Southeast corner of said Outlot A; thence $S 39^{\circ}19'58'' W$ a distance of 66.00 feet to a 5/8" rebar w/cap on the South line of 52nd Street as shown and dedicated on said Fountain Hills Twelfth Addition; thence Southeasterly on said South line of 52nd Street on a non-tangent curve to the Left having a central angle of $40^{\circ}38'57''$, a radius of 433.00 feet, an arc length of 307.20 feet, and a chord bearing of $S 70^{\circ}59'30'' E$ a distance of 300.79 feet to a 5/8" rebar w/cap on the West line of said 11th Avenue; thence $S 07^{\circ}29'11'' E$ on said West line a distance of 81.59 feet to a 5/8" rebar w/cap; thence Southerly continuing on said West line on a tangent curve to the Left having a central angle of $18^{\circ}00'18''$, a radius of 333.00 feet, an arc length of 104.64 feet, and a chord bearing of $S 16^{\circ}29'20'' E$ a distance of 104.21 feet to a 5/8" rebar w/cap; thence $S 25^{\circ}29'29'' E$ continuing on said West line a distance of 307.78 feet to a 5/8" rebar w/cap; thence Southeasterly continuing on said West line on a tangent curve to the Right having a central angle of $67^{\circ}54'14''$, a radius of 267.00 feet, an arc length of 316.43 feet, and a chord bearing of $S 08^{\circ}27'38'' W$ a distance of 298.24 feet to a 5/8" rebar w/cap; thence $S 42^{\circ}24'45'' W$ a distance of 187.56 feet to the Point of Beginning, containing 10.35 acres, more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified,

and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

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

PASSED AND APPROVED THIS 10TH DAY OF MAY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ANNEXATION OF FOUNTAIN HILLS FIFTEENTH ADDITION

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for the annexation of Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street) and consider Resolution No. 2022-78.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Buschkoetter to close the hearing and adopt Resolution No. 2022-78 approving the annexation of Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Moore. Nay: None. Nikkila and Lear absent. Motion carried.

RESOLUTION NO. 2022-78

WHEREAS, an Application has been submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for the inclusion of

Fountain Hills Fifteenth Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated), and part the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Meridian, Buffalo County, Nebraska and more particularly described as follows: Referring to the Southwest corner of the Northwest Quarter of Section 26; thence S 89°48'05" E on the South line of said Northwest Quarter and all bearings contained herein are relative thereto a distance of 1490.79 feet to the West line of 11th Avenue as shown and dedicated on Fountain Hills Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, also being the Southeast corner of Outlot "B", Fountain Hills Fifth Addition, an Addition to the City of Kearney, Buffalo County, Nebraska; thence Northeasterly on said West line of 11th Avenue and on a non-tangent curve to the Right having a central angle of 21°19'48", a radius of 283.00 feet, an arc length of 105.35 feet, and a chord bearing N 31°44'51" E a distance of 104.75 feet; thence N 42°24'45" E continuing on said West line of 11th Avenue a distance of 284.72 feet to a 5/8" rebar w/cap at the Northeast corner of Lot 1, Block 4 of said Fountain Hills Fifth Addition and the POINT OF BEGINNING; thence N 47°36'14" W on the Northeasterly line of said Block 4, Fountain Hills Fifth Addition a distance of 150.00 feet to a 5/8" rebar w/cap; thence N 42°30'59" E continuing on said Northeasterly line of Block 4 a distance of 40.21 feet to a 5/8" rebar w/cap; thence N 42°05'00" W continuing on said Northeasterly line a distance of 182.22 feet to the Northwest corner of Lot 3, Block 4, of said Fountain Hills Fifth Addition; thence S 64°30'47" W on the West line of said Lot 3, Block 4 a distance of 78.64 feet to a 5/8" rebar w/cap; thence S 40°50'37" W continuing on said West line a distance of 77.27 feet to a 5/8" rebar w/cap at the Southwest corner of said Lot 3, Block 4 and on the North line of 50th Street as shown and dedicated on said Fountain Hills Fifth Addition; thence Northwesterly on said North line and on a non-tangent curve to the Left having a central angle of 10°56'44", a radius of 533.00 feet, an arc length of 101.82 feet, and a chord bearing of N 54°26'23" W a distance of 101.67 feet to a 5/8" rebar w/cap at the Southeast corner of Lot 1, Block 3 of said Fountain Hills Fifth Addition; thence N 00°21'52" E on the East line of said Lot 1, Block 3 a distance of 191.06 feet to a 5/8" rebar w/cap at the Northeast corner of said Lot 1, Block 3; thence N 07°05'59" W on the West line of an Easement to Maintain and Operate Drainage System as recorded in Document 2021-02633 in the Buffalo County Register of Deeds Office a distance of 229.96 feet to a 5/8" rebar w/cap; thence continuing on said West line N 01°41'39" W a distance of 512.19 feet to a 5/8" rebar w/cap; thence N 43°05'14" E a distance of 66.00 feet to a 5/8" rebar w/cap on the South line of Outlot A of Fountain Hills Twelfth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence Southeasterly on said South line of Outlot A on a non-tangent curve to the Right having a central angle of 04°50'46", a radius of 533.00 feet, an arc length of 45.08 feet, and a chord bearing of S 44°29'23" E a distance of 45.07 feet; thence S 42°04'00" E continuing on said South line a distance of 135.81 feet to a 5/8" rebar w/cap; thence Southeasterly continuing on said South line on a tangent curve to the Left having a central angle of 08°36'02", a radius of 367.00 feet, an arc length of 55.09 feet, and a chord bearing of S 46°22'01" E a distance of 55.04 feet to a 5/8" rebar w/cap at the Southeast corner of said Outlot A; thence S 39°19'58" W a distance of 66.00 feet to a 5/8" rebar w/cap on the South line of 52nd Street as shown and dedicated on said Fountain Hills Twelfth Addition; thence Southeasterly on said South line of 52nd Street on a non-tangent curve to the Left having a central angle of 40°38'57", a radius of 433.00 feet, an arc length of 307.20 feet, and a chord bearing of S 70°59'30" E a distance of 300.79 feet to a 5/8" rebar w/cap on the West line of said 11th Avenue; thence S

