

*Kearney, Nebraska
December 13, 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 December 13, 2022 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Peggy Eynetich, Interim City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Kayla James, Director of Finance; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works; Kevin Thompson, Police Captain; Scott Hayden, Director of Recreational Services; Eric Hellriegel, Director of Parks and Melissa Dougherty-O'Hara, City Planner, were also present.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

Two Boy Scouts from Troop 158 and 5 Cub Scouts from Pack 135 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

APPROVE MINUTES

Moved by Nikkila seconded by Moore that the Minutes of Regular Council Meeting of November 22, 2022 be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

CERTIFICATE OF VOTE

Interim City Clerk read the following Certificate of Vote from the November 8, 2022 General Election for Kearney City Council by the Buffalo County Election Commissioner's Office:

Randy Buschkoetter	6,207
Tami James Moore	5,410
Mercadies Damratowski	2,352

Lisa Poff
Buffalo County Election Commissioner's Office

Moved by Clouse seconded by Nikkila to accept the Certificate of Vote from the Buffalo County Election Commissioner's Office. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

ADMINISTER THE OATH OF OFFICE

Interim City Clerk administered the Oath of Office to Council Members Randy Buschkoetter and Tami James Moore.

NOMINATION FOR PRESIDENT/MAYOR

Interim City Clerk stated that nominations would be received for President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency. Council Member Randy Buschkoetter nominated Stanley Clouse for this position. Hearing no other nominations, nominations were closed. Stanley Clouse was nominated President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency. Roll call for those in favor of Stanley Clouse for President of the Council: Buschkoetter, Lear, Nikkila, Moore. Clouse abstain. Interim City Clerk stated the ayes have it and Stanley Clouse is elected President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency.

NOMINATION FOR VICE-PRESIDENT

Mayor Clouse stated that nominations would be received for Vice-President of the Council. Council Member Jonathan Nikkila nominated Randy Buschkoetter for this position. Hearing no other nominations, nominations were closed. Randy Buschkoetter was nominated Vice-President of the Council. Roll call for those in favor of Randy Buschkoetter for Vice-President of the Council: Clouse, Moore, Nikkila, Lear. Buschkoetter abstain. Mayor Clouse stated the ayes have it and Randy Buschkoetter is elected Vice-President of the Council.

APPOINTMENT OF PEGGY EYNETICH AS CITY CLERK

Moved by Clouse seconded by Nikkila to appoint Peggy Eynetich as City Clerk. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion

carried.

ORAL COMMUNICATIONS

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

AMENDMENT TO THE LAND USE MAP FOR PROPERTY LOCATED NORTH OF 2206 EAST 25TH STREET

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

Mayor Clouse opened the public hearing on the application submitted by Buffalo Surveying Corp. for The Evangelical Lutheran Good Samaritan Society, Attn: Ryan Mertz and MP-Kearney, LLC for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from MDR, Medium Density Residential and MU2, Office/Commercial Retail Mixed Use to MU3, Commercial Mixed Use for property described as part of Lot 1, Melton Estates Third, an addition to the City of Kearney, Buffalo County, Nebraska (North of and Adjacent to the North line of 2206 East 25th Street) and Lot 2, Melton Estates Second, an Addition to the City of Kearney, Buffalo County, Nebraska (2206 East 25th Street) and consider Resolution No. 2022-262.

Mitch Humphrey, Buffalo Surveying Corporation presented this matter to the Council. Mr. Humphrey explained the north portion of the area being discussed this evening is owned by Evangelical Lutheran Good Samaritan Society; directly south is the location of the Sahling Kenworth business that is now owned by MP-Kearney. The current Land Use Map shows the portion of the property owned by Evangelical Lutheran Good Samaritan Society as Medium Density Residential; the property owners are requesting this be changed to MU3, a mixed use commercial designation. The request for the southern portion is for a change from MU2, Office/Commercial Retail Mixed Use to MU3, Commercial Mixed Use also. The MU3 designation would match the surrounding area properties. Additionally, MP-Kearney is requesting the 3.65 acres directly north of their property that is currently owned by Evangelical Lutheran Good Samaritan Society be rezoned to M-1, this requested zoning will match zoning to the east of the property to Antelope Avenue. The changes are being requested for the potential, future expansion of Sahling Kenworth.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2022-262 approving the amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from MDR, Medium Density Residential and MU2, Office/Commercial Retail Mixed Use to MU3, Commercial Mixed Use for property described as part of Lot 1, Melton Estates Third, an addition to the City of Kearney, Buffalo

County, Nebraska (North of and Adjacent to the North line of 2206 East 25th Street) and Lot 2, Melton Estates Second, an Addition to the City of Kearney, Buffalo County, Nebraska (2206 East 25th Street). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2022-262

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for:

Part of Lot 1, Melton Estates Third, an addition to the City of Kearney, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southwest Corner of lot 1, Melton Estates Third, and assuming the West line of Lot 1 as bearing N 00°00'11" E and all bearings contained herein are relative thereto; thence on the West line of said Lot 1, N 00°00' 11" E a distance of 320.00 feet; thence leaving the West line of said Lot 1, N 89°56'34" E and parallel with the South line of said Lot 1 a distance of 487.08 feet to a point on the East line of said Lot 1; thence on the East line of said Lot 1, S 01°04'57" W a distance of 96.68 feet; thence continuing on the East line of said Lot 1, SOUTH a distance of 223.34 feet to the Southeast Corner of said Lot 1; thence on the South line of said Lot 1, S 89°59'22" W a distance of 485.22 feet to the place of beginning containing 3.65 acres, all in Buffalo County, Nebraska. (North of and Adjacent to the North line of 2206 East 25th Street) from MDR, Medium Density Residential to MU3, Commercial Mixed Use, AND

