

*Kearney, Nebraska  
August 9, 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 August 9, 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, Tami James Moore and Jonathan Nikkila. Absent: Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Brenda Jensen, Assistant City Manager; Andy Harter, Director of Public Works; Jason Koettters, Police Lieutenant; Melissa Dougherty-O'Hara, City Planner and Peggy Eynetich, Deputy City Clerk, were also present. Members of the media present included: Mike Konz, Kearney Hub.

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

## **I. ROUTINE BUSINESS**

### **INVOCATION/MOMENT OF SILENCE**

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

### **PLEDGE OF ALLEGIANCE**

Mayor Clouse and Council Members led the audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

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

### **ORAL COMMUNICATIONS**

There were no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### **III. PUBLIC HEARINGS**

#### **VACATE AVENUE G BETWEEN 20TH STREET AND 19TH STREET**

Mayor Clouse opened the public hearing on the application submitted by Trenton Snow for Avenue G Storage, LLC (c/o Mike Lewis) to vacate a portion of Avenue G from 20th Street to 19th Street for property described as the West 7.0 feet of Avenue G as the same abuts Lots 596 and 597, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, Lot 10, Scott's Subdivision to the City of Kearney, Buffalo County, Nebraska AND the vacated alley abutting said Lot 10 on the south; AND the East 7.0 feet of Avenue G as the same abuts Lots 590 and 591, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, Lot 11, Scott's Subdivision to the City of Kearney, Buffalo County, Nebraska AND the vacated alley abutting said Lot 11 on the south (Avenue G between 20th Street and 19th Street) and consider Ordinance No. 8583.

Trenton Snow, Nebraska Land Surveyor, presented this matter to the Council. Mr. Snow stated the street was platted at 80-foot-wide; the owners adjacent to the street are requesting 7-feet be vacated on each side of the street. The street width would be 66-feet wide, after the proposed vacation, which is still wide enough for future street improvements and meets the standards of the City. An easement will be retained in the vacated 7-feet for utilities that are located there.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the application submitted by Trenton Snow for Avenue G Storage, LLC (c/o Mike Lewis) and introduced Ordinance No. 8583 vacating a portion of Avenue G from 20th Street to 19th Street for property described as the West 7.0 feet of Avenue G as the same abuts Lots 596 and 597, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, Lot 10, Scott's Subdivision to the City of Kearney, Buffalo County, Nebraska AND the vacated alley abutting said Lot 10 on the south; AND the East 7.0 feet of Avenue G as the same abuts Lots 590 and 591, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, Lot 11, Scott's Subdivision to the City of Kearney, Buffalo County, Nebraska AND the vacated alley abutting said Lot 11 on the south (Avenue G between 20th Street and 19th Street) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Moore seconded the motion to close the hearing and suspend the rules for Ordinance No. 8583. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8583 vacating a portion of Avenue G from 20th Street to 19th Street for property described as the West 7.0 feet of Avenue G as the same abuts Lots 596 and 597, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, Lot 10, Scott's Subdivision to the City of Kearney,

Buffalo County, Nebraska AND the vacated alley abutting said Lot 10 on the south; AND the East 7.0 feet of Avenue G as the same abuts Lots 590 and 591, Original Town of Kearney Junction, now the City of Kearney, Buffalo County, Nebraska, Lot 11, Scott's Subdivision to the City of Kearney, Buffalo County, Nebraska AND the vacated alley abutting said Lot 11 on the south (Avenue G between 20th Street and 19th Street) by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8583 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8583 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.

**CONDITIONAL USE PERMIT TO OPERATE A DAYCARE SOUTH OF 52ND STREET AND WEST OF 11TH AVENUE**

Mayor Clouse opened the public hearing on the application submitted by Steve and Danielle Frank for a Conditional Use Permit to operate a childcare facility on property zoned District R-2, Urban Residential Mixed-Density District and described as Lot 9, Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 52nd Street and West of 11th Avenue) and consider Ordinance No. 8584.

Steven and Danielle Frank with Smiling Faces presented this matter to the Council. Mrs. Frank stated they are wishing to expand; by purchasing this property and building a new larger facility for childcare. The new facility will have the ability to serve approximately 200 children. Mrs. Frank stated with all of the changes occurring in childcare, the facility will make childcare more accessible.

Council Member Randy Buschkoetter stated there were three (3) conditions to the Conditional Use Permit (CUP) that were discussed at the Planning Commission meeting and questioned if Mr. and Mrs. Frank were comfortable with the conditions? Mr. & Mrs. Frank stated they were aware of the conditions and are comfortable with them.

Mayor Clouse thanked the Franks for providing the facility as there is a need for more childcare in the community.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the application submitted by Steve and Danielle Frank and introduced Ordinance No. 8584 for a Conditional Use Permit to operate a childcare facility on property zoned District R-2, Urban Residential Mixed-Density District and described as Lot 9, Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 52nd Street and West of 11th

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. 8584. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear 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. 8584 for a Conditional Use Permit to operate a childcare facility on property zoned District R-2, Urban Residential Mixed-Density District and described as Lot 9, Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (South of 52nd Street and West of 11th Avenue) by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8584 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8584 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.

### **CONDITIONAL USE PERMIT FOR WAREHOUSING (OPEN) LOCATED AT 1619 17TH AVENUE**

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Old Towne Enterprises, L.L.C., a Nebraska Limited Liability Company for a Conditional Use Permit for Warehousing (Open) on property zoned District M-1/PD, Limited Industrial/Planned Development Overlay District and described as Lot 2, Sun West Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the North Tract, part of Lot 3, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPTING HOWEVER a part of Lot 3, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County (1619 17th Avenue) and consider Ordinance No. 8585.

Craig Bennett, Miller and Associates presented this matter to the Council. The two (2) lots were previously platted and one (1) of the lots had a minor subdivision completed with a small portion attaching to a residential lot to the south. The two (2) lots share a 50-foot ingress/egress easement that accesses 17th Avenue on the south. The detention cell will be located on the south and west sides of the property. Mr. Bennett stated the trees already on the property will remain for screening purposes and additional screening and fencing will be also be installed along the west, east and south sides of the property. It was noted there is fire hydrant protection for both lots.

Council Member Jonathan Nikkila questioned if Council is approving the open storage, or if approval is being requested for the entire project? Mr. Bennett stated the outdoor storage requires approval from Council due to the screening requirement; the entire project is being shown so Council can see where the closed storage will be located in relation to property lines.

Council Member Buschkoetter clarified there is no access off of 16th Avenue? Mr. Bennett demonstrated where the City's public street portion of 16th Avenue is platted to; there is a deeded right-of-way for the remainder of the private road, north of where the public street ends, that is also called 16th Avenue.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Miller & Associates for Old Towne Enterprises, L.L.C., a Nebraska Limited Liability Company and introduced Ordinance No. 8585 for a Conditional Use Permit for Warehousing (Open) on property zoned District M-1/PD, Limited Industrial/Planned Development Overlay District and described as Lot 2, Sun West Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the North Tract, part of Lot 3, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPTING HOWEVER a part of Lot 3, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County (1619 17th 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. 8585. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8585 for a Conditional Use Permit for Warehousing (Open) on property zoned District M-1/PD, Limited Industrial/Planned Development Overlay District and described as Lot 2, Sun West Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the North Tract, part of Lot 3, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPTING HOWEVER a part of Lot 3, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County (1619 17th Avenue) by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8585 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8585 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.

**DEVELOPMENT OF PROPERTY LOCATED BETWEEN TALMADGE STREET AND I-80 AND BETWEEN 2ND AVENUE AND 15TH AVENUE**

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

Mayor Clouse opened the public hearing on the Miller & Associates for Talmadge JAM, LLC; MJ Developments, LLC; and Paul Younes to 1) vacate Lot 1, Block Two, and the dedicated temporary cul-de-sac, all in Interstate Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, being part of the Northeast Quarter of the Northeast Quarter of Section 14, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8586; 2) vacate a tract of land being part of Lot 6 and the dedicated temporary cul-de-sac, all in Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8587; and 3) rezone from District AG, Agricultural District and District C-2/PD, Community Commercial/Planned Development Overlay District to District C-3, General Commercial District for property described as a tract of land being all of Lot 1, Block Two, Interstate Third Addition, an addition to the City of Kearney (to be vacated), part of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney (to be vacated), part of Government Lot 7 and part of Government Lot 8, Section 11 and part of the North Half of the Northeast Quarter and part of the North Half of the Northwest Quarter of Section 14, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (between Talmadge Street and I-80 and between 2nd Avenue and 15th Avenue) and consider Ordinance No. 8588.