07°29'11" E on said West line a distance of 81.59 feet to a 5/8" rebar w/cap; thence Southerly continuing on said West line on a tangent curve to the Left having a central angle of 18°00'18", a radius of 333.00 feet, an arc length of 104.64 feet, and a chord bearing of S 16°29'20" E a distance of 104.21 feet to a 5/8" rebar w/cap; thence S 25°29'29" E continuing on said West line a distance of 307.78 feet to a 5/8" rebar w/cap; thence Southeasterly continuing on said West line on a tangent curve to the Right having a central angle of 67°54'14", a radius of 267.00 feet, an arc length of 316.43 feet, and a chord bearing of S 08°27'38" W a distance of 298.24 feet to a 5/8" rebar w/cap; thence S 42°24'45" W a distance of 187.56 feet to the Point of Beginning, containing 10.35 acres, more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on March 18, 2022 on the inclusion of Fountain Hills Fifteenth Addition within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on May 10, 2022 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

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

BE IT FURTHER RESOLVED that the inclusion of Fountain Hills Fifteenth Addition within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 10TH DAY OF MAY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONE PROPERTY LOCATED AT 6020 2ND AVENUE

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Weaver Properties, LLC, KRE2, LLC and Morton Buildings (c/o Marc Willis) to rezone from District C-2/PD, Community Commercial/Planned Development Overlay District to District C-3/PD, General Commercial/Planned Development Overlay District for property described as Lot 1, Block One, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska (6020 2nd Avenue) and consider Ordinance No. 8571.

Craig Bennett, Miller & Associates presented this matter to the Council. Mr. Bennett stated the property lies west of 2nd Avenue and abuts 4th Avenue on the west side; 2nd

Avenue West bisects the lot. The lot contains an existing building with a concrete paved surface that provides access to the building along with an outdoor storage area. The proposed development will occur on the middle, western section of the lot. The new building will not be connected to the current building; concrete paving would be extended to the new building. Because Kearney Equipment would like to continue to use part of the lot for storage, a landscape buffer will need to be installed along the north and west side of the property. A four-foot sidewalk will be installed from the north end of the lot, to the south end that will complete the gap paving located in this area. The new building will have a south facing door and will also have pedestrian access on the south side.

Michael Morgan, City Manager questioned if additional landscaping would be required for the area adjacent to 2nd Avenue between 2nd Avenue and 2nd Avenue West. Mr. Bennett described where outdoor displays are located along the south and southeast side of the existing building, which includes some of the area Mr. Morgan is questioning, as well as an existing detention cell that is located between the parking lot and 2nd Avenue West on the east side of the property.

Brenda Jensen, Assistant City Manager demonstrated where the lot line extends to in relation to where road right-of-way for 2nd Avenue begins, and noted the steep angle of the slope of the road right-of-way. Mr. Morgan commented that this area is neglected along portions of 2nd Avenue, but understands the difficulty in requiring maintenance of the area where there are pre-existing buildings and drainage.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the application submitted by Miller & Associates for Weaver Properties, LLC, KRE2, LLC and Morton Buildings (c/o Marc Willis) and introduced Ordinance No. 8571 rezoning from District C-2/PD, Community Commercial/Planned Development Overlay District to District C-3/PD, General Commercial/Planned Development Overlay District for property described as Lot 1, Block One, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska (6020 2nd 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 Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 8571 rezoning from District C-2/PD, Community Commercial/Planned Development Overlay District to District C-3/PD, General Commercial/Planned Development Overlay District for property described as Lot 1, Block One, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska (6020 2nd Avenue). President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and 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. 8571 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. Nay: None. Nikkila and Lear absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Moore that Ordinance No. 8571 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8571 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.

PLANNED DISTRICT DEVELOPMENT PLAN APPROVAL FOR PROPERTY LOCATED AT 6020 2ND AVENUE

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Weaver Properties, LLC, KRE2, LLC and Morton Buildings (c/o Marc Willis) for Planned District Development Plan Approval for the proposed construction of an additional building and pavement on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Block One, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska (6020 2nd Avenue) and consider Resolution No. 2022-94.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Buschkoetter to close the hearing and adopt Resolution No. 2022-94 approving the Planned District Development Plan Approval for the proposed construction of an additional building and pavement on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Block One, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska (6020 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and Lear absent. Motion carried.

RESOLUTION NO. 2022-94

WHEREAS, Miller & Associates for Weaver Properties, LLC, KRE2, LLC and Morton Buildings (c/o Marc Willis) have applied for Planned District Development Plan Approval for the construction of an additional building and pavement on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Block One, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska (6020 2nd Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates for Weaver Properties, LLC, KRE2, LLC and Morton Buildings (c/o Marc Willis) for Planned District Development Plan Approval for the construction of an additional building and pavement on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Block One, North Acre Fifth, an addition to the City of Kearney, Buffalo County, Nebraska (6020 2nd Avenue) be approved subject to the following deviation:

1. Unpaved surface to remain within the outdoor storage area.

PASSED AND APPROVED THIS 10TH DAY OF MAY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ANNEXATION OF LOT 1, KNAPP'S ADDITION

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Graczyk Properties and NP Self-Storage for the annexation of Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1700 30th Avenue) and consider Resolution No. 2022-95.

Craig Bennett, Miller and Associates presented this matter to the Council. Mr. Bennett stated the property lies west of 30th Avenue and is currently not in City limits; there is an existing house and barn located on the property. The current Land Use Map shows MU-2 which is compatible with the proposed rezoning request of C-3/PD. There is an existing tree line and a 16-inch water main located on the west side of the property; the proposed use is for storage units, so water is required for fire protection. Sanitary sewer is available along the frontage street but will not be needed for the project. The railroad acts as a levy for storm water and routes water either along the railroad or south along the frontage road; a ditch along the frontage road and west of 30th Avenue will convey the storm water from this lot, to the Platte River.

In 1990 the property was platted with a 100-foot setback; the request vacating the setback would reduce it to 25-feet, which is what Code currently requires. The existing barn and house will be raised and access to the storage units will be off of the frontage road. There will be two (2) fire hydrants located on the lot to adequately provide fire protection to the entire development. The proposed development will contain four (4) storage buildings, all with interior doors; no doors will face 30th Avenue or the frontage road. Mr. Bennett reviewed the deviations requested by the Developer which include, the landscape buffer on the east side along 30th Avenue, be reduced from 20-feet to 15-feet and a reduction of five-foot to the 15-foot landscape buffer on the south side, to allow for a drainage ditch. Additional deviations include a reduction of 10-foot to the landscape buffer on the west side that abuts agricultural use. He noted additional paving has been added to the development causing the building locations to be further away from the property line; plans also include additional landscaping and trees, above what is required, on the east side of the property.