Lot 2, Melton Estates Second, an addition to the City of Kearney, Buffalo County, Nebraska (2206 East 25th Street) from MU2, Office/Commercial Retail Mixed Use to MU3, Commercial Mixed Use, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from MDR, Medium Density Residential to MU3, Commercial Mixed Use the use classification for:

Part of Lot 1, Melton Estates Third, an addition to the City of Kearney, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Southwest Corner of lot 1, Melton Estates Third, and assuming the West line of Lot 1 as bearing N 00°00'11" E and all bearings contained herein are relative thereto; thence on the West line of said Lot 1, N 00°00' 11" E a distance of 320.00 feet; thence leaving the West line of said Lot 1, N 89°56'34" E and parallel with the South line of said Lot 1 a distance of 487.08 feet to a point on the East line of said Lot 1; thence on the East line of said Lot 1, S 01°04'57" W a distance of 96.68 feet; thence continuing on the East line of said Lot 1, SOUTH a distance of 223.34 feet to the Southeast Corner of said Lot 1; thence on the South line of said Lot 1, S 89°59'22" W a distance of 485.22 feet to the place of beginning containing 3.65 acres, all in Buffalo County, Nebraska. (North of and Adjacent to the North line of 2206 East 25th Street); AND

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from MU2, Office/Commercial Retail Mixed Use to MU3, Commercial Mixed Use the use classification for:

Lot 2, Melton Estates Second, an addition to the City of Kearney, Buffalo County, Nebraska (2206 East 25th Street).

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

REZONE PROPERTY LOCATED NORTH OF 2206 EAST 25TH STREET

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

Mayor Clouse opened the public hearing on the application submitted by Buffalo Surveying Corp. for The Evangelical Lutheran Good Samaritan Society, Attn: Ryan Mertz and MP-Kearney, LLC to rezone from District R-3/PD, Urban Residential Multi-Family District (Medium Density)/ Planned Development Overlay District to District M-1, Limited Industrial District for property described as part of Lot 1, Melton Estates Third, an addition to the City of Kearney, Buffalo County, Nebraska (North of and Adjacent to the North line of 2206 East 25th Street) and consider Ordinance No. 8611.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the application submitted by Buffalo Surveying Corp. for The Evangelical Lutheran Good Samaritan Society, Attn: Ryan Mertz and MP-Kearney, LLC and introduced Ordinance No. 8611 rezoning from District R-3/PD, Urban Residential Multi-Family District (Medium Density)/ Planned Development Overlay District to District M-1, Limited Industrial District for property described as part of Lot 1, Melton Estates Third, an addition to the City of Kearney, Buffalo County, Nebraska (North of and Adjacent to the North line of 2206 East 25th Street) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8611. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8611 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8611 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse,

Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8611 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.

VACATION AND DEVELOPMENT OF BSB ADDITION

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for BSB Investments, LLC for (1) the vacation of part of Lot 1, Block 6, Colonial Estates 4th Addition, to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8612; and (2) the Final Plat and Subdivision Agreement for BSB Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Part of Lot 1, Block 6 (now vacated), Colonial Estates 4th Addition to the City of Kearney, Buffalo County, Nebraska, and being part of the Northwest Quarter of the Southeast Quarter of Section 27, Township 9 North, Range 16 West of the Sixth P.M., Buffalo County, Nebraska. (Between 19th Avenue and 20th Avenue, South of 44th Street) and consider Resolution No. 2022-263.

Craig Bennett, Miller & Associates presented this matter to the Council. Mr. Bennett described the 2.84 acre property located north of Windy Hills School which was previously split into a minor subdivision. Existing water and sanitary sewer infrastructure from 19th Avenue will serve the proposed 9 lots and storm water drainage is primarily from Southeast to Northwest. Mr. Bennett described the hammerhead turnaround approved by the Fire Department that will provide easier access for fire trucks and sanitation vehicles. Mr. Bennett explained the Developer is requesting to vacate the previous minor subdivision and plat the proposed BSB Addition with 4 lots on the north side of a 50 foot ingress/egress/utility easement that would have accessibility and turnaround capabilities on what will be known as Outlot A on the west side of the Development; there will also be 5 lots on the south side of the easement. Mr. Bennett further explained because of the high volume of traffic on 20th Avenue at certain times of the day, access will only be from 19th Avenue. Because of 20th Avenue, a hammerhead turnaround will be constructed; the Fire Department approved the hammerhead turnaround for circulation in and out of the proposed BSB Addition. The Northwest corner will contain the stormwater detention cell to capture drainage from the development and will tie in to existing storm water infrastructure. Homes in the proposed plat will have will be of a cottage style.

Mayor Clouse questioned if there are any other hammerhead turnarounds in Kearney? Mr. Bennett stated there is a proposed hammerhead turnaround in Fountain Hills Fourteenth that was approved by Council, but not constructed yet.

Council Member Buschkoetter asked how the Developer planned to deter parking in the turnarounds so fire trucks and sanitation trucks are able to turn around? Mr. Bennett and Michael Morgan, City Manager agreed signage would be used to keep the turnarounds open. Mr. Bennett stated that an existing hammerhead turnaround example is located in Fuller and Daley Subdivision north of West 16th Street.

Council Member Tami Moore questioned if there would be a sidewalk installed to prevent

children going to school from walking through the backyard of the proposed lots? Mr. Bennett stated there will most likely be sidewalks, although they are not shown now, that will be constructed; however, there are sidewalks currently that circulate the site.