Craig Bennett, Miller and Associates presented this matter to the Council. Mr. Bennett stated the area being discussed is approximately 93 acres; a large portion of the property has already been platted, which is also the portion that the vacation request and proposed new plat pertain to. Current zoning is C-2/PD and Ag; in order to be more consistent with what is occurring on the property, C-3 zoning is requested for the entire area. The Future Land Use Map shows the area as COM and is compatible with C-3 zoning. Circulation for the area will come off of Talmadge Street onto 3rd Avenue and runs adjacent and contiguous to I-80 along the south side and then continues north on 11th Avenue, tying back in with Talmadge Street. Talmadge Street has been included in the proposed Plat; a right-of-way easement is already in place where the infrastructure is going in. Stormwater will be detained on site. Mr. Bennett also provided information on how water and sewer will be extended south, to the property. A portion of the property is located in the 1% chance of flooding, previously known as the 100-year flood, with the remainder of the area being in the .2% chance of annual flood, previously known as the 500-year flood zone area.

The east half of the property, or east of 11th Avenue, will contain five (5) lots; there will be four (4) lots on the west side of 11th Avenue with a connecting street to be known as 2nd Street. Mr. Bennett noted 2nd Street will enter the lot where the Sports Complex will be located. There will be a round-about at Talmadge Street and 11th Avenue along with an additional round-about located on the west side of the property at 15th Avenue and 11th Avenue. Approximately 52 acres will be annexed into the City. The area to be annexed is primarily west of the lake lots and includes part of Talmadge Street which is

bordered by I-80 on the south and will include 15th Avenue on the west.

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 Talmadge JAM, LLC; MJ Developments, LLC; and Paul Younes and introduced Ordinance No. 8586 vacating Lot 1, Block Two, and the dedicated temporary cul-de-sac, all in Interstate Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, being part of the Northeast Quarter of the Northeast Quarter of Section 14, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; Ordinance No. 8587 vacating a tract of land being part of Lot 6 and the dedicated temporary cul-de-sac, all in Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and Ordinance No. 8588 rezoning from District AG, Agricultural District and District C-2/PD, Community Commercial/Planned Development Overlay District to District C-3, General Commercial District for property described as a tract of land being all of Lot 1, Block Two, Interstate Third Addition, an addition to the City of Kearney (to be vacated), part of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney (to be vacated), part of Government Lot 7 and part of Government Lot 8, Section 11 and part of the North Half of the Northeast Quarter and part of the North Half of the Northwest Quarter of Section 14, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (between Talmadge Street and I-80 and between 2nd Avenue and 15th 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 Nos. 8586, 8587 and 8588. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear 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. 8586 vacating Lot 1, Block Two, and the dedicated temporary cul-de-sac, all in Interstate Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, being part of the Northeast Quarter of the Northeast Quarter of Section 14, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; Ordinance No. 8587 vacating a tract of land being part of Lot 6 and the dedicated temporary cul-de-sac, all in Younes Center Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and Ordinance No. 8588 rezoning from District AG, Agricultural District and District C-2/PD, Community Commercial/Planned Development Overlay District to District C-3, General Commercial District for property described as a tract of land being all of Lot 1, Block Two, Interstate Third Addition, an addition to the City of Kearney (to be vacated), part of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney (to be vacated), part of Government Lot 7 and part of Government Lot 8, Section 11 and part of the North Half of the Northeast Quarter and part of the North Half of the Northwest Quarter of Section 14, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (between Talmadge Street and I-80 and between 2nd Avenue and 15th Avenue) by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried. Ordinance was

read by number.

Moved by Clouse seconded by Nikkila that Ordinance Nos. 8586, 8587 and 8588 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance Nos. 8586, 8587 and 8588 are declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**FINAL PLAT AND SUBDIVISION AGREEMENT FOR YOUNES CENTER SEVENTH ADDITION**

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Talmadge JAM, LLC; MJ Developments, LLC; and Paul Younes for the Final Plat and Subdivision Agreement for Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being all of Lot 1, Block Two, Interstate Third Addition, an addition to the City of Kearney (to be vacated), part of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney (to be vacated), part of Government Lot 7 and part of Government Lot 8, Section 11 and part of the North Half of the Northeast Quarter and part of the North Half of the Northwest Quarter of Section 14, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (between Talmadge Street and I-80 and between 2nd Avenue and 15th Avenue) and consider Resolution No. 2022-154.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2022-154 approving the Final Plat and Subdivision Agreement for Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being all of Lot 1, Block Two, Interstate Third Addition, an addition to the City of Kearney (to be vacated), part of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney (to be vacated), part of Government Lot 7 and part of Government Lot 8, Section 11 and part of the North Half of the Northeast Quarter and part of the North Half of the Northwest Quarter of Section 14, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (between Talmadge Street and I-80 and between 2nd Avenue and 15th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

**RESOLUTION NO. 2022-154**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being all of Lot 1, Block Two, Interstate Third Addition, an addition to the City of Kearney (now vacated), part of Lot 6, Younes Center Fifth Addition, an addition to the City of Kearney (now vacated),

part of Government Lot 5, part of Government Lot 6, part of Government Lot 7 and part of Government Lot 8, Section 11 and part of the North Half of the Northeast Quarter and part of the North Half of the Northwest Quarter of Section 14, all in Township 8 North, Range 16 West of the 6th Principal Meridian, Buffalo County, Nebraska, and more particularly described as follows: Commencing at a brass cap at the Southeast corner of Government Lot 7 of Section 11; thence N 00°25'12" E on the East line of said Government Lot 7, and all bearings contained herein are relative thereto, a distance of 991.10 feet to a survey marker w/washer on the South line of Talmadge Street, in the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence S 87°19'42" E on said South line of Talmadge Street a distance of 1016.57 feet to a 5/8" rebar w/cap at the Northwest corner of Lot 5, Younes Center Fifth Addition; thence S 00°28'26" W continuing on the West line of said Lot 5 a distance of 640.98 feet; thence S 75°52'53" W continuing on said West line a distance of 155.00 feet; thence S 00°28'26" W on said West line a distance of 140.00 feet to the Southwest corner of said Lot 5; thence S 62°53'40" E on the South line of said Lot 5 a distance of 274.08 feet; thence S 89°31'34" E continuing on said South line of Lot 5 a distance of 100.00 feet to the Southeast corner of said Lot 5; thence N 00°28'26" E on the East line of said Lot 5 a distance of 139.55 feet to a mag nail; thence S 89°24'01" E a distance of 575.52 feet to a 5/8" rebar w/cap on the West line of 3rd Avenue, as dedicated in Interstate Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska; thence S 14°04'59" W on said West line of 3rd Avenue a distance of 99.11 feet to a 5/8" rebar w/cap on the North line of said Northeast Quarter of Section 14 and the South line of said Interstate Subdivision; thence N 88°33'00" E on said South line of said Interstate Subdivision a distance of 528.19 feet to a 5/8" rebar at the Southeast corner of Lot E of said Interstate Subdivision, and on the Northerly Right-of-Way line of U.S. Interstate No. 80; thence S 49°57'57" W on said Northerly Right-of-Way line a distance of 362.10 feet to a 5/8" rebar w/cap; thence Southwesterly continuing on said Northerly Right-of-Way line, and all courses following are on said North Right-of-Way line until otherwise described, and on a tangent curve to the Right having a central angle of 22°21'23", a radius of 841.03 feet, an arc length of 328.17 feet, and a chord bearing of S 60°31'08" W a distance of 326.09 feet to a 5/8" rebar; thence Southwesterly on a non-tangent curve to the Right having a central angle of 21°01'32", a radius of 854.90 feet, an arc length of 313.72 feet, and a chord bearing of S 82°13'59" W a distance of 311.96 feet to a 5/8" rebar; thence N 87°15'15" W a distance of 623.57 feet to a 5/8" rebar; thence N 85°36'00" W a distance of 794.15 feet to a 5/8" rebar on the East line of said North Half of the Northwest Quarter of Section 14; thence N 85°48'21" W a distance of 1908.39 feet to a 5/8" rebar; thence Westerly on a tangent curve to the Left having a central angle of 00°28'30", a radius of 17338.73 feet, an arc length of 142.91 feet, and a chord bearing of N 86°02'31" W a distance of 142.91 feet to a 5/8" rebar w/cap; thence N 00°42'16" W leaving said North Right-of-Way line a distance of 713.86 feet to a 5/8" rebar w/cap; thence N 09°44'35" W a distance of 67.98 feet to a 5/8" rebar w/cap; thence Northerly on a tangent curve to the Left having a central angle of 36°07'15", a radius of 50.00 feet, an arc length of 31.52 feet, and a chord bearing of N 27°48'12" W a distance of 31.00 feet to a 5/8" rebar w/cap; thence N 45°51'50" W a distance of 23.45 feet to a 5/8" rebar w/cap; thence Westerly on a tangent curve to the Left having a central angle of 43°42'16", a radius of 50.00 feet, an arc length of 38.14 feet, and a chord bearing of N 67°42'58" W a distance of 37.22 feet to a 5/8" rebar w/cap; thence Westerly on a tangent curve to the Right having central angle of 01°05'27", a radius of 2040.00 feet, an arc length of 38.84 feet, and a chord bearing of N 89°01'23" W a distance of 38.84 feet to a 5/8" rebar w/cap; thence N 01°24'50" E a