Mr. Morgan questioned if the frontage road is a public road? Mr. Bennett stated it is. Mr. Morgan questioned if it was built to standard? Mr. Bennett stated it is an asphalt road without a curb or gutters, but does have a ditch; however, he could not confirm if it was built to standard. Mr. Bennett noted the road was on the section line and served as 30th Avenue for many years.

Mr. Morgan asked Andrew Harter, Public Works Director, if there was any concern regarding future widening of the overpass and it being over the property. Mr. Harter stated future widening would occur on the east side of the overpass and would include the pedestrian walkway on the east side as well.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2022-95 approving the annexation of Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1700 30th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Moore. Nay: None. Nikkila and Lear absent. Motion carried.

RESOLUTION NO. 2022-95

WHEREAS, an Application has been submitted by Miller & Associates for Graczyk Properties and NP Self-Storage for the inclusion of Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska said property described as Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska as recorded on May 23, 1990 on Microfilm Roll 90, Page 4219, containing 1.96 acres more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on April 15, 2022 on the inclusion of Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of annexing land platted as Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska within the corporate limits; and

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on May 10, 2022 who deemed Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska to be included within the corporate limits to be advantageous to and in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the land platted as Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska shall be included within the corporate limits of the City of Kearney, Buffalo County, Nebraska, that the inhabitants of Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules and regulations of the City of Kearney.

PASSED AND APPROVED THIS 10TH DAY OF MAY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

VACATE AND REZONE PROPERTY LOCATED AT 1700 30TH AVENUE

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

Mayor Clouse opened the public hearing on the applications submitted by Miller & Associates for Graczyk Properties and NP Self-Storage to 1) vacate a 100-foot building setback located on the east side of Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8572 and 2) rezone from District RR-1, Rural Residential District (Rural Standards) to District C-3/PD, General Commercial/Planned Development Overlay District for property described as Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1700 30th Avenue) and consider Ordinance No. 8573.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the applications submitted by Miller & Associates for Graczyk Properties and NP Self-Storage and introduced Ordinance No. 8572 vacating a 100-foot building setback located on the east side of Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and Ordinance No. 8573 rezoning from District RR-1, Rural Residential District (Rural Standards) to District C-3/PD, General Commercial/Planned Development Overlay District for property described as Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1700 30th Avenue) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Moore seconded the motion to close the hearing and suspend the rules for Ordinance No. 8572 vacating a 100-foot building setback located on the east side of Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and Ordinance No. 8573 rezoning from District RR-1, Rural Residential District (Rural Standards) to District C-3/PD, General Commercial/Planned Development Overlay District for property described as Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1700 30th Avenue). President of the Council asked for discussion or if anyone in the audience was interested in the ordinances. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos.

8572 and 8573 by number. Roll call of those in favor of the passage of said ordinances on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and Lear absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance Nos. 8572 and 8573 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinances, Ordinance Nos. 8572 and 8573 are declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

PLANNED DISTRICT DEVELOPMENT PLAN APPROVAL FOR PROPERTY LOCATED AT 1700 30TH AVENUE

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Graczyk Properties and NP Self-Storage for Planned District Development Plan Approval for the proposed construction of storage units on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1700 30th Avenue) and consider Resolution No. 2022-96.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2022-96 approving the Planned District Development Plan Approval for the proposed construction of storage units on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1700 30th Avenue). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and Lear absent. Motion carried.

RESOLUTION NO. 2022-96

WHEREAS, Miller & Associates for Graczyk Properties and NP Self-Storage have applied for Planned District Development Plan Approval for the construction of storage units on property to be zoned District C-3/PD, General Commercial/Planned Development Overlay District and described as Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1700 30th Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates for Graczyk Properties and NP Self-Storage for Planned District Development Plan Approval for the construction of storage units on property to be zoned District C-3/PD, General

Commercial/Planned Development Overlay District and described as Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1700 30th Avenue) be approved subject to the following deviations:

1. 20-foot landscape bufferyard, the east side of the property (30th Avenue).
2. 15-foot landscape bufferyard, the south side of the property.
3. 10-foot landscape bufferyard, the west side of the property.
4. No masonry minimum requirement for buildings.

PASSED AND APPROVED THIS 10TH DAY OF MAY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

AMEND SECTIONS IN CHAPTER 12 "DEFINITIONS" OF THE CITY CODE

Public Hearings 10, 11 and 12 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Proposed amendments to the following Sections of Chapter 12 "Definitions" of the City Code as follows: (a) Section 12-106 "C" by adding a definition for Commercial Vehicles; (b) Section 12-107 "D" by amending the definition for Driveway and adding the definition for Driveway Approach; (c) Section 12-108 "E" by adding the definition for Enclosed Structure; (d) Section 12-111 "H" by adding the definition for Hauling Trailers (Commercial and Personal); (e) Section 12-119 "P" by adding the definitions for Parking Pad and Personal Vehicle; and (f) Section 12-121 "R" by amending the definition for Recreational Vehicle and consider Ordinance No. 8574.

Melissa Dougherty-O'Hara, City Planner presented this matter to the Council. Ms. Dougherty-O'Hara stated from time to time City staff reviews Code to see what is working for the community and what needs changed. Additionally, a sub-committee was formed with Planning Commission members Brent Yaw, Dave Malone and Richard McGinnis along with City staff including Andrew Harter, Public Works Director, Luke Dutcher, Assistant Public Works Director, Andrew Bartling, Building Official and Jason Jacobs, Code Enforcement Officer. Ms. Dougherty-O'Hara reviewed the key areas of focus for the proposed changes to Code that the sub-committee examined and noted Off-Street Parking Code has not been updated since 2008. She discussed the proposed Code amendments to Chapter 49 and Chapter 12 which consists of clarification for driveway extensions or parking pads, circle drives, parking count totals to address electric cars and ADA parking, parking count reduction options, parking lot landscaping and general updates to terminology and formatting. Chapter 50 proposed code amendments include adding District MU to a number of tables that is currently not listed in, clarification to language in the Chapter and permitting pole signage in BP Zoning District.