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 BSB Investments, LLC and introduced Ordinance No. 8612 vacating part of Lot 1, Block 6, Colonial Estates 4th Addition, to the City of Kearney, Buffalo County, Nebraska and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 8612. 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, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8612 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8612 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8612 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Nikkila seconded by Moore to adopt Resolution No. 2022-263 approving the Final Plat and Subdivision Agreement for BSB Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Part of Lot 1, Block 6 (now vacated), Colonial Estates 4th Addition to the City of Kearney, Buffalo County, Nebraska, and being part of the Northwest Quarter of the Southeast Quarter of Section 27, Township 9 North, Range 16 West of the Sixth P.M., Buffalo County, Nebraska. (Between 19th Avenue and 20th Avenue, South of 44th Street). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2022-263

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of BSB Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as part of Lot 1, Block 6 (now vacated), Colonial Estates 4th Addition to the City of Kearney, Buffalo County, Nebraska, and being part of the Northwest Quarter of the Southeast Quarter of Section 27, Township 9 North, Range 16 West of the Sixth P.M., Buffalo County, Nebraska more particularly described

as follows: Beginning at the Northeast Corner of Lot 1, Block Six, Colonial Estates 4th Addition and assuming the Northeasterly line of said Lot 1, Block Six. as bearing S 88°15'27" W and all bearings contained herein are relative thereto: thence on the Northerly line of said Lot 1, S 88°15'27" W a distance of 29.58 feet to a point of curvature; thence on a 867.0 feet radius curve to the left forming a central angle of 24°18'13" and continuing on the Northerly line of said Lot 1 an arc distance of 369.03 feet to a point of tangency; thence continuing on the Northerly line of said Lot 1, S 63°57'14" W a distance of 48.05 feet to the Northwest corner of said Lot 1, said point being a point of non-tangency; thence southerly on a non-tangent 533.0 foot radius curve, concave westerly, forming a central angle of 18°44'56" an arc distance of 174.41 feet to a point of non-tangency, said point bears S 13°30'46" E a chord distance of 173.64 feet from the Northwest Corner of said Lot 1; thence leaving said non-tangent 533.0 foot radius curve S 56°05'04" E a distance of 57.22 feet; thence N 89°32'54" E a distance of 399.60 feet to a point on the East line of said Lot 1; thence on the East line of said Lot 1, N 00°16'52" W a distance of 165.07 feet to a point of non-tangency, said point being on the westerly line of 19th Avenue, a street in the City of Kearney, Buffalo County, Nebraska; thence northwesterly on a non-tangent 300.0 foot radius curve, concave northeasterly, forming a central angle of 29°45'42" and on the westerly line of said 19th Avenue an arc distance of 155.73 feet to the point of beginning, said point bears N 22°18'00" W a chord distance of 154.0 feet from the previously described point. Containing 2.84 acres, more or less all in Buffalo County, Nebraska. (Between 19th Avenue and 20th Avenue, South of 44th Street), duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

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

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

RELEASE OF EASEMENT AND REZONING OF PROPERTY LOCATED BETWEEN TALMADGE STREET AND 3RD STREET, WEST OF 10TH AVENUE

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for YB Investments, LLC; Talmadge JAM, LLC; Paul J Younes and Linda M

Younes, as Trustees of the Paul & Linda Younes Family Trust U/A/D January 10, 2022 to (1) execute a Release of Easement on a tract of land being part of Government Lot 7 and accretions in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2022-264; and (2) rezone from District AG, Agricultural District to District C-2, Community Commercial District for property described as a tract of land being part of Government Lot 6, part of Government Lot 7, part of Government Lot 9 and accretions thereto, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Between Talmadge Street and 3rd Street, West of 10th Avenue) and consider Ordinance No. 8613.

Craig Bennett, Miller & Associates presented this matter to the Council. Mr. Bennett described the location of the approximate 10-acre property and stated the property owners are requesting the property be rezoned to District C-2 which is consistent with properties to the east. There is also a request to release the storm sewer easement that was part of the Talmadge Street design due to it running through the center of the proposed Younes Center Ninth; the storm sewer easement has been relocated to the west and will be addressed later in the meeting. The proposed plat will have 1 lot on the west side of 11th Avenue and 2 lots on the east side. Additionally, there are 4.22 acres of land that are requested to be annexed into City limits. Mr. Bennett described the infrastructure for the proposed Addition as well as access to utilities; stormwater will be rerouted to the north of the property and eventually drain into the existing pond.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to adopt Resolution No. 2022-264 approving the Release of Easement on a tract of land being part of Government Lot 7 and accretions in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2022-264

WHEREAS, YB Investments, LLC; Talmadge JAM, LLC; Paul J Younes and Linda M Younes, as Trustees of the Paul & Linda Younes Family Trust U/A/D January 10, 2022, the owners of property legally described:

Legal description from the Original Recorded Drainage Easement recorded January 14, 2022 on Doc. 2022-00361 in the Buffalo County Register of Deeds Office;

A tract of land being part of Government Lot 7 and accretions in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Drainage Easement purposes. Said Drainage Easement to be 5.00 feet on each side of the following described centerline: Commencing 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 1065.11 feet; thence N 87°41'41" W a distance of 182.07 feet; thence Southwesterly on a tangent curve to the Left having a central angle of 17°28'35", a radius of 397.20 feet, an arc length of 121.15 feet and a chord bearing of S 72°46'50" W a distance of 120.68 feet; thence S 64°02'33" W a distance of 260.18 feet; thence Southwesterly on a tangent curve to the Right

having a central angle of 2°19'44", a radius of 560.00 feet, an arc length of 22.76 feet, and a chord bearing of S 65°12'25" W a distance of 22.76 feet to the POINT OF BEGINNING; thence N 05°32'51" W a distance of 489.00 feet to the POINT OF TERMINATION. The side lines of said 10.00 feet wide Drainage Easement to be lengthened or shortened to form a continuous strip. Said Drainage Easement contains 0.11 acres, more or less all in Buffalo County, Nebraska;