distance of 80.00 feet to a 5/8" rebar w/cap; thence N 77°57'54" E a distance of 54.66 feet to a 5/8" rebar w/cap; thence Easterly on a tangent curve to the Left having a central angle of 30°50'27", a radius of 50.00 feet, an arc length of 26.91 feet, and a chord bearing of N 62°32'41" E a distance of 26.59 feet to a 5/8" rebar w/cap; thence N 47°07'27" E a distance of 10.43 feet to a 5/8" rebar w/cap; thence Northeasterly on a tangent curve to the Left having a central angle of 38°47'25", a radius of 50.00 feet, an arc length of 33.85 feet, and a chord bearing of N 27°43'45" E a distance of 33.21 feet to a 5/8" rebar w/cap; thence N 08°20'02" E a distance of 67.98 feet to a 5/8" rebar w/cap; thence N 89°17'44" E a distance of 60.00 feet to a 5/8" rebar w/cap; thence S 09°44'35" E a distance of 67.98 feet to a 5/8" rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of 37°21'25", a radius of 50.00 feet, an arc length of 32.60 feet, and a chord bearing of S 28°25'17" E a distance of 32.03 feet to a 5/8" rebar w/cap; thence S 47°06'00" E a distance of 17.43 feet to a 5/8" rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of 46°39'09", a radius of 50.00 feet, an arc length of 40.71 feet, and a chord bearing of S 70°25'35" E a distance of 39.60 feet to a 5/8" rebar w/cap; thence N 86°14'51" E a distance of 1187.00 feet to a 5/8" rebar w/cap; thence Easterly on a tangent curve to the Left having a central angle of 22°12'18", a radius of 560.00 feet, an arc length of 217.03 feet, and a chord bearing of N 75°08'42" E a distance of 215.67 feet to a 5/8" rebar w/cap; thence N 64°02'33" E a distance of 54.02 feet to a 5/8" rebar w/cap; thence Northeasterly on a non-tangent curve to the Left having a central angle of 50°00'40", a radius of 50.00 feet, an arc length of 43.63 feet, and a chord bearing of N 39°02'56" E a distance of 42.26 feet to a 5/8" rebar w/cap; thence Northeasterly on a non-tangent curve to the Right having a central angle of 36°21'26", a radius of 90.00 feet, an arc length of 57.11 feet, and a chord bearing of N 32°13'30" E a distance of 56.16 feet to a 5/8" rebar w/cap; thence Northeasterly on a non-tangent curve to the Left having a central angle of 49°59'41", a radius of 50.00 feet, an arc length of 43.63 feet, and a chord bearing of N 25°24'23" E a distance of 42.26 feet to a 5/8" rebar w/cap; thence N 00°24'32" E a distance of 10.65 feet to a 5/8" rebar w/cap; thence S 89°35'28" E a distance of 80.00 feet to a 5/8" rebar w/cap; thence S 00°24'32" W a distance of 21.19 feet to a 5/8" rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of 116°21'59", a radius of 20.00 feet, an arc length of 40.62 feet, and a chord bearing of S 57°46'27" E a distance of 33.99 feet to a 5/8" rebar w/cap; thence N 64°02'33" E a distance of 2.21 feet to a 5/8" rebar w/cap; thence Northeasterly on a tangent curve to the Right having a central angle of 28°15'46", a radius of 397.20 feet, an arc length of 195.93 feet, and a chord bearing of N 78°10'26" E a distance of 193.95 feet to a 5/8" rebar w/cap; thence S 87°41'41" E a distance of 74.49 feet to a 5/8" rebar w/cap; thence S 00°25'12" W a distance of 7.02 feet to a 5/8" rebar w/cap; thence S 87°41'41" E a distance of 33.02 feet to a survey marker on the East line of said Government Lot 7; thence S 00°25'10" W a distance of 66.01 feet to the Point of Beginning, containing 92.55 acres, more or less, all located in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved and

that the President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

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

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**ANNEXATION OF PART OF PROPOSED YOUNES CENTER SEVENTH ADDITION BETWEEN TALMADGE STREET AND I-80 AND BETWEEN 2ND AVENUE AND 15TH AVENUE**

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Talmadge JAM, LLC; MJ Developments, LLC; and Paul Younes for the annexation of a tract of land being part of Government Lot 7 and part of Government Lot 8, Section 11, and part of the North Half of the Northwest Quarter of Section 14 and all located in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (part of proposed Younes Center Seventh Addition between Talmadge Street and I-80 and between 2nd Avenue and 15th Avenue) and consider Resolution No. 2022-155.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Buschkoetter to close the hearing and adopt Resolution No. 2022-155 approving the annexation of a tract of land being part of Government Lot 7 and part of Government Lot 8, Section 11, and part of the North Half of the Northwest Quarter of Section 14 and all located in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (part of proposed Younes Center Seventh Addition between Talmadge Street and I-80 and between 2nd Avenue and 15th Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

**RESOLUTION NO. 2022-155**

WHEREAS, an Application has been submitted by Miller & Associates for Talmadge JAM, LLC; MJ Developments, LLC; and Paul Younes for the inclusion of a part of Younes Center Seventh Addition, an addition within the corporate boundaries of the City of Kearney said property described as A tract of land being part of Government Lot 7 and part of Government Lot 8, Section 11, and part of the North Half of the Northwest Quarter of Section 14 and all located in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Beginning at the Northeast corner of the North Half of the Northwest Quarter in Section 14; thence S 01°07'55" E on the East line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 286.83 feet to the North Right-of-Way line of U.S. Interstate No. 80;