Council Member Randy Buschkoetter noted RV parking was discussed in the past and Council tried to help citizens keep RV's on their property and questioned if the parking pad is supposed to lead to a location past the front of the house? Ms. Dougherty-O'Hara stated the pad should be located behind the 25-foot setback line. Council Member Buschkoetter stated that is typically hard to accomplish. She agreed and stated there have been many instances when homeowners cannot achieve the current Code

requirement but still add a parking pad without a building permit or homeowners can meet the 25-foot setback requirement but are pouring a parking pad that does not meet the 9-foot x 20-foot Code requirement due to the remaining setbacks on the property being only seven or eight feet. Council Member Buschkoetter stated the proposed Code amendment will make it easier for homeowners to double the size of their driveway to allow for additional off-street parking which will ultimately make traffic in neighborhoods better. He appreciates the sub-committee reviewing this issue and making things easier for homeowners. Mayor Clouse also thanked Ms. Dougherty-O'Hara for her hard work on the amendments.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing and introduced Ordinance No. 8574 on the Proposed amendments to the following Sections of Chapter 12 "Definitions" of the City Code as follows: (a) Section 12-106 "C" by adding a definition for Commercial Vehicles; (b) Section 12-107 "D" by amending the definition for Driveway and adding the definition for Driveway Approach; (c) Section 12-108 "E" by adding the definition for Enclosed Structure; (d) Section 12-111 "H" by adding the definition for Hauling Trailers (Commercial and Personal); (e) Section 12-119 "P" by adding the definitions for Parking Pad and Personal Vehicle; and (f) Section 12-121 "R" by amending the definition for Recreational Vehicle 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. 8574 on the Proposed amendments to the following Sections of Chapter 12 "Definitions" of the City Code as follows: (a) Section 12-106 "C" by adding a definition for Commercial Vehicles; (b) Section 12-107 "D" by amending the definition for Driveway and adding the definition for Driveway Approach; (c) Section 12-108 "E" by adding the definition for Enclosed Structure; (d) Section 12-111 "H" by adding the definition for Hauling Trailers (Commercial and Personal); (e) Section 12-119 "P" by adding the definitions for Parking Pad and Personal Vehicle; and (f) Section 12-121 "R" by amending the definition for Recreational Vehicle. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and 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. 8574 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. Nay: None. Nikkila and Lear absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8574 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8574 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

AMEND SECTIONS OF CHAPTER 49 “OFF-STREET PARKING” OF THE CITY CODE

Public Hearings 10, 11 and 12 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Proposed amendments to the following Sections of Chapter 49 “Off-Street Parking” of the City Code as follows: (a) Section 49-102 “General Applications” by adding, inserting and changing language pertaining to the applicability, exemptions and exceptions of off-street parking; (b) Section 49-103 “Schedule of Off-Street Parking Requirements” by adding, inserting and changing language pertaining to the schedule, computation and minimum requirements for off-street parking including Table 49-1: Minimum Off-Street Parking Requirements; (c) Section 49-104 “Parking Facility Location” by adding clarifying language to Subitem A; (d) Section 49-105 “Parking for People with Disabilities” by adding titles to Subitems A and B for parking requirements and design of parking for people with disabilities; (e) Section 49-106 “Off-Street Parking Design Standards” by clarifying the minimum width and feet for standard parking stalls, updating the section reference for Landscape and Screening Requirements and removing language found under Item 1 under Subitem E titled, Design and Pedestrian Access; (f) Section 49-109 “Stacking Requirements for Drive-Through Services” by adding a title, Stacking Requirements, to Subitem A; and (g) Section 49-110 “Parking for Personal and Recreational Vehicles in Residential Areas” by adding, inserting and changing language pertaining parking for personal vehicles, recreational vehicles and personal hauling trailers in residential areas and consider Ordinance No. 8575.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing and introduced Ordinance No. 8575 on the Proposed amendments to the following Sections of Chapter 49 “Off-Street Parking” of the City Code as follows: (a) Section 49-102 “General Applications” by adding, inserting and changing language pertaining to the applicability, exemptions and exceptions of off-street parking; (b) Section 49-103 “Schedule of Off-Street Parking Requirements” by adding, inserting and changing language pertaining to the schedule, computation and minimum requirements for off-street parking including Table 49-1: Minimum Off-Street Parking Requirements; (c) Section 49-104 “Parking Facility Location” by adding clarifying language to Subitem A; (d) Section 49-105 “Parking for People with Disabilities” by adding titles to Subitems A and B for parking requirements and design of parking for people with disabilities; (e) Section 49-106 “Off-Street Parking Design Standards” by clarifying the minimum width and feet for standard parking stalls, updating the section reference for Landscape and Screening Requirements and removing language found under Item 1 under Subitem E titled, Design and Pedestrian Access; (f) Section 49-109 “Stacking Requirements for Drive-Through Services” by adding a title, Stacking Requirements, to Subitem A; and (g) Section 49-110 “Parking for Personal and Recreational Vehicles in Residential Areas” by adding, inserting and changing language pertaining parking for personal vehicles, recreational vehicles and personal hauling trailers in residential areas 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. 8575 on the Proposed amendments to the following Sections of Chapter 49 "Off-Street Parking" of the City Code as follows: (a) Section 49-102 "General Applications" by adding, inserting and changing language pertaining to the applicability, exemptions and exceptions of off-street parking; (b) Section 49-103 "Schedule of Off-Street Parking Requirements" by adding, inserting and changing language pertaining to the schedule, computation and minimum requirements for off-street parking including Table 49-1: Minimum Off-Street Parking Requirements; (c) Section 49-104 "Parking Facility Location" by adding clarifying language to Subitem A; (d) Section 49-105 "Parking for People with Disabilities" by adding titles to Subitems A and B for parking requirements and design of parking for people with disabilities; (e) Section 49-106 "Off-Street Parking Design Standards" by clarifying the minimum width and feet for standard parking stalls, updating the section reference for Landscape and Screening Requirements and removing language found under Item 1 under Subitem E titled, Design and Pedestrian Access; (f) Section 49-109 "Stacking Requirements for Drive-Through Services" by adding a title, Stacking Requirements, to Subitem A; and (g) Section 49-110 "Parking for Personal and Recreational Vehicles in Residential Areas" by adding, inserting and changing language pertaining parking for personal vehicles, recreational vehicles and personal hauling trailers in residential areas. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and 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. 8575 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. Nay: None. Nikkila and Lear absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8575 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8575 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.