WHEREAS, the City Council hereby finds and determines that it is in the best interest of the citizens of the City of Kearney to release the said Easement,

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska that the President of the Council be and is herein authorized and directed to execute the Release of Easement to YB Investments, LLC; Talmadge JAM, LLC; Paul J Younes and Linda M Younes, as Trustees of the Paul & Linda Younes Family Trust U/A/D January 10, 2022. A copy of the Release of Easement is attached hereto as "Exhibit 1".

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

Moved by Lear to close the public hearing on the Applications submitted by Miller & Associates for YB Investments, LLC; Talmadge JAM, LLC; Paul J Younes and Linda M Younes, as Trustees of the Paul & Linda Younes Family Trust U/A/D January 10, 2022 and introduced Ordinance No. 8613 rezoning from District AG, Agricultural District to District C-2, Community Commercial District for property described as a tract of land being part of Government Lot 6, part of Government Lot 7, part of Government Lot 9 and accretions thereto, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Between Talmadge Street and 3rd Street, West of 10th Avenue) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8613. 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, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8613 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8613 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8613 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney

Police Department and the Kearney Public Library.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR YOUNES CENTER NINTH ADDITION

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for YB Investments, LLC; Talmadge JAM, LLC; Paul J Younes and Linda M Younes, as Trustees of the Paul & Linda Younes Family Trust U/A/D January 10, 2022 for the Final Plat and Subdivision Agreement for Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 6, part of Government Lot 7, part of Government Lot 9 and accretions thereto, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. (Between Talmadge Street and 3rd Street, West of 10th Avenue) and consider Resolution No. 2022-265.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2022-265 approving the Final Plat and Subdivision Agreement for Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 6, part of Government Lot 7, part of Government Lot 9 and accretions thereto, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. (Between Talmadge Street and 3rd Street, West of 10th Avenue). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2022-265

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of Government Lot 6, part of Government Lot 7, part of Government Lot 9 and accretions thereto, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a brass cap at the Southeast Corner of 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 1064.95 feet to a survey marker on the North line of Talmadge Street, as platted in the City of Kearney, Buffalo County, Nebraska, and the POINT OF BEGINNING; thence S 87°19'42" E on said North line a distance of 30.02 feet to a 5/8" rebar at the Southwest corner of Lot 1, Gealy's Addition, a subdivision being part of Government Lot 6 and accretions located in Section 11, Township 8 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence N 00°25'12" E on the West line of said Lot 1 a distance of 257.82 feet to a 5/8" rebar w/cap on the North line of a Permanent Right-of-Way recorded as Inst. No. 2019-02478 in the Buffalo County Register of Deeds Office; thence Northwesterly on a non-tangent curve to the Left having a central angle of 83°27'26", a radius of 453.00 feet, an arc length of 659.84 feet, and a chord bearing of N 47°54'23" W a distance of 603.04 feet to a 5/8" rebar w/cap; thence N 89°38'06" W a

distance of 239.57 feet to a 5/8" rebar w/cap; thence S 00°25'12" W a distance of 849.19 feet to a 5/8" rebar w/cap on the North line of said Talmadge Street; thence Northeasterly on said North line of Talmadge Street, and all courses following are on said North line until otherwise described, and on a non-tangent curve to the Left having a central angle of 14°07'20", a radius of 560.00 feet, an arc length of 138.03 feet, and a chord bearing of N 71°06'13" E a distance of 137.68 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 21.18 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 continuing on said North line a distance of 33.02 feet to the Point of Beginning containing 10.22 acres, more or less all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

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

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

ANNEXATION OF A TRACT OF LAND LOCATED BETWEEN TALMADGE STREET AND 3RD STREET, WEST OF 10TH AVENUE

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for YB Investments, LLC; Talmadge JAM, LLC; Paul J Younes and Linda M Younes, as Trustees of the Paul & Linda Younes Family Trust U/A/D January 10, 2022 for the annexation of a tract of land being part of Government Lot 6, part of Government Lot 7, part of Government Lot 9 and accretions thereto, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (part of proposed Younes Center Ninth Addition, between Talmadge Street and 3rd Street, West of 10th Avenue) and consider Resolution No. 2022-266.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2022-266 approving the annexation of a tract of land being part of Government Lot 6, part of Government Lot 7, part of Government Lot 9 and accretions thereto, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (part of proposed Younes Center Ninth Addition, between Talmadge Street and 3rd Street, West of 10th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2022-266