thence N 85°48'21" W on said North Right-of-Way line a distance of 1908.39 feet; thence Westerly continuing on said North Right-of-Way line and on a tangent curve to the Left having a central angle of 00°28'20", a radius of 17338.73 feet, an arc length of 142.91 feet, and a chord bearing of N 86°02'31" W a distance of 142.91 feet; thence N 00°42'16" W leaving said North Right-of-Way line a distance of 713.86 feet to a 5/8" rebar w/cap; thence N 09°44'35" W a distance of 67.98 feet to a 5/8" rebar w/cap; thence Northerly on a tangent curve to the Left having a central angle of 36°07'15", a radius of 50.00 feet, an arc length of 31.52 feet, and a chord bearing of N 27°48'12" W a distance of 31.00 feet to a 5/8" rebar w/cap; thence N 45°51'50" W a distance of 23.45 feet to a 5/8" rebar w/cap; thence Westerly on a tangent curve to the Left having a central angle of 43°42'16", a radius of 50.00 feet, an arc length of 38.14 feet, and a chord bearing of N 67°42'58" W a distance of 37.22 feet to a 5/8" rebar w/cap; thence Westerly on a tangent curve to the Right having central angle of 01°05'27", a radius of 2040.00 feet, an arc length of 38.84 feet, and a chord bearing of N 89°01'23" W a distance of 38.84 feet to a 5/8" rebar w/cap; thence N 01°24'50" E a distance of 80.00 feet to a 5/8" rebar w/cap; thence N 77°57'54" E a distance of 54.66 feet to a 5/8" rebar w/cap; thence Easterly on a tangent curve to the Left having a central angle of 30°50'27", a radius of 50.00 feet, an arc length of 26.91 feet, and a chord bearing of N 62°32'41" E a distance of 26.59 feet to a 5/8" rebar w/cap; thence N 47°07'27" E a distance of 10.43 feet; thence Northeasterly on a tangent curve to the Left having a central angle of 38°47'25", a radius of 50.00 feet, an arc length of 33.85 feet, and a chord bearing of N 27°43'45" E a distance of 33.21 feet to a 5/8" rebar w/cap; thence N 08°20'02" E a distance of 67.98 feet to a 5/8" rebar w/cap; thence N 89°17'44" E a distance of 60.00 feet to a 5/8" rebar w/cap; thence S 09°44'35" E a distance of 67.98 feet to a 5/8" rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of 37°21'25", a radius of 50.00 feet, an arc length of 32.60 feet, and a chord bearing of S 28°25'17" E a distance of 32.03 feet to a 5/8" rebar w/cap; thence S 47°06'00" E a distance of 17.43 feet to a 5/8" rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of 46°39'09", a radius of 50.00 feet, an arc length of 40.71 feet, and a chord bearing of S 70°25'35" E a distance of 39.60 feet to a 5/8" rebar w/cap; thence N 86°14'51" E a distance of 1187.00 feet to a 5/8" rebar w/cap; thence Easterly on a tangent curve to the Left having a central angle of 22°12'18", a radius of 560.00 feet, an arc length of 217.03 feet, and a chord bearing of N 75°08'42" E a distance of 215.67 feet to a 5/8" rebar w/cap; thence N 64°02'33" E a distance of 54.02 feet; thence Northeasterly on a non-tangent curve to the Left having a central angle of 50°00'40", a radius of 50.00 feet, an arc length of 43.63 feet, and a chord bearing of N 39°02'56" E a distance of 42.26 feet to a 5/8" rebar w/cap; thence Northeasterly on a non-tangent curve to the Right having a central angle of 36°21'26", a radius of 90.00 feet, an arc length of 57.11 feet, and a chord bearing of N 32°13'30" E a distance of 56.16 feet to a 5/8" rebar w/cap; thence Northeasterly on a non-tangent curve to the Left having a central angle of 49°59'41", a radius of 50.00 feet, an arc length of 43.63 feet, and a chord bearing of N 25°24'23" E a distance of 42.26 feet to a 5/8" rebar w/cap; thence N 00°24'32" E a distance of 10.65 feet to a 5/8" rebar w/cap; thence S 89°35'28" E a distance of 80.00 feet to a 5/8" rebar; thence S 00°24'32" W a distance of 21.19 feet to a 5/8" rebar; thence Southeasterly on a tangent curve to the Left having a central angle of 116°21'59", a radius of 20.00 feet, an arc length of 40.62 feet, and a chord bearing of S 57°46'27" E a distance of 33.99 feet to a 5/8" rebar w/cap; thence N 64°02'33" E a distance of 2.21 feet to a 5/8" rebar w/cap; thence Northeasterly on a tangent curve to the Right having a central angle of 28°15'46", a radius of 397.20 feet, an arc length of 195.93 feet, and a chord bearing of N 78°10'26" E a distance of 193.95 feet to a 5/8" rebar

w/cap; thence S 87°41'41" E a distance of 74.49 feet to a 5/8" rebar w/cap; thence S 00°25'12" W a distance of 7.02 feet to a 5/8" rebar w/cap; thence S 87°41'41" E a distance of 33.02 feet to a mag nail on the East line of said Government Lot 7; thence S 00°25'10" W on said East line of Government Lot 7 a distance of 1065.11 feet to the Point of Beginning, containing 52.25 acres, more or less, all in Buffalo County, Nebraska (now known as Lots 2 through 6, inclusive, Block Two, Lots 1 through 5, Block Three, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska and portions of 11th Avenue, 15th Avenue, 1st Street, 2nd Street and Talmadge Streets as dedicated on the final plat of Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska); and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on July 15, 2022 on the inclusion of a part of Younes Center Seventh Addition within the corporate limits for property described as A tract of land being part of Government Lot 7 and part of Government Lot 8, Section 11, and part of the North Half of the Northwest Quarter of Section 14 and all located in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Beginning at the Northeast corner of the North Half of the Northwest Quarter in Section 14; thence S 01°07'55" E on the East line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 286.83 feet to the North Right-of-Way line of U.S. Interstate No. 80; thence N 85°48'21" W on said North Right-of-Way line a distance of 1908.39 feet; thence Westerly continuing on said North Right-of-Way line and on a tangent curve to the Left having a central angle of 00°28'20", a radius of 17338.73 feet, an arc length of 142.91 feet, and a chord bearing of N 86°02'31" W a distance of 142.91 feet; thence N 00°42'16" W leaving said North Right-of-Way line a distance of 713.86 feet to a 5/8" rebar w/cap; thence N 09°44'35" W a distance of 67.98 feet to a 5/8" rebar w/cap; thence Northerly on a tangent curve to the Left having a central angle of 36°07'15", a radius of 50.00 feet, an arc length of 31.52 feet, and a chord bearing of N 27°48'12" W a distance of 31.00 feet to a 5/8" rebar w/cap; thence N 45°51'50" W a distance of 23.45 feet to a 5/8" rebar w/cap; thence Westerly on a tangent curve to the Left having a central angle of 43°42'16", a radius of 50.00 feet, an arc length of 38.14 feet, and a chord bearing of N 67°42'58" W a distance of 37.22 feet to a 5/8" rebar w/cap; thence Westerly on a tangent curve to the Right having central angle of 01°05'27", a radius of 2040.00 feet, an arc length of 38.84 feet, and a chord bearing of N 89°01'23" W a distance of 38.84 feet to a 5/8" rebar w/cap; thence N 01°24'50" E a distance of 80.00 feet to a 5/8" rebar w/cap; thence N 77°57'54" E a distance of 54.66 feet to a 5/8" rebar w/cap; thence Easterly on a tangent curve to the Left having a central angle of 30°50'27", a radius of 50.00 feet, an arc length of 26.91 feet, and a chord bearing of N 62°32'41" E a distance of 26.59 feet to a 5/8" rebar w/cap; thence N 47°07'27" E a distance of 10.43 feet; thence Northeasterly on a tangent curve to the Left having a central angle of 38°47'25", a radius of 50.00 feet, an arc length of 33.85 feet, and a chord bearing of N 27°43'45" E a distance of 33.21 feet to a 5/8" rebar w/cap; thence N 08°20'02" E a distance of 67.98 feet to a 5/8" rebar w/cap; thence N 89°17'44" E a distance of 60.00 feet to a 5/8" rebar w/cap; thence S 09°44'35" E a distance of 67.98 feet to a 5/8" rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of 37°21'25", a radius of 50.00 feet, an arc length of 32.60 feet, and a chord bearing of S 28°25'17" E a distance of 32.03 feet to a 5/8" rebar w/cap; thence S 47°06'00" E a distance of 17.43 feet to a 5/8" rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of 46°39'09", a radius of 50.00 feet, an arc length of 40.71 feet, and a chord bearing of S 70°25'35" E a distance of 39.60 feet to a 5/8" rebar w/cap;