AMEND SECTIONS OF CHAPTER 50 "SIGN REGULATIONS"

Public Hearings 10, 11 and 12 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed amendments to the following Sections of Chapter 50 "Sign Regulations" of the City Code as follows: (a) Section 50-120 "Prohibited and Exempt Signs" by adding that no exempt signs shall be erected within the vision clearance triangle, be a minimum two (2) feet off of the property line, under Subitem B titled, Exempt Signs; (b) Section 50-121 "Method of Measurement for Regulators" by adding the MU, Mixed Use District zoning classification to Table 50-1: Permitted Permanent Sign Budget By District; (c) Section 50-122 "Permitted Permanent Sign Type by Zoning District" by adding the MU, Mixed Use District zoning classification and NRU(A) to Sign Type BP for Poles, to Table 50-2: Permitted Permanent Signs by

Type and Zoning District; (d) Section 50-123 "Illumination/Lighting Sign Elements" by adding the MU, Mixed Use District zoning classification to Table 50-3: Permitted Illumination/Lighting Sign Elements by Zoning District; (e) Section 50-124 "Sign Type Supplemental Regulations: Permanent Signs" by adding the MU, Mixed Use District zoning classification, amending from 200 sq. ft. to 150 sq. ft. to the Maximum Sign Area per Sign and N to 30 to Pole under the BP Zoning District, to Table 50-4: Permitted Site Development Standards for Detached Signs by Zoning Districts; adding the MU, Mixed Use District zoning classification to Table 50-5: Permitted Site Development Standards for Attached Signs by Zoning Districts; and to add regulations for Electronic Information Signs described under Subitem C titled Other Regulated Signs, Item 3f; (f) Section 50-125 "Master Sign Plan; Permanent Signs" by adding that a Master Sign Plan may be submitted to the City by the property owner(s) under Subitem A titled Purpose and amending language within Subitem D titled Review of Master Sign Plan; and (g) Section 50-126 "Permitted Temporary Sign Type By Zoning District" by adding the MU, Mixed Use District zoning classification to Table 50-6: Permitted Temporary Signs by Type and Zoning District and consider Ordinance No. 8576.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing and introduced Ordinance No. 8576 proposed amendments to the following Sections of Chapter 50 "Sign Regulations" of the City Code as follows: (a) Section 50-120 "Prohibited and Exempt Signs" by adding that no exempt signs shall be erected within the vision clearance triangle, be a minimum two (2) feet off of the property line, under Subitem B titled, Exempt Signs; (b) Section 50-121 "Method of Measurement for Regulators" by adding the MU, Mixed Use District zoning classification to Table 50-1: Permitted Permanent Sign Budget By District; (c) Section 50-122 "Permitted Permanent Sign Type by Zoning District" by adding the MU, Mixed Use District zoning classification and NRU(A) to Sign Type BP for Poles, to Table 50-2: Permitted Permanent Signs by Type and Zoning District; (d) Section 50-123 "Illumination/Lighting Sign Elements" by adding the MU, Mixed Use District zoning classification to Table 50-3: Permitted Illumination/Lighting Sign Elements by Zoning District; (e) Section 50-124 "Sign Type Supplemental Regulations: Permanent Signs" by adding the MU, Mixed Use District zoning classification, amending from 200 sq. ft. to 150 sq. ft. to the Maximum Sign Area per Sign and N to 30 to Pole under the BP Zoning District, to Table 50-4: Permitted Site Development Standards for Detached Signs by Zoning Districts; adding the MU, Mixed Use District zoning classification to Table 50-5: Permitted Site Development Standards for Attached Signs by Zoning Districts; and to add regulations for Electronic Information Signs described under Subitem C titled Other Regulated Signs, Item 3f; (f) Section 50-125 "Master Sign Plan; Permanent Signs" by adding that a Master Sign Plan may be submitted to the City by the property owner(s) under Subitem A titled Purpose and amending language within Subitem D titled Review of Master Sign Plan; and (g) Section 50-126 "Permitted Temporary Sign Type By Zoning District" by adding the MU, Mixed Use District zoning classification to Table 50-6: Permitted Temporary Signs by Type and Zoning District 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. 8576 on the proposed amendments to the following Sections of Chapter 50 "Sign Regulations" of the City Code as follows: (a) Section 50-120 "Prohibited and Exempt Signs" by adding that no exempt signs shall be erected within the vision clearance triangle, be a minimum two (2) feet off of the property line, under Subitem B titled, Exempt Signs; (b) Section 50-121 "Method of Measurement for Regulators" by adding the MU, Mixed Use District zoning classification to Table 50-1: Permitted Permanent Sign Budget By District; (c) Section 50-122 "Permitted Permanent Sign Type by Zoning District" by adding the MU, Mixed Use District zoning classification and NRU(A) to Sign Type BP for Poles, to Table 50-2: Permitted Permanent Signs by Type and Zoning District; (d) Section 50-123 "Illumination/Lighting Sign Elements" by adding the MU, Mixed Use District zoning classification to Table 50-3: Permitted Illumination/Lighting Sign Elements by Zoning District; (e) Section 50-124 "Sign Type Supplemental Regulations: Permanent Signs" by adding the MU, Mixed Use District zoning classification, amending from 200 sq. ft. to 150 sq. ft. to the Maximum Sign Area per Sign and N to 30 to Pole under the BP Zoning District, to Table 50-4: Permitted Site Development Standards for Detached Signs by Zoning Districts; adding the MU, Mixed Use District zoning classification to Table 50-5: Permitted Site Development Standards for Attached Signs by Zoning Districts; and to add regulations for Electronic Information Signs described under Subitem C titled Other Regulated Signs, Item 3f; (f) Section 50-125 "Master Sign Plan; Permanent Signs" by adding that a Master Sign Plan may be submitted to the City by the property owner(s) under Subitem A titled Purpose and amending language within Subitem D titled Review of Master Sign Plan; and (g) Section 50-126 "Permitted Temporary Sign Type By Zoning District" by adding the MU, Mixed Use District zoning classification to Table 50-6: Permitted Temporary Signs by Type and Zoning District. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and 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. 8576 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. Nay: None. Nikkila and Lear absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8576 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8576 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.