WHEREAS, an Application has been submitted by Miller & Associates for YB Investments, LLC; Talmadge JAM, LLC; Paul J Younes and Linda M Younes, as Trustees of the Paul & Linda Younes Family Trust U/A/D January 10, 2022 for the inclusion of a part of Younes Center Ninth 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, part of Government Lot 9 and accretions thereto, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a brass cap at the Southeast Corner of 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 1064.95 feet to the North line of Talmadge Street, as platted in the City of Kearney, Buffalo County, Nebraska; thence N 87°41'41" W on the North line of Talmadge Street a distance of 33.02 feet; thence N 00°25'12" E a distance of 7.02 feet; thence N 87°41'41" W a distance of 74.49 feet; thence Westerly on a tangent curve to the Left having a central angle of 11°21'38", a radius of 397.20 feet, an arc length of 78.76 feet, and a chord bearing of S 86°37'30" W a distance of 78.63 feet to the POINT OF BEGINNING; thence N 01°10'48" W a distance of 295.53 feet; thence N 85°51'16" W a distance of 466.86 feet; thence S 00°25'12" W a distance of 522.82 feet to the North line of said Talmadge Street; thence Northeasterly on said North line of Talmadge Street and all courses following are on said North line until otherwise described and on a non-tangent curve to the Left having a central angle of 14°07'20", a radius of 560.00 feet, an arc length of 138.03 feet, and a chord bearing of N 71°06'13" E a distance of 137.68 feet; 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 $50^{\circ}00'40''$, a radius of 50.00 feet, an arc length of 43.63 feet, and a chord bearing of $N 39^{\circ}02'56'' E$ a distance of 42.26 feet; thence Northeasterly on a non-tangent curve to the Right having a central angle of $36^{\circ}21'26''$, a radius of 90.00 feet, an arc length of 57.11 feet, and a chord bearing of $N 32^{\circ}13'30'' E$ a distance of 56.16 feet; thence Northeasterly on a non-tangent curve to the Left having a central angle of $49^{\circ}59'41''$, a radius of 50.00 feet, an arc length of 43.63 feet, and a chord bearing of $N 25^{\circ}24'23'' E$ a distance of 42.26 feet; thence $N 00^{\circ}24'32'' E$ a distance of 10.65 feet; thence $S 89^{\circ}35'28'' E$ a distance of 80.00 feet; thence $S 00^{\circ}24'32'' W$ a distance of 21.19 feet; thence Southeasterly on a tangent curve to the Left having a central angle of $116^{\circ}21'59''$, a radius of 20.00 feet, an arc length of 40.62 feet, and a chord bearing of $S 57^{\circ}46'27'' E$ a distance of 33.99 feet; thence $N 64^{\circ}02'33'' E$ a distance of 2.21 feet; thence Northeasterly on a tangent curve to the Right having a central angle of $16^{\circ}54'07''$, a radius of 397.20 feet, an arc length of 117.17 feet, and a chord bearing of $N 72^{\circ}29'41'' E$ a distance of 116.75 feet to the Point of Beginning containing 4.22 acres, more or less all in Buffalo County, Nebraska. (*now known as part of Lots 1 and 2, Block One and part of Lot 1, Block Two, Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and portions of 11th Avenue, and Talmadge Street as dedicated on the final plat of Younes Center Ninth 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 November 18, 2022 on the inclusion of a part of Younes Center Ninth Addition within the corporate limits for property described as *a tract of land being part of Government Lot 7, part of Government Lot 9 and accretions thereto, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a brass cap at the Southeast Corner of Government Lot 7 of Section 11; thence $N 00^{\circ}25'12'' E$ on the East line of said Government Lot 7, and all bearings contained herein are relative thereto, a distance of 1064.95 feet to the North line of Talmadge Street, as platted in the City of Kearney, Buffalo County, Nebraska; thence $N 87^{\circ}41'41'' W$ on the North line of Talmadge Street a distance of 33.02 feet; thence $N 00^{\circ}25'12'' E$ a distance of 7.02 feet; thence $N 87^{\circ}41'41'' W$ a distance of 74.49 feet; thence Westerly on a tangent curve to the Left having a central angle of $11^{\circ}21'38''$, a radius of 397.20 feet, an arc length of 78.76 feet, and a chord bearing of $S 86^{\circ}37'30'' W$ a distance of 78.63 feet to the POINT OF BEGINNING; thence $N 01^{\circ}10'48'' W$ a distance of 295.53 feet; thence $N 85^{\circ}51'16'' W$ a distance of 466.86 feet; thence $S 00^{\circ}25'12'' W$ a distance of 522.82 feet to the North line of said Talmadge Street; thence Northeasterly on said North line of Talmadge Street and all courses following are on said North line until otherwise described and on a non-tangent curve to the Left having a central angle of $14^{\circ}07'20''$, a radius of 560.00 feet, an arc length of 138.03 feet, and a chord bearing of $N 71^{\circ}06'13'' E$ a distance of 137.68 feet; thence $N 64^{\circ}02'33'' E$ a distance of 54.02 feet; thence Northeasterly on a non-tangent curve to the Left having a central angle of $50^{\circ}00'40''$, a radius of 50.00 feet, an arc length of 43.63 feet, and a chord bearing of $N 39^{\circ}02'56'' E$ a distance of 42.26 feet; thence Northeasterly on a non-tangent curve to the Right having a central angle of $36^{\circ}21'26''$, a radius of 90.00 feet, an arc length of 57.11 feet, and a chord bearing of $N 32^{\circ}13'30'' E$ a distance of 56.16 feet; thence Northeasterly on a non-tangent curve to the Left having a central angle of $49^{\circ}59'41''$, a radius of 50.00 feet, an arc length of 43.63 feet, and a chord bearing of $N 25^{\circ}24'23'' E$ a distance of 42.26 feet; thence $N 00^{\circ}24'32'' E$ a distance of 10.65 feet; thence $S 89^{\circ}35'28'' E$ a distance of 80.00 feet; thence $S 00^{\circ}24'32'' W$ a distance of 21.19 feet; thence Southeasterly on a tangent curve to the Left having a central angle of $116^{\circ}21'59''$, 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; thence N 64°02'33" E a distance of 2.21 feet; thence Northeasterly on a tangent curve to the Right having a central angle of 16°54'07", a radius of 397.20 feet, an arc length of 117.17 feet, and a chord bearing of N 72°29'41" E a distance of 116.75 feet to the Point of Beginning containing 4.22 acres, more or less all in Buffalo County, Nebraska. (now known as part of Lots 1 and 2, Block One and part of Lot 1, Block Two, Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and portions of 11th Avenue, and Talmadge Street as dedicated on the final plat of Younes Center Ninth 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 Ninth 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 December 13, 2022 who deemed the said property being part of Younes Center Ninth Addition within the corporate limits described as a tract of land being part of Government Lot 7, part of Government Lot 9 and accretions thereto, all in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a brass cap at the Southeast Corner of 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 1064.95 feet to the North line of Talmadge Street, as platted in the City of Kearney, Buffalo County, Nebraska; thence N 87°41'41" W on the North line of Talmadge Street a distance of 33.02 feet; thence N 00°25'12" E a distance of 7.02 feet; thence N 87°41'41" W a distance of 74.49 feet; thence Westerly on a tangent curve to the Left having a central angle of 11°21'38", a radius of 397.20 feet, an arc length of 78.76 feet, and a chord bearing of S 86°37'30" W a distance of 78.63 feet to the POINT OF BEGINNING; thence N 01°10'48" W a distance of 295.53 feet; thence N 85°51'16" W a distance of 466.86 feet; thence S 00°25'12" W a distance of 522.82 feet to the North line of said Talmadge Street; thence Northeasterly on said North line of Talmadge Street and all courses following are on said North line until otherwise described and on a non-tangent curve to the Left having a central angle of 14°07'20", a radius of 560.00 feet, an arc length of 138.03 feet, and a chord bearing of N 71°06'13" E a distance of 137.68 feet; 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; 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; 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; thence N 00°24'32" E a distance of 10.65 feet; thence S 89°35'28" E a distance of 80.00 feet; thence S 00°24'32" W a distance of 21.19 feet; 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; thence N 64°02'33" E a distance of 2.21 feet; thence Northeasterly on a tangent curve to the Right having a central angle of 16°54'07", a radius of 397.20 feet, an arc length of 117.17 feet, and a chord bearing of N 72°29'41" E a distance of 116.75 feet to the Point of Beginning containing 4.22 acres, more or less all in Buffalo County,