thence N 86°14'51" E a distance of 1187.00 feet to a 5/8" rebar w/cap; thence Easterly on a tangent curve to the Left having a central angle of 22°12'18", a radius of 560.00 feet, an arc length of 217.03 feet, and a chord bearing of N 75°08'42" E a distance of 215.67 feet to a 5/8" rebar w/cap; thence N 64°02'33" E a distance of 54.02 feet; thence Northeasterly on a non-tangent curve to the Left having a central angle of 50°00'40", a radius of 50.00 feet, an arc length of 43.63 feet, and a chord bearing of N 39°02'56" E a distance of 42.26 feet to a 5/8" rebar w/cap; thence Northeasterly on a non-tangent curve to the Right having a central angle of 36°21'26", a radius of 90.00 feet, an arc length of 57.11 feet, and a chord bearing of N 32°13'30" E a distance of 56.16 feet to a 5/8" rebar w/cap; thence Northeasterly on a non-tangent curve to the Left having a central angle of 49°59'41", a radius of 50.00 feet, an arc length of 43.63 feet, and a chord bearing of N 25°24'23" E a distance of 42.26 feet to a 5/8" rebar w/cap; thence N 00°24'32" E a distance of 10.65 feet to a 5/8" rebar w/cap; thence S 89°35'28" E a distance of 80.00 feet to a 5/8" rebar; thence S 00°24'32" W a distance of 21.19 feet to a 5/8" rebar; thence Southeasterly on a tangent curve to the Left having a central angle of 116°21'59", a radius of 20.00 feet, an arc length of 40.62 feet, and a chord bearing of S 57°46'27" E a distance of 33.99 feet to a 5/8" rebar w/cap; thence N 64°02'33" E a distance of 2.21 feet to a 5/8" rebar w/cap; thence Northeasterly on a tangent curve to the Right having a central angle of 28°15'46", a radius of 397.20 feet, an arc length of 195.93 feet, and a chord bearing of N 78°10'26" E a distance of 193.95 feet to a 5/8" rebar w/cap; thence S 87°41'41" E a distance of 74.49 feet to a 5/8" rebar w/cap; thence S 00°25'12" W a distance of 7.02 feet to a 5/8" rebar w/cap; thence S 87°41'41" E a distance of 33.02 feet to a mag nail on the East line of said Government Lot 7; thence S 00°25'10" W on said East line of Government Lot 7 a distance of 1065.11 feet to the Point of Beginning, containing 52.25 acres, more or less, all in Buffalo County, Nebraska (now known as Lots 2 through 6, inclusive, Block Two, Lots 1 through 5, Block Three, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska and portions of 11th Avenue, 15th Avenue, 1st Street, 2nd Street and Talmadge Streets as dedicated on the final plat of Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska) 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 part of Younes Center Seventh 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 August 9, 2022 who deemed the said property being part of Younes Center Seventh Addition within the corporate limits described as A tract of land being part of Government Lot 7 and part of Government Lot 8, Section 11, and part of the North Half of the Northwest Quarter of Section 14 and all located in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Beginning at the Northeast corner of the North Half of the Northwest Quarter in Section 14; thence S 01°07'55" E on the East line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 286.83 feet to the North Right-of-Way line of U.S. Interstate No. 80; thence N 85°48'21" W on said North Right-of-Way line a distance of 1908.39 feet; thence Westerly continuing on said North Right-of-Way line and on a tangent curve to the Left having a central angle of 00°28'20", a radius of 17338.73 feet, an arc length of 142.91 feet, and a chord bearing of N 86°02'31" W a distance of 142.91 feet; thence N 00°42'16" W leaving said North Right-of-Way line a distance of 713.86 feet to a 5/8" rebar w/cap; thence N 09°44'35" W a distance of 67.98

feet to a 5/8" rebar w/cap; thence Northerly on a tangent curve to the Left having a central angle of 36°07'15", a radius of 50.00 feet, an arc length of 31.52 feet, and a chord bearing of N 27°48'12" W a distance of 31.00 feet to a 5/8" rebar w/cap; thence N 45°51'50" W a distance of 23.45 feet to a 5/8" rebar w/cap; thence Westerly on a tangent curve to the Left having a central angle of 43°42'16", a radius of 50.00 feet, an arc length of 38.14 feet, and a chord bearing of N 67°42'58" W a distance of 37.22 feet to a 5/8" rebar w/cap; thence Westerly on a tangent curve to the Right having central angle of 01°05'27", a radius of 2040.00 feet, an arc length of 38.84 feet, and a chord bearing of N 89°01'23" W a distance of 38.84 feet to a 5/8" rebar w/cap; thence N 01°24'50" E a distance of 80.00 feet to a 5/8" rebar w/cap; thence N 77°57'54" E a distance of 54.66 feet to a 5/8" rebar w/cap; thence Easterly on a tangent curve to the Left having a central angle of 30°50'27", a radius of 50.00 feet, an arc length of 26.91 feet, and a chord bearing of N 62°32'41" E a distance of 26.59 feet to a 5/8" rebar w/cap; thence N 47°07'27" E a distance of 10.43 feet; thence Northeasterly on a tangent curve to the Left having a central angle of 38°47'25", a radius of 50.00 feet, an arc length of 33.85 feet, and a chord bearing of N 27°43'45" E a distance of 33.21 feet to a 5/8" rebar w/cap; thence N 08°20'02" E a distance of 67.98 feet to a 5/8" rebar w/cap; thence N 89°17'44" E a distance of 60.00 feet to a 5/8" rebar w/cap; thence S 09°44'35" E a distance of 67.98 feet to a 5/8" rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of 37°21'25", a radius of 50.00 feet, an arc length of 32.60 feet, and a chord bearing of S 28°25'17" E a distance of 32.03 feet to a 5/8" rebar w/cap; thence S 47°06'00" E a distance of 17.43 feet to a 5/8" rebar w/cap; thence Southeasterly on a tangent curve to the Left having a central angle of 46°39'09", a radius of 50.00 feet, an arc length of 40.71 feet, and a chord bearing of S 70°25'35" E a distance of 39.60 feet to a 5/8" rebar w/cap; thence N 86°14'51" E a distance of 1187.00 feet to a 5/8" rebar w/cap; thence Easterly on a tangent curve to the Left having a central angle of 22°12'18", a radius of 560.00 feet, an arc length of 217.03 feet, and a chord bearing of N 75°08'42" E a distance of 215.67 feet to a 5/8" rebar w/cap; thence N 64°02'33" E a distance of 54.02 feet; thence Northeasterly on a non-tangent curve to the Left having a central angle of 50°00'40", a radius of 50.00 feet, an arc length of 43.63 feet, and a chord bearing of N 39°02'56" E a distance of 42.26 feet to a 5/8" rebar w/cap; thence Northeasterly on a non-tangent curve to the Right having a central angle of 36°21'26", a radius of 90.00 feet, an arc length of 57.11 feet, and a chord bearing of N 32°13'30" E a distance of 56.16 feet to a 5/8" rebar w/cap; thence Northeasterly on a non-tangent curve to the Left having a central angle of 49°59'41", a radius of 50.00 feet, an arc length of 43.63 feet, and a chord bearing of N 25°24'23" E a distance of 42.26 feet to a 5/8" rebar w/cap; thence N 00°24'32" E a distance of 10.65 feet to a 5/8" rebar w/cap; thence S 89°35'28" E a distance of 80.00 feet to a 5/8" rebar; thence S 00°24'32" W a distance of 21.19 feet to a 5/8" rebar; thence Southeasterly on a tangent curve to the Left having a central angle of 116°21'59", a radius of 20.00 feet, an arc length of 40.62 feet, and a chord bearing of S 57°46'27" E a distance of 33.99 feet to a 5/8" rebar w/cap; thence N 64°02'33" E a distance of 2.21 feet to a 5/8" rebar w/cap; thence Northeasterly on a tangent curve to the Right having a central angle of 28°15'46", a radius of 397.20 feet, an arc length of 195.93 feet, and a chord bearing of N 78°10'26" E a distance of 193.95 feet to a 5/8" rebar w/cap; thence S 87°41'41" E a distance of 74.49 feet to a 5/8" rebar w/cap; thence S 00°25'12" W a distance of 7.02 feet to a 5/8" rebar w/cap; thence S 87°41'41" E a distance of 33.02 feet to a mag nail on the East line of said Government Lot 7; thence S 00°25'10" W on said East line of Government Lot 7 a distance of 1065.11 feet to the Point of Beginning, containing 52.25 acres, more or less, all in Buffalo County, Nebraska (now known as Lots 2 through 6,

inclusive, Block Two, Lots 1 through 5, Block Three, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska and portions of 11th Avenue, 15th Avenue, 1st Street, 2nd Street and Talmadge Streets as dedicated on the final plat of Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska) 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 part of Younes Center Seventh 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 a part of Younes Center Seventh Addition within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**REZONE PROPERTY LOCATED EAST OF CHERRY AVENUE, WEST OF AIRPORT ROAD, NORTH OF 45TH STREET AND APPROXIMATELY 1,200 FEET SOUTH OF EAST 56TH STREET**

Mayor Clouse opened the public hearing on the application submitted by the City of Kearney, Nebraska, a Municipal Corporation to rezone from District M-1, Limited Industrial District to District BP, Business Park District for property described as a tract of land being part of the Southwest Quarter of the Northwest Quarter, part of the Southeast Quarter of the Northwest Quarter and Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; all of Lots 1 through 5, inclusive, Lots 10 through 14, inclusive, Block 1, and Lot 1, Block 2, located in Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska; parts of Cherry Avenue, Avenue B (aka Piper Avenue), Patriot Boulevard, and part of the vacated alley, all located in Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska (East of Cherry Avenue, West of Airport Road, North of 45th Street, and approximately 1,200 feet South of East 56th Street) and consider Ordinance No. 8589.

Melissa Dougherty-O’Hara, City Planner presented this matter to the Council. Mrs. Dougherty-O’Hara stated the area being rezoned is approximately 95.91 acres and is all currently owned by the City of Kearney. The requested BP zoning is compatible with the current Future Land Use Map. In 2008, when the property was zoned from Ag to M-1, the Kearney East Expressway had not yet been developed so the prospects for development of this property were suited to M-1 zoning. Development has since occurred in the area, with the area becoming a frequent corridor for visitors to Kearney. The City believes that BP zoning would be a better fit for the area and its potential future intended uses.