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 8 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held April 26, 2022.

2. Approve the following Claims:

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

Agri Coop \$891.96 smcs; All Copy \$313.94 smcs; Amanda,C \$34.34 smcs; Amazon \$1,793.38 smcs; Anderson Ford \$35,989.00 co; Anderson,S \$11.43 smcs; Ask Supply \$2,504.43 smcs; Aurora Coop \$128.00 smcs; Avfuel \$86,379.68 smcs; Axon Enterprises \$14,100.00 co; Baker & Taylor \$7,879.40 smcs; Bazata,S \$495.00 co; Beehive \$6,091.00 smcs; Biesterfeld,J \$41.73 smcs; BlueCross BlueShield \$255,517.09 smcs; Bohling,S \$36.44 smcs; Bosselman \$68,181.92 smcs; Brandt,DJ \$42.44 smcs; Brittain,S \$28.81 smcs; Brown,C \$21.40 smcs; Brumels,J \$3.25 smcs; Bruner,N \$1.50 smcs; Buffalo Co. Sheriff \$672.00 smcs; Buffalo Outdoor Power \$3,369.00 co; Builders \$1,084.65 smcs,co; Carquest \$22.04 smcs; Cash Wa \$3,089.22 smcs; CDW Government \$10,868.77 smcs; Chesterman \$156.00 smcs; City of Ky \$589,829.43 smcs,ps; Comm. Service Fund \$14.00 ps; Comm. Health \$54.00 ps; Commercial Recreation \$5,382.69 smcs; Compute North \$160,697.71 smcs; Core & Main \$2,911.48 smcs; Country Partners \$137,001.55 smcs; Cutting Edge \$125.00 smcs; Deblis,R \$18.24 smcs; Decker,M \$36.99 smcs; Deere & Company \$66,780.07 co; Dimas,E \$4.69 smcs; Donohoe,E \$105.00 smcs; Dostal,B \$81.00 smcs; Dowhy Towing \$100.00 smcs; Eagle Distributing \$1,116.45 smcs; Eakes \$99,344.05 smcs,co; Edgerton Explorit Center \$674.53 smcs; Elder,E \$81.00 smcs; Emblem Authority \$190.00 smcs; Engen,L \$59.98 smcs; Erin M McCartney,Trustee \$70.00 ps; Expression Wear \$135.00 smcs; Frontier \$6,773.77 smcs; Fry & Associates \$570.34 smcs; Gale \$765.54 smcs; Gappa,J \$31.58 smcs; General Collection \$480.46 smcs; Gerdes,J \$153.00 smcs; Grainger \$3,931.09 smcs; Greater NE Cities \$1,000.00 smcs; Harley Davidson \$81.30 smcs; Hilliard,G \$10.72 smcs; HM Life Insurance \$42,191.20 smcs; Howard,T \$40.55 smcs; IRS \$177,918.34 ps; Jack Lederman \$1,889.49 co; JCB Delivery \$139.00 smcs; Johnson Bros. \$910.00 smcs; Johnston,G \$17.45 smcs; Ky Crete & Block \$676.00 co; Ky Powersports \$13,953.80 smcs; Ky Winnelson \$23.61 smcs; Ken Garff Ford \$38,434.00 co; Kiolbasa,A \$14.83 smcs; Kirkham Michael \$11,000.00 co; Kitchen Fresh Foods \$185.80 smcs; Konica Minolta \$1,029.97 smcs; Lilly,D \$15.54 smcs; Lincoln National Life \$8,230.36 smcs; Long,M \$32.66 smcs; Long,R \$40.84 smcs; Lyonheart Equine \$900.00 smcs; Mac Tools \$387.59 smcs; Magic Cleaning \$6,190.00 smcs; Masek Golf Car \$2,055.00 smcs; McDermott,E \$30.43 smcs; McDowell,K \$29.82 smcs; Mellema,S \$39.25 smcs; Menards \$144.88 co; Midwest Connect \$8,156.10 smcs; Midwest Petroleum \$722.00 smcs; Miller & Associates \$105,414.05 smcs,co; Mission Square \$7,121.74 ps; Monie,G \$40.78 smcs; Moonlight Horseshoeing \$40.00 smcs; Mullen,B \$6.61 smcs; NDEE \$115.00 smcs; NE Child Support \$1,764.50 ps; NE City Mgmt Assoc. \$100.00 smcs; NE Dept of Revenue \$145,690.56 smcs,ps; NE IAI \$50.00 smcs; NE Public Health \$495.00 smcs; NE Title Company \$180.00 smcs; NE Truck Center \$4,980.00 smcs; Nebraskaland Distrib. \$252.80 smcs; Nichols,B \$19.64 smcs; Northwest Electric \$4,011.76 smcs; Northwestern Energy \$6,276.92 smcs; Nuttelman Fencing \$9,402.03 co; OCLC \$779.76 smcs; Olsson \$24,735.81 co; Pep Co \$50.00 smcs; Peyton,A \$81.00 smcs; Platte Valley Comm. \$1,394.90 smcs; Pohlman,K \$17.32 smcs; Presto-X \$202.80 smcs; Prime Comm. \$9,845.00 co; Quinn,J \$650.00 smcs; R&R Repair \$258.73 smcs; Rasmussen