Nebraska. (now known as part of Lots 1 and 2, Block One and part of Lot 1, Block Two, Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and portions of 11th Avenue, and Talmadge Street as dedicated on the final plat of Younes Center Ninth 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 Ninth 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 Ninth Addition within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

ACQUISITION OF A PERMANENT DRAINAGE EASEMENT IN YOUNES CENTER NINTH ADDITION

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent Drainage Easement granted by Paul Younes, President of Talmadge Jam, L.L.C., a Nebraska Limited Liability Company and Paul Younes, Managing Member of YB Investments, LLC, a Nebraska Limited Liability Company for a tract of land being part of Government Lot 7 and accretions thereto, and part of accretions to Government Lot 9 in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for Permanent Drainage Easement purposes and consider Resolution No. 2022-267..

Craig Bennett, Miller & Associates presented this matter to the Council. Mr. Bennett stated the purpose of the proposed Permanent Drainage Easement is in conjunction with the previously discussed request to release a Drainage Easement due to it dissecting Younes Center Ninth. Because this Easement is outside of Younes Center Ninth it could not be part of those Hearings.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2022-267 approving the acquisition for a Permanent Drainage Easement granted by Paul Younes, President of Talmadge Jam, L.L.C., a Nebraska Limited Liability Company and Paul Younes, Managing Member of YB Investments, LLC, a Nebraska Limited Liability Company for a tract of land being part of Government Lot 7 and accretions thereto, and part of accretions to Government Lot 9 in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for Permanent Drainage Easement purposes. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2022-267

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Drainage Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Paul Younes, President of Talmadge Jam, L.L.C., a Nebraska Limited Liability Company and Paul Younes, Managing Member of YB Investments, LLC, a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska a Permanent Drainage Easement as follows:

PERMANENT DRAINAGE EASEMENT

A tract of land being part of Government Lot 7 and accretions thereto, and part of accretions to Government Lot 9 in Section 11, Township 8 North, Range 16 West of the 6th P. M., Buffalo County, Nebraska, dedicated for Drainage Easement purposes, and more particularly described as follows: BEGINNING at the Southwest corner of Lot 1, Block 2, Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 00°25'12" E on the West line of said Lot 1, Block 2, Younes Center Ninth Addition, and all bearings contained herein are relative thereto, a distance of 783.19 feet to the Northwest corner of said Lot 1, Block 2; thence N 89°34'48" W on the Westerly extension of the North line of said Lot 1, Block 2 a distance of 10.00 feet; thence S 00°25'12" W parallel with the West line of said Lot 1, Block 2 a distance of 759.76 feet; thence S 20°28'19" W a distance of 29.17 feet to the North line of Talmadge Street, as platted in the City of Kearney, Buffalo County, Nebraska; thence Easterly on a non-tangent curve to the Left having a central angle of 02°05'10", a radius of 560.00 feet, an arc length of 20.39 feet, and a chord bearing of N 79°12'28" E a distance of 20.39 feet to the Point of Beginning containing 0.18 acres, more or less all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Drainage Easement granted by Paul Younes, President of Talmadge Jam, L.L.C., a Nebraska Limited Liability Company and Paul Younes, Managing Member of YB Investments, LLC, a Nebraska Limited Liability Company, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

ACCEPTANCE OF DONATED LAND FROM TALMADGE JAM LLC

Mayor Clouse opened the public hearing on the proposed acceptance of 29.01 acres of donated land/property from Talmadge JAM, LLC described as a tract of land described as Lot 3, Block Three, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2022-268.