Council Member Nikkila questioned if the two (2) existing businesses that are located in the area would fit a BP zoning, even though the request is not to rezone where they are

located? Mrs. Dougherty-O'Hara stated they would have fit into the BP zoning due to the Development Agreements that were agreed upon, which included BP zoning characteristics pertaining to site development and landscaping requirements.

Council Member Buschkoetter stated at Planning Commission, the question was asked if a hotel could fit in this type of zoning, but did not hear the answer, he wondered if it would? Mrs. Dougherty-O'Hara stated that a hotel could be located in a BP Zoning District.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the application submitted by the City of Kearney, Nebraska, a Municipal Corporation and introduced Ordinance No. 8589 rezoning from District M-1, Limited Industrial District to District BP, Business Park District for property described as a tract of land being part of the Southwest Quarter of the Northwest Quarter, part of the Southeast Quarter of the Northwest Quarter and Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; all of Lots 1 through 5, inclusive, Lots 10 through 14, inclusive, Block 1, and Lot 1, Block 2, located in Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska; parts of Cherry Avenue, Avenue B (aka Piper Avenue), Patriot Boulevard, and part of the vacated alley, all located in Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska (East of Cherry Avenue, West of Airport Road, North of 45th Street, and approximately 1,200 feet South of East 56th 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. 8589. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear 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. 8589 rezoning from District M-1, Limited Industrial District to District BP, Business Park District for property described as a tract of land being part of the Southwest Quarter of the Northwest Quarter, part of the Southeast Quarter of the Northwest Quarter and Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; all of Lots 1 through 5, inclusive, Lots 10 through 14, inclusive, Block 1, and Lot 1, Block 2, located in Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska; parts of Cherry Avenue, Avenue B (aka Piper Avenue), Patriot Boulevard, and part of the vacated alley, all located in Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska (East of Cherry Avenue, West of Airport Road, North of 45th Street, and approximately 1,200 feet South of East 56th Street) by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8589 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8589 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 SECTION 20-102 "SITE DEVELOPMENT REGULATIONS" OF CHAPTER 20 "DISTRICT R-2, URBAN RESIDENTIAL MIXED-DENSITY DISTRICT"**

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

Mayor Clouse opened the public hearing on the proposed amendment to Section 20-102 "Site Development Regulations" of Chapter 20 "District R-2, Urban Residential Mixed-Density District" of the City Code by amending site development regulations to ensure consistency across notes and regulators for 1-Family Detached; 1-Family Attached; Duplex (Note 4 & 5); Town-house (Note 1); and Other Permitted Uses; Site Area per Housing Unit (sq ft); Minimum Lot Area; Minimum Lot Width (feet); Minimum Yards (feet); Maximum Building Coverage; Maximum Impervious Coverage; Floor Area Ratio; Maximum Amount of Total Parking Located In Street Yard; Project Size Requiring Planned Development District (PD), and Notes 1, 2, 3, 4, 5 and consider Ordinance No. 8590.

Melissa Dougherty-O'Hara, City Planner presented this matter to the Council. Mrs. Dougherty-O'Hara stated from time to time the City evaluates Code to assure the City is meeting the development needs of the community, that the City is on trend within the community and nationwide, to clean-up Code, make sure it is easier for citizens to interpret Code and to assure that staff can apply the Code the way it was written or intended. One of the main items that was evaluated was the Site Development Regulators so the City can meet the intentions of the R-2, R-3 and R-4 Zoning District densities. Other key areas of proposed changes for the three (3) Chapters of Code included: Minimum Areas for Lot Sizes, Housing Units and Lot Widths; Townhouse Developments; Planned Development Districts; Common Areas or Common Open Spaces; Minor Subdivisions for Residential Development; Multi-Family Developments and other General Updates.

Council Member Nikkila stated that it appears the Code changes will make things denser, but it does not. Mrs. Dougherty-O'Hara stated it already matches what the City has and is dictated in the purpose statement for densities.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the proposed amendment to Section 20-102 "Site Development Regulations" of Chapter 20 "District R-2, Urban Residential Mixed-Density District" of the City Code and introduced Ordinance No. 8590 amending site development regulations to ensure consistency across notes and regulators for 1-Family Detached; 1-Family Attached; Duplex (Note 4 & 5); Town-house (Note 1); and Other Permitted Uses; Site Area per Housing Unit (sq ft); Minimum Lot Area; Minimum Lot Width (feet); Minimum Yards (feet); Maximum Building Coverage; Maximum Impervious Coverage; Floor Area Ratio; Maximum Amount of Total Parking Located In Street Yard; Project Size Requiring Planned Development District (PD), and Notes 1, 2, 3, 4, 5 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. 8590. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8590 amending site development regulations to ensure consistency across notes and regulators for 1-Family Detached; 1-Family Attached; Duplex (Note 4 & 5); Town-house (Note 1); and Other Permitted Uses; Site Area per Housing Unit (sq ft); Minimum Lot Area; Minimum Lot Width (feet); Minimum Yards (feet); Maximum Building Coverage; Maximum Impervious Coverage; Floor Area Ratio; Maximum Amount of Total Parking Located In Street Yard; Project Size Requiring Planned Development District (PD), and Notes 1, 2, 3, 4, 5 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8590 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8590 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 SECTION 21-102 "SITE DEVELOPMENT REGULATIONS" OF CHAPTER 21 "DISTRICT R-3, URBAN RESIDENTIAL MULTI-FAMILY DISTRICT (MEDIUM-DENSITY)"**

Mayor Clouse opened the public hearing on the proposed amendment to Section 21-102 "Site Development Regulations" of Chapter 21 "District R-3, Urban Residential Multi-Family District (Medium-Density)" of the City Code by amending site development regulations to ensure consistency across notes and regulators for 1-Family Detached; 1-Family Attached; Duplex (Note 4); Townhouse (Note 1); Multi-Family and Other Permitted Uses; Site Area Per Housing Unit (sq ft); Minimum Lot Area; Minimum Lot Width (feet); Minimum Yards (feet); Maximum Building Coverage; Minimum street-facing facades utilizing a masonry material, including brick, split-faced concrete masonry units, building stone, or simulated building stone; Minimum off-set of building for every 100 feet of horizontal distance for building articulation (Note 1); Maximum Impervious Coverage; Floor Area Ratio; Maximum Amount of Total Parking Located in Street Yard; Project Size Requiring Planned Development District (PD); Minimum Bufferyard Adjacent to Residential Uses in R-1 and R-2 Districts (Note 1) and Notes 1, 2, 3, 4 and consider Ordinance No. 8591.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Proposed amendment to Section 21-102 "Site Development Regulations" of Chapter 21 "District R-3, Urban Residential Multi-Family District (Medium-Density)" of the City Code and introduced Ordinance No. 8591 amending site development regulations to ensure consistency across notes and regulators for 1-Family Detached; 1-Family Attached; Duplex (Note 4); Townhouse (Note 1); Multi-Family and Other Permitted Uses; Site Area Per Housing Unit (sq ft); Minimum Lot Area; Minimum Lot Width (feet); Minimum Yards (feet); Maximum Building Coverage; Minimum street-facing facades utilizing a masonry material, including brick, split-faced concrete masonry units, building stone, or simulated building stone; Minimum off-set of building for every 100 feet of horizontal distance for building articulation (Note 1); Maximum Impervious Coverage; Floor Area Ratio; Maximum Amount of Total Parking Located in Street Yard; Project Size Requiring Planned Development District (PD); Minimum Bufferyard Adjacent to Residential Uses in R-1 and R-2 Districts (Note 1) and Notes 1, 2, 3, 4 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. 8591. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8591 amending site development regulations to ensure consistency across notes and regulators for 1-Family Detached; 1-Family Attached; Duplex (Note 4); Townhouse (Note 1); Multi-Family and Other Permitted Uses; Site Area Per Housing Unit (sq ft); Minimum Lot Area; Minimum Lot Width (feet); Minimum Yards (feet); Maximum Building Coverage; Minimum street-facing facades utilizing a masonry material, including brick, split-faced concrete masonry units, building stone, or simulated building stone; Minimum off-set of building for every 100 feet of horizontal distance for building articulation (Note 1); Maximum Impervious Coverage; Floor Area Ratio; Maximum Amount of Total Parking Located in Street Yard; Project Size Requiring Planned Development District (PD); Minimum Bufferyard Adjacent to Residential Uses in R-1 and R-2 Districts (Note 1) and Notes 1, 2, 3, 4 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8591 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8591 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 SECTION 22-102 "SITE DEVELOPMENT REGULATIONS" OF CHAPTER 22 "DISTRICT R-4, URBAN RESIDENTIAL MULTI-FAMILY DISTRICT (HIGH-DENSITY)"**