Mechanical \$1,008.48 smcs; RDG Planning \$24,780.00 co; Rheome Tree \$1,750.00 smcs; Rhoades,K \$27.81 smcs; Rinke, Autumn \$154.00 smcs; S & B Heating \$238.65 smcs; S2O Design \$7,119.41 co; Sawin,S \$75.00 smcs; Schemper,S \$36.44 smcs; Schmidt,S \$43.36 smcs; Schnacker,L \$362.55 smcs; School District 7 \$6,225.00 smcs; See Clear Cleaning \$1,700.00 smcs; Seiler Instrument \$747.58 co; Short,I \$13.13 smcs; Siebert,S \$41.23 smcs; Sladek,K \$10.72 smcs; Slocum,T \$5.00 smcs; SOS Portable Toilet \$224.00 smcs; Southern Glazier \$428.40 smcs; Spiegel,S \$35.49 smcs; Sport Consultants \$395.00 smcs; State of NE/DAS \$4.41 smcs; Sterling,B \$26.86 smcs; Straatman,D \$42.00 smcs; Stutsman \$2,745.00 smcs; Temme,M \$8.96 smcs; Thomas,K \$10.53 smcs; Traffic Control \$800.00 smcs; Trausch,A \$59.84 smcs; Traveler's \$9,532.00 smcs; Turner Body Shop \$100.00 smcs; Tye & Rowling \$15,504.56 smcs; Union Bank & Trust \$92,932.67 ps; United Way of Ky \$377.64 ps; USDA Wildlife \$2,000.00 smcs; VanHorn,R \$275.00 smcs; Verizon \$7,367.15 smcs; Viaero Event Center \$1,021.00 smcs; Village Uniform \$203.89 smcs; Villalobos,J \$26.80 smcs; Vinton,L \$200.00 smcs; Volaire \$66.55 smcs; Wells Fargo \$50,568.36 ds; Yeti \$6,566.40 smcs; Payroll Ending 04/23/2022 -- \$551,164.51 and Payroll Ending 05/07/2022 -- \$570,758.49. 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. 2022-97 approving Change Order No. 2 showing an increase in the amount of \$27,437.50 and accept the Certificate of Substantial Completion submitted by Whinnery Construction, Inc. and approved by S2O Design and Engineering, Inc. for Phase II Enhancements of the Kearney Water Trail known as Kearney Whitewater Park.

RESOLUTION NO. 2022-97

WHEREAS, Whinnery Construction, Inc. of Lake City, Colorado has performed services in connection with the continuation of Phase II Enhancements of the Kearney Water Trail known as Kearney Whitewater Park, and the City's engineer, S2o Design and Engineering, have filed with the City Clerk Change Order No. 2 showing an increase in the amount of \$27,437.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 583,917.50
Change Order No. 1 (2/8/2022)	+ 78,610.00
Change Order No. 2 (5/10/2022)	+ <u>27,437.50</u>
Revised Contract Value	\$ 689,965.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of April 4, 2022, as shown by Exhibit "B" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown on Exhibit "A" and Application and the Certificate of Substantial Completion, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 10TH DAY OF MAY, 2022.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

4. Adopt Resolution No. 2022-98 approving Application and Certificate for Payment No. 3 in the amount of \$132,872.40 submitted by Duncan Theis Construction, Inc. and approved by Olsson for Yanney Park Maintenance Building.

RESOLUTION NO. 2022-98

WHEREAS, Duncan Theis Construction, Inc. of Kearney, Nebraska has performed services in connection with Yanney Park Maintenance Building, and the City's engineer, Olsson, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$132,872.40 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 514,038.00
Change Order No. 1 (1/25/2022)	\$ 0.00
Change Order No. 2 (3/22/2022)	+ \$3,146.00
Contract Sum To Date	517,184.00
Gross Amount Due	219,834.00
Retainage (10%)	- 21,983.40
Amount Due to Date	197,850.60
Less Previous Certificates for Payment	64,978.20
Current Payment Due	\$ 132,872.40

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 3, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 10TH DAY OF MAY, 2022.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

5. Adopt Resolution No. 2022-99 approving Application and Certificate for Payment Nos. 8 and 9 in the amounts of \$97,399.57 and \$216,840.53 submitted by Midlands Contracting Inc. and approved by Miller & Associates for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water).

RESOLUTION NO. 2022-99

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 8 in the amount of \$97,399.57 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 2,343,960.00
Change Order No. 1 (3/8/2022)	- 114,660.00
Contract Sum To Date	<u>2,229,300.00</u>
Gross Amount Due	1,776,717.64
Retainage (10%)	- 88,835.88
Amount Due to Date	<u>1,687,881.76</u>
Less Previous Certificates for Payment	<u>1,590,482.19</u>
Current Payment Due	\$ 97,399.57

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 9 in the amount of \$216,840.53 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 2,343,960.00
Change Order No. 1 (3/8/2022)	- 114,660.00
Contract Sum To Date	<u>2,229,300.00</u>
Gross Amount Due	2,004,970.84
Retainage (10%)	- 100,248.54
Amount Due to Date	<u>1,904,722.29</u>
Less Previous Certificates for Payment	<u>1,687,881.76</u>
Current Payment Due	\$ 216,840.53

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 8, as shown on Exhibit "A" and Application and Certificate for Payment No. 9, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 10TH DAY OF MAY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Accept the bids received for the 2020 Part 3 Improvements; 2nd Avenue Overpass Extension Joint Repair and adopt Resolution No. 2022-100 awarding the bid to Wilke Contracting Corp. in the amount of \$915,169.05.

RESOLUTION NO. 2022-100

WHEREAS, Oak Creek Engineering and the City of Kearney have reviewed the sealed bids which were opened on May 3, 2022 at 2:00 p.m. for the 2020 Part 3 Improvements; 2nd Avenue Overpass Extension Joint Repair; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$1,138,498.00; and

WHEREAS, Oak Creek Engineering and the City have recommended the bid offered by Wilke Contracting Corp. of Kearney, Nebraska in the amount of \$915,169.05 be accepted as the lowest responsible bid for the 2020 Part 3 Improvements; 2nd Avenue

Overpass Extension Joint Repair.

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 Wilke Contracting Corp. be and is the lowest responsible bidder for the 2020 Part 3 Improvements; 2nd Avenue Overpass Extension Joint Repair to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Wilke Contracting Corp. in the amount of \$915,169.05, be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$1,138,498.00 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 MAY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Reject the bids received for the 2022 Part 2 Improvements; 56th Street and Avenue N Turning Lanes.