Michael Tye, City Attorney presented this matter to the Council. Mr. Tye detailed the 29.01-acre parcel of land to be donated by Talmadge JAM, LLC and to formally accept the deed and transfer of the property that was part of the Development Agreement for the Indoor Sports Complex. Mr. Tye explained anytime the City accepts real estate Council has to vote to accept the transfer. No funds will be transferred for this property; by approving the transfer, it allows for the recording of the Deed, making the transfer official.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2022-268 approving the acceptance of 29.01 acres of donated land/property from Talmadge JAM, LLC described as a tract of land described as Lot 3, Block Three, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2022-268

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for public purposes and voted in favor to proceed with the acquisition; and

WHEREAS, Talmadge Jam, LLC, a Nebraska Limited Liability Company has granted to the City of Kearney, Nebraska a Warranty Deed for public purposes for Lot 3, Block Three, Younes Center Seventh Addition, an Addition to the City of Kearney, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Warranty Deed granted by Talmadge Jam, LLC, a Nebraska Limited Liability Company with the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 6 of Consent

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

1. Approve Minutes of Regular Meeting held November 22, 2022.
2. Approve the following Claims:

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

Acushnet \$3,250.00 smcs; Agri Coop \$1,553.56 smcs; All City Garage Door \$386.00 smcs; All Copy \$927.32 smcs; Amax Contracting \$163.60 smcs; Aramark \$76.22 smcs; Arch, the \$75,000.00 smcs; Area Services \$582.50 smcs; Ask Supply \$1,745.10 smcs; Astro Buildings \$4,976.80 co; Aurora Coop \$11,155.73 smcs; AvFuel \$184,625.62 smcs,er; Baker & Taylor \$8,219.54 smcs; Bamford \$250.00 smcs; Beesing, Patricia \$17.27 smcs; Blevins, J \$58.10 smcs; BlueCross BlueShield \$145,308.67 smcs; Bosselman \$48,107.77 smcs; Bossfuels \$20,982.95 smcs; Broadfoot's \$90.00 smcs; Buffalo Co. Redi Mix \$3,081.00 co; Buffalo Co. Sheriff \$355.00 smcs; Builders \$99.59 smcs; Cal/Amp \$781.55 smcs; Caldwell Tanks \$143,010.00 co; Cash-Wa \$726.92 smcs; Center Point Large Print \$79.86 smcs; Central NE Sod Supply \$7,247.60 co; Central States Wire \$3,488.30 smcs; Certified Power \$1,796.06 smcs; Chesterman \$382.00 smcs; City of KY \$58,275.71 smcs,co; City of KY \$379,802.87 ps; City of KY - CRA \$224,197.95 smcs; City Plumbing \$319.72 smcs; CL Fabrication \$4,080.00 co; Cold Spring \$288.90 smcs; Comm. Action Partnership \$1,921.00 smcs; Comm. Health Agencies \$36.00 ps; Comm. Service Fund \$6.00 ps; Compass Navigation \$5,000.00 smcs; Compute North \$273,047.63 smcs; Core & Main \$16,527.58 smcs; Cutting Edge Cleaning \$350.00 smcs; Dan Roeder Concrete \$1,567,410.97 co; Danko Emergency \$22,678.00 smcs; Dan's Plumbing \$547.19 smcs; Davis, J \$38.09 smcs; Davis, L \$600.00 smcs; Dell Marketing \$3,250.00 smcs; Depository Trust \$16,190.00 ds; Donkey Towing \$535.00 smcs; Dowhy Towing \$100.00 smcs; Duncan Theis Const. \$30,802.50 co; Eakes \$23,206.69 co; Eickhoff, J \$150.00 smcs; Elder, E \$139.09 smcs; Electronic Systems \$100.80 smcs; Elliott Equipment \$6,723.82 smcs; ESRI \$24,564.38 smcs; Family Practice \$182.00 smcs; Finley, L \$15.96 smcs; Fry & Associates \$54,268.34 co; Gale \$1,734.78 smcs; Gillming, C \$97.77 smcs; Goodwin, G \$41.36 smcs; Greater NE Cities \$1,000.00 smcs; Heartland Clerk's Assn. \$10.00 smcs; HM Life Insurance \$44,339.43 smcs; Huerta's Upholstery \$85.99 smcs; Hydro Optimization \$300.00 smcs; Info USA \$2,968.00 smcs; IRS \$209,944.07 ps; Jack Lederman \$489.74 smcs; Jack's Uniforms \$171.89 smcs; John T. Jones Const. \$1,424,970.77 co; KY Animal Shelter \$14,775.66 smcs; KY Concrete \$2,163.26 co; KY Public Schools \$80.00 smcs; KY Tennis Assoc. \$322.00 smcs; KY Visitors Bureau \$247,143.73 smcs; Kehl, S \$135.99 smcs; Kirkham Michael \$13,250.00 smcs; Knock Out Printing \$707.88 smcs; Konica Minolta \$417.18 smcs; Kucera Painting \$2,200.00 smcs; Lerner Books \$21.99 smcs; Lincoln National Life \$8,717.49 smcs; Little Fish Preschool \$55.00 smcs; Logan Contractors \$635.74 smcs; Lyon Heart Equine \$979.96 smcs; Macqueen Equipment \$17,228.80 smcs; Magic Cleaning \$7,350.00 smcs; Mallory Safety \$66.20 smcs; Marlatt Machine \$145.00 co; McCartney, Erin Chpt. 13 \$227.00 ps; Medicap Pharmacy \$8,704.00 ps; Menards

\$203.44 smcs,co; Mid American Signal \$831.33 smcs; Mid-State Engineering \$589.00 smcs; Midwest Connect \$9,199.51 smcs; Midwest Laboratories \$90.46 smcs; Midwest Petroleum \$4,445.69 smcs; Miller & Associates \$107,045.74 co; Miller Signs \$642.00 smcs; Mission Square \$15,994.60 ps; Mostek Electric \$105.00 smcs; Municipal Supply \$10,909.23 smcs; NE Child Support \$1,986.51 ps; NE Dept. Environment \$451,434.66 smcs,ds; NE Dept. Motor Vehicles \$77.35 smcs; NE Dept. Revenue \$109,273.98 smcs,ps; NE Peterbilt \$7,578.74 smcs; NE Public Health \$123.00 smcs; NE Safety & Fire \$420.00 smcs; Nebraskaland Distributors \$408.00 smcs; Neenah Foundry \$8,851.48 co; New Deal Deicing \$5,752.25 smcs; Newell, B \$150.00 smcs; Northwestern Energy \$4,662.96 smcs; Nuttelman, M \$34.66 smcs; Oak Creek Engineering \$5,565.00 co; Olsson \$11,163.49 co; One Call Concepts \$615.48 smcs; O'Reilly Auto \$1,989.33 smcs; Outdoor Recreation \$3,751.00 co; Payflex Systems \$508.00 smcs; Pep Co. \$287.34 smcs; Police Chiefs Assoc. \$100.00 smcs; Precision Foundations \$57,077.43 co; Presto-X \$89.10 smcs; Pure Platinum \$250.00 smcs; R.W. Sorensen \$9,057.80 smcs; Rasmussen Mechanical \$38,252.59 smcs,co; Ready Mixed Concrete \$9,284.25 smcs,co; Reidy, R \$31.32 smcs; Reinke's \$939.55 smcs; Robertson, A \$125.00 smcs; S&B Heating \$315.60 smcs; S&J Construction \$10,900.75 co; Sandry Fire \$2,225.00 smcs; Schachta, T \$37.89 smcs; School District 7 \$2,820.00 smcs; Schriener, D \$150.00 smcs; Schumacher Fencing \$33.06 smcs; Schwarz, J \$532.00 smcs; See Clear Cleaning \$2,697.50 smcs; Sherwin Industries \$432.18 smcs; Sherwin Williams \$12,650.00 smcs; Shredding Solutions \$101.18 smcs; Small, J \$150.00 smcs; Solid Waste Equipment \$12,328.00 smcs; SOS Portable Toilets \$362.00 smcs; Staab, J \$480.00 smcs; State Fire Marshall \$350.00 smcs; State of Nebraska \$28.35 smcs; Steinbrink's \$5,200.00 smcs; Stutsman \$3,795.00 smcs; SW Firefighting Foam \$3,387.60 smcs; Sybrant, C \$1,287.20 smcs; Taillon, R \$49.00 smcs; TBK Transmission \$860.12 smcs; Telephone Systems \$628.00 smcs; TK Elevator \$1,146.60 smcs; Traveler's \$972,417.00 smcs; Tri Co Glass \$683.00 smcs; TruGreen \$538.00 smcs; Twin City Hardware \$934.80 smcs; Tye & Rowling \$15,626.60 smcs; Union Bank & Trust \$103,303.77 ps; United Way of KY \$202.00 ps; USPS \$212.00 smcs; Veik, B \$46.50 smcs; Verizon \$9,245.89 smcs,co; Village Uniforms \$212.30 smcs; Wachs Companies \$9,651.44 smcs; Waggoner Plumbing \$2,282.76 smcs; Walters Electric \$2,150.00 co; Weaver, L \$51.50 smcs; Weesner, M \$421.47 smcs; Wilkins Architecture \$982.80 co; Wooden, T \$753.00 smcs; Wright, A \$47.38 smcs; Young, M \$286.00 smcs; Payroll Ending 12/03/2022--\$593,442.04. 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 Resolution No. 2022-269 to accept and adopt the proposed Kearney Regional Airport Lease Guidelines for the Administrative Approval of Kearney Flight Services Lease agreements for hangar space, office space and agricultural property with a term of one year or less at the Kearney Regional Airport and authorize the City Manager or his designee to execute said Lease agreements at the Kearney Regional Airport.

RESOLUTION NO. 2022-269

WHEREAS, the City of Kearney regularly executes leases at the Kearney Regional Airport for hangar space, office space and for agricultural property; and

WHEREAS, the leases are reviewed, updated and then executed annually; and

WHEREAS, lease fees at the Kearney Regional Airport are outlined in the City of Kearney Comprehensive Fee Schedule of which the Kearney City Council approves annually; and

WHEREAS, City staff has been reviewing ways to make this renewal process more efficient for the City and the Leaseholder(s); and

WHEREAS, City staff recommends that the City Manager or his designee be designated as the agent on behalf of the City of Kearney and the City owned fixed base operator, Kearney Flight Services, to execute the annual Leases at the Kearney Regional Airport without requiring that said leases be separately approved by City Council; and

WHEREAS, the City Manager or his designee shall be considered the determination of the local governing body unless otherwise provided by the local governing body; and

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Manager or his designee acting on behalf of the City and the City owned fixed based operator, Kearney Flight services, be authorized to negotiate and sign any leases at the Kearney Regional Airport which have an initial lease term of one year or less without requiring that said leases be separately approved by City Council be and is hereby approved and