Mayor Clouse opened the public hearing on the proposed amendment to Section 22-102 "Site Development Regulations" of Chapter 22 "District R-4, Urban Residential Multi-Family District (High-Density)" of the City Code by amending site development regulations to ensure consistency across notes and regulators for 1-Family Detached; 1-Family Attached; Duplex (Note 4); Townhouse (Note 1); Multi-Family and Other Permitted Uses; Site Area Per Housing Unit (sq ft); Minimum Lot Area; Minimum Lot Width (feet); Minimum Yards (feet); Minimum street-facing facades utilizing a masonry material, including brick, split-faced concrete masonry units, building stone, or simulated building stone; Minimum off-set of building for every 100 feet of horizontal distance for building articulation (Note 1); Floor Area Ratio; Maximum Amount of Total Parking Located in Street Yard; Project Size Requiring Planned Development District (PD); Minimum Bufferyard Adjacent to Residential Uses in R-1 and R-2 Districts (Note 1) and Notes 1, 2, 3, 4 and consider Ordinance No. 8592.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the proposed amendment to Section 22-102 "Site Development Regulations" of Chapter 22 "District R-4, Urban Residential Multi-Family District (High-Density)" of the City Code and introduced Ordinance No. 8592 amending site development regulations to ensure consistency across notes and regulators for 1-Family Detached; 1-Family Attached; Duplex (Note 4); Townhouse (Note 1); Multi-Family and Other Permitted Uses; Site Area Per Housing Unit (sq ft); Minimum Lot Area; Minimum Lot Width (feet); Minimum Yards (feet); Minimum street-facing facades utilizing a masonry material, including brick, split-faced concrete masonry units, building stone, or simulated building stone; Minimum off-set of building for every 100 feet of horizontal distance for building articulation (Note 1); Floor Area Ratio; Maximum Amount of Total Parking Located in Street Yard; Project Size Requiring Planned Development District (PD); Minimum Bufferyard Adjacent to Residential Uses in R-1 and R-2 Districts (Note 1) and Notes 1, 2, 3, 4 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. 8592. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8592 amending site development regulations to ensure consistency across notes and regulators for 1-Family Detached; 1-Family Attached; Duplex (Note 4); Townhouse (Note 1); Multi-Family and Other Permitted Uses; Site Area Per Housing Unit (sq ft); Minimum Lot Area; Minimum Lot Width (feet); Minimum Yards (feet); Minimum street-facing facades utilizing a masonry material, including brick, split-faced concrete masonry units, building stone, or simulated building stone; Minimum off-set of building for every 100 feet of horizontal distance for building articulation (Note 1); Floor Area Ratio; Maximum Amount of Total Parking

Located in Street Yard; Project Size Requiring Planned Development District (PD); Minimum Bufferyard Adjacent to Residential Uses in R-1 and R-2 Districts (Note 1) and Notes 1, 2, 3, 4 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8592 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8592 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 7 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

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

2. Approve the following Claims:

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

Acushnet \$8,658.38 smcs; Alfred Benesch \$100,630.08 co; All Copy \$378.38 smcs; Ask Supply \$2,805.23 smcs; Aurora Coop \$381.10 smcs; AvFuel \$210,076.26 smcs; Axon Enterprise \$1,721.21 co; Baker & Taylor \$3,457.08 smcs; Bamford \$225.00 smcs; BlueCross BlueShield \$76,946.77 smcs; Borer, Keith \$31.00 smcs; Bosselman \$5,334.75 smcs; Broadfoot's \$312.00 smcs; Buffalo Co. Court \$396.13 ps; Builders \$1,403.76 smcs, co; Cal/Amp \$2,344.65 smcs; Cash Wa \$9,188.01 smcs,co; Central NE Bobcat \$937.57 smcs; Chesterman \$1,607.65 smcs; City of Ky \$50,083.51 smcs, co; City of Ky \$369,544.16 ps; City Plumbing \$107.43 co; Community Health \$36.00 ps; Community Partners \$4,900.00 smcs; Community Service Fund \$6.00 ps; Compute North \$148,823.84 smcs; Cornhusker Cleaning \$104.17 smcs; Cummins \$511.02 smcs; Cutting Edge Cleaning \$270.00 smcs; D & K Products \$28,187.05 smcs; Dan Roeder Const. \$135,036.23 co; Daniel, Austin \$287.03 smcs; Danko Emergency \$1,103.01 ps; Ditch Witch \$373.94 smcs; Dowhy Towing \$148.60 smcs; DPC Industries \$10,560.78 smcs; Eagle Distributing \$5,099.70 smcs; Eakes \$1,455.24 smcs; EMC Insurance \$148.22 smcs; Ensley Electrical \$41,324.67 co; Family Practice \$455.00 ps; Faro Technologies \$8,191.50 smcs; Gale Cengage \$1,500.31 smcs; Global ARFF \$4,930.33 smcs; Greater NE Cities \$1,000.00 smcs; Hawkins, Charles \$100.00 smcs; HM Life Insurance \$43,248.13 smcs; IRS \$208,266.57 ps; Jack Lederman \$3,763.20 smcs;

Jack's Uniforms \$31,240.93 smcs; John Deere Financial \$445.02 smcs; Johnson Hardware \$1,243.00 co; Johnson, Jill \$50.00 smcs; Ky Raceway Park \$50,000.00 co; Ky Volunteer Fire \$3,000.00 smcs; Ky Winlectric \$17,284.83 smcs; Kirkham Michael \$5,500.00 co; Konica Minolta \$209.89 smcs; Kucera Painting \$6,108.00 co; La Quinta \$338.00 smcs; Lincoln National \$8,358.41 smcs; Logan Contractors \$2,170.20 co; Magic Cleaning \$7,350.00 smcs; McCartney, Erin Trustee \$227.00 ps; Mid-American Signal \$100.68 smcs; Midlands Contracting \$131,904.23 co; Midwest Connect \$8,403.09 smcs; Midwest Petroleum \$767.15 smcs; Miller & Associates \$42,959.73 smcs,co; Miller Signs \$229.00 smcs; Mirror Image \$294.91 smcs; Mission Square \$7,547.02 ps; Mostek Electric \$1,333.85 smcs; MPH Industries \$8,245.00 co; Municipal Supply \$20,437.27 smcs; NE Assoc of Sr. Centers \$90.00 smcs; NE Child Support \$1,764.50 ps; NE Dept. Revenue \$67,835.32 ps; NE Dept. Environment \$82.25 smcs; NE Machinery \$4,609.37 smcs; NE Public Health \$15.00 smcs; NE Salt & Grain \$8,061.78 smcs; NE Secretary of State \$90.00 smcs; Nebraskaland Distributors \$3,043.10 smcs; Newsbank \$35,750.00 smcs; Nielsen Contracting \$195,814.28 co; Northwestern Energy \$8,868.96 smcs; Nutrien Ag \$2,992.07 smcs; Oak Creek Engineering \$10,323.75 co; Olsson \$12,503.55 co; Onyx Blasting \$110,720.45 co; Pep Co. \$200.00 smcs; Presto-X \$89.10 smcs; ProFlo Industries \$392.59 smcs; Reinke's \$156.36 smcs; Rheome Tree \$2,625.00 smcs; RMV Construction \$206,374.50 co; Road Builders \$4,404.39 smcs; Russell's Appliance \$2,297.00 co; Rutt's Heating \$1,425.00 smcs; RW Sorenson \$3,865.23 smcs; Sapp Brothers \$67,360.00 smcs; School District #7 \$677.50 smcs; Schwarz, Jeff \$316.54 smcs; SOS Portable Toilets \$362.00 smcs; State Fire Marshal \$300.00 smcs; State of NE/DAS \$3.15 smcs; Straight Line Striping \$27,677.14 smcs; Stutsman \$2,745.00 smcs; T&T Mobile Washing \$1,500.00 co; Target Solutions \$6,541.84 smcs; Thrifty Car Rental \$32,900.00 co; Tour Edge Golf \$2,242.00 smcs; Trade Well Pallet \$7,460.00 smcs; Tri Co Glass \$17,052.00 smcs,co; TruGreen \$297.00 smcs; Turner Body Shop \$4,710.18 smcs; Twin City Hardware \$1,878.93 smcs,co; Tye & Rowling \$15,127.80 smcs; Union Bank & Trust \$99,222.16 ps; Union Pacific Railroad \$3,187.06 er; United Way of Ky \$202.00 ps; Ward Laboratories \$20.00 smcs; Wilke Contracting \$196,446.17 co; World Book \$2,098.00 smcs; Yanney Heritage Park Foundation \$467,500.00 co; Yellow Van Cleaning \$1,041.40 co; Payroll Ending 07/30/2022 -- \$627,328.64. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$\_\_\_\_\_ to the City of Kearney.