8. Adopt Resolution No. 2022-101 approving the Developer Constructed Infrastructure Agreement for The Museum of Nebraska Art Sanitary Sewer Replacement between the City of Kearney and Nicole Herden, Executive Director, of The Museum of Nebraska Art, for the construction of a sanitary sewer main replacement to serve Lots 12 through 17, and Lots 68 through 72, all of Southwest Quarter School Section Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2022-101

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled “Developer Constructed Infrastructure Agreement for The Museum of Nebraska Art Sanitary Sewer Replacement” between the City of Kearney and Nicole Herden, Executive Director, of The Museum of Nebraska Art for the construction of a sanitary sewer main replacement to serve Lots 12 through 17, and Lots 68 through 72, all of Southwest Quarter School Section Addition, an addition to the City of Kearney, Buffalo County, Nebraska, be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 10TH DAY OF MAY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8577 REPEALING ORDINANCE NO. 8568 AND AMEND THE SALARY ORDINANCE

Council Member Clouse introduced Ordinance No. 8577 repealing Ordinance No. 8568 and amend the Salary Ordinance reflecting changes of certain positions, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Moore seconded the motion to suspend the rules for Ordinance No. 8577 repealing Ordinance No. 8568 and amend the Salary Ordinance reflecting changes of certain positions. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and 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. 8577 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. Nay: None. Motion carried. Nikkila and Lear absent. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8577 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8577 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

REDEVELOPMENT PROJECT FOR KRUGER DEVELOPMENT FOR PROPERTY LOCATED NORTH OF 16TH STREET BETWEEN 11TH AVENUE AND 12TH AVENUE

Mayor Clouse opened for discussion the Resolution No. 2022-102 approving the redevelopment project submitted by Kruger Development for Redevelopment Area #5 for an area described as Lot 3, Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of 16th Street between 11th Avenue and 12th Avenue).

Wendell Wessels, Finance Director presented this matter to the Council. Kruger Development, are planning to construct a 6,528 square foot steel building to be used as a large storage space that will have three (3) bays with 16-foot sidewalls in Phase II of their project. All bays will be insulated, heated, and have a bathroom. The building will have exterior lighting and landscaping will consist of concrete paving and aggregate.

Mr. Wessels stated the estimated valuation of the property when completed is \$423,900; current valuation is \$69,380. The estimated incremental valuation is estimated to be \$354,520 with the annual estimated increment in real estate taxes after completion of \$6,496. Mr. Wessels noted that the increment in real estate taxes during the first one to two-year period will be less due to lower valuations during the construction process.

The CRA at their May 2nd meeting approved that the project be granted 80% of the annual increment in real estate taxes, not to exceed the lessor of \$50,663 or the certified Project Costs over a period not to exceed fifteen years beginning with Tax Year 2023. The CRA approved Project Costs totaling \$50,663 as follows:

Utilities - electrical	\$17,800
Public parking facilities	\$17,460
Other – site preparation/mobilization	\$15,403
Total	\$50,663

Moved by Buschkoetter seconded by Clouse finding that the redevelopment project set forth in the application submitted by Kruger Development would not be economically feasible without the use of tax-increment financing, that the proposed redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing and, that the costs and benefits of the proposed redevelopment project are found to be in the long term best interests of the community; and further move that the redevelopment project be granted 80 percent of the annual increment in real estate taxes, not to exceed the lessor of \$50,663, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2023 and to adopt Resolution No. 2022-102 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Kruger Development. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Nikkila and Lear absent. Motion carried

RESOLUTION NO. 2022-102

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1991, as amended (the “Act”), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the “Authority”), has prepared a Redevelopment Plan for Area #5 pursuant to Section 18-2111 of the Act (“Redevelopment Plan”), and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, if any, to the Authority, pursuant to Section 18-2114 of the Act; and

WHEREAS, in accordance with Section 18-2114 of the Act, the Authority submitted its recommendation, along with the recommendation from the Planning Commission to the City Council; and

WHEREAS, following consideration of the recommendations of the Planning Commission and the Authority, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as Lot 3, Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 600047362); and

WHEREAS, the City Council has determined that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project have been found to be in the long-term best interests of the community.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that:

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as Lot 3, Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 600047362); is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

2. The City Council hereby determines that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project are found to be in the long-term interests of the community.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as Lot 3, Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 600047362); shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

a. That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, of loans, notes or advances of

money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

c. Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The President and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Buffalo County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project substantially in the form attached hereto as Exhibit "B" with appropriate insertions.

6. Recognizing that, after the date of this Resolution, circumstances may arise necessitating changes, additions or deletions to the specific legal description of the Redevelopment Project (described in Paragraphs 1 and 4 above and the attached Exhibit "B"), the City Manager is hereby authorized to make such changes, additions or deletions to the legal description as the City Manager deems reasonable or necessary, together with the authority to execute all documents, certificates or instruments necessary in connection therewith, specifically including the execution of an Amended Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project.

PASSED AND APPROVED THIS 10TH DAY OF MAY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

STAFF UPDATE ON THE OPENING OF THE ERNEST GRUNDY TENNIS CENTER

Mayor Clouse opened Regular Agenda Item 2 pertaining to the opening of the Ernest Grundy Tennis Center.

Scott Hayden, Park and Recreation Director and Matthew Morrow, Recreation Coordinator presented this matter to Council. Mr. Hayden stated the Tennis Center opened yesterday and introduced Matthew Morrow who will be in charge of managing the Tennis Center.

Mr. Morrow noted the Tennis Center Ribbon Cutting will be June 2nd at 5:00 p.m. He stated the Tennis Center is a public facility first and foremost so tennis will be as accessible as possible to everyone who wants to play. The UNK tennis team will also use the facility for their matches during inclement weather and for practice; it will also serve as a backup tournament site for high schools in Kearney. The Tennis Center will host the ITA Nationals location for both 2023 and 2024 which this is the biggest tournament in Division II tennis; it will also hold the USTA Tournament. The facility will allow for indoor play year-round and will include lessons, classes and leagues which will all be a huge boost to Kearney's tennis community.

The Tennis Center is a 62,000 square-foot facility with a professional grade court and lighting and will serve as a premier six (6) court tennis facility in the Midwest. The Kearney Park and Recreation Department is now located in the facility as well. Mr. Morrow stated reserving a court is very reasonable and passes are also available; courts can be reserved online, making it easy for the community to get involved and use the facility.

Mr. Morrow stated he has been teaching tennis since 2005; prior to Kearney he was in Rapid City, SD teaching some of the top ranked American tennis players in the world when they came up to practice for elevation, he also taught 1000 level and D-1 players. Mr. Morrow's goal is to grow the sport of tennis.

Mayor Clouse stated that he is glad to have Mr. Morrow with the City.

VII. REPORTS

Mayor Clouse again welcomed Ms. Dougherty-O'Hara and Mr. Morrow and thanked them for their presentations.

VIII. ADJOURN

Moved by Clouse seconded by Moore that Council adjourn at 6:28 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Moore. Nay: None. Nikkila and Lear absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**