3. Approve the Plans and Specifications for the Kearney Regional Airport Terminal Expansion and set the bid opening date for September 1, 2022 at 2:00 p.m.
4. Approve the Plans and Specifications for the Kearney Regional Airport Terminal Expansion Furniture, Fixtures and Equipment and set the bid opening date for September 1, 2022 at 2:00 p.m.
5. Adopt Resolution No. 2022-156 approving Application and Certificate for Payment No. 1 in the amount of \$36,295.20 and Application and Certificate for Payment No. 2 in the amount of \$170,079.30 submitted by RMV Construction LLC and approved by Wilkins ADP for the Yanney Heritage Park Pavilion and Parking Lot.

**RESOLUTION NO. 2022-156**

WHEREAS, RMV Construction, LLC of Kearney, Nebraska has performed services in connection with Yanney Heritage Park Pavilion and Parking Lot, and the City's architect, Wilkins ADP, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$36,295.20 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

|  |                        |
|--|------------------------|
| Original Contract Sum                  | <u>\$ 3,653,600.00</u> |
| Contract Sum To Date                   | 3,653,600.00           |
| Gross Amount Due                       | 40,328.00              |
| Retainage (10%)                        | <u>- 4,032.80</u>      |
| Amount Due to Date                     | 36,295.20              |
| Less Previous Certificates for Payment | <u>0.00</u>            |
| Current Payment Due                    | \$ 36,295.20           |

WHEREAS, RMV Construction, LLC and Wilkins ADP, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$170,079.30 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

|  |                        |
|--|------------------------|
| Original Contract Sum                  | <u>\$ 3,653,600.00</u> |
| Contract Sum To Date                   | 3,653,600.00           |
| Gross Amount Due                       | 229,305.00             |
| Retainage (10%)                        | <u>- 22,930.50</u>     |
| Amount Due to Date                     | 206,374.50             |
| Less Previous Certificates for Payment | <u>36,295.20</u>       |
| Current Payment Due                    | \$ 170,079.30          |

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 1, as shown on Exhibit "A" and Application and Certificate for Payment No. 2, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

6. Adopt Resolution No. 2022-157 approving Application and Certificate for Payment No. 5 in the amount of \$61,504.20 submitted by Duncan Theis Construction, Inc. and approved by Olsson for the Yanney Park Maintenance Building.

**RESOLUTION NO. 2022-157**

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 Change Application and Certificate for Payment No. 6 in the amount of \$61,504.20 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         |
| Change Order No. 3 (6/28/2022)         | + 1,393.00         |
| Change Order No. 4 (7/12/2022)         | + <u>577.00</u>    |
| Contract Sum To Date                   | 519,154.00         |
| Gross Amount Due                       | 482,687.00         |
| Retainage (10%)                        | - <u>48,268.70</u> |
| Amount Due to Date                     | 434,418.30         |
| Less Previous Certificates for Payment | <u>372,914.10</u>  |
| Current Payment Due                    | \$ 61,504.20       |

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

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

7. Adopt Resolution No. 2022-158 approving Application and Certificate for Payment No. 18 in the amount of \$223,452.35 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.

**RESOLUTION NO. 2022-158**

WHEREAS, Brown Construction of Kearney, Nebraska has performed services in connection with the construction of the Community Tennis Facility, and the City's engineer, RDG Planning & Design, have filed with the City Clerk Application and Certificate for Payment No. 18 in the amount of \$223,452.35 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

|  |                       |
|--|-----------------------|
| Original Contract Sum                  | \$ 7,250,100.00       |
| Change Order Nos. 1 & 2 (4/27/2021)    | + 7,506.22            |
| Change Order Nos. 3 & 4 (10/12/2021)   | + 23,028.06           |
| Change Order No. 5 (1/11/2022)         | + 62,196.09           |
| Change Order No. 6 (3/22/2022)         | + 57,533.82           |
| Change Order No. 7 (7/12/2022)         | + <u>13,436.47</u>    |
| Contract Sum To Date                   | 7,413,800.66          |
| Gross Amount Due                       | 7,388,900.35          |
| Retainage (2.362%)                     | - <u>175,099.69</u>   |
| Amount Due to Date                     | 7,213,800.66          |
| Less Previous Certificates for Payment | - <u>6,990,348.31</u> |
| Current Payment Due                    | \$ 223,452.35         |

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. 18, as shown on Exhibit "A" be and are hereby accepted and approved.  
 PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2022.

ATTEST:  
 LAUREN BRANDT  
 CITY CLERK

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

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 8593 AMENDING SEVERAL SECTION OF ARTICLE 2 "BUILDING CODE GENERALLY", ARTICLE 3 "AMENDMENTS", AND ARTICLE 10 "PLUMBING CODE" OF CHAPTER 9 "PUBLIC WORKS"**

Council Member Clouse introduced Ordinance No. 8593 amending several sections of Article 2 "Building Code Generally", Article 3 "Amendments", and Article 10 "Plumbing Code" of Chapter 9 "Public Works" of the Code of the City of Kearney, Nebraska as follows: amend Section 9-204 "Advisory Note" to adopt the International Residential Code, 2021 Edition and the International Building Code, 2021 Edition; amend Section 9-210 "International Building Code; Adoption" to adopt the International Residential Code, 2021 Edition and the International Building Code, 2021 Edition; amend Section 9-211 "International Property Maintenance Code; Adopted" to adopt the International Property Maintenance Code, 2021 Edition; amend Section 9-301 "International Building Code; Amendments" to adopt and make amendments to the International Building Code, 2021 Edition; amend Section 9-302 "International Residential Code; Amendments" to adopt and make amendments to the International Residential Code, 2021 Edition; amend Section 9-1016 "Uniform Plumbing Code; Adopted" of Division I "Uniform Plumbing Code" to adopt the Uniform Plumbing Code, 2021 Edition; and amend Section 9-1017 "Amendments to Uniform Plumbing Code, 2015 Edition" of Division I "Uniform Plumbing Code" to adopt the Uniform Plumbing Code, 2021 Edition, 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 Nikkila seconded the motion to suspend the rules for Ordinance No. 8593. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8593 amending several sections of Article 2 "Building Code Generally", Article 3 "Amendments", and Article 10 "Plumbing Code" of Chapter 9 "Public Works" of the Code of the City of Kearney, Nebraska as follows: amend Section 9-204 "Advisory Note" to adopt the International Residential Code, 2021 Edition and the International Building Code, 2021 Edition; amend Section 9-210 "International Building Code; Adoption" to adopt the International Residential Code, 2021 Edition and the International Building Code, 2021 Edition; amend

Section 9-211 “International Property Maintenance Code; Adopted” to adopt the International Property Maintenance Code, 2021 Edition; amend Section 9-301 “International Building Code; Amendments” to adopt and make amendments to the International Building Code, 2021 Edition; amend Section 9-302 “International Residential Code; Amendments” to adopt and make amendments to the International Residential Code, 2021 Edition; amend Section 9-1016 “Uniform Plumbing Code; Adopted” of Division I “Uniform Plumbing Code” to adopt the Uniform Plumbing Code, 2021 Edition; and amend Section 9-1017 “Amendments to Uniform Plumbing Code, 2015 Edition” of Division I “Uniform Plumbing Code” to adopt the Uniform Plumbing Code, 2021 Edition by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance No. 8593 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8593 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**

None.

## **VII. REPORTS**

### **CLOSED SESSION**

Moved by Moore seconded by Buschkoetter that Council adjourn into closed session at 6:09 p.m. for the protection of the public interest to discuss possible litigation matters. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss possible litigation matters. According to law, the Council has the option to reconvene back into open session and may take any formal action it deems appropriate.

Moved by Clouse seconded by Nikkila that Council reconvene in regular session at 6:54 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

## **VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 6:54 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion

carried.

**ATTEST:**

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**LAUREN BRANDT  
CITY CLERK**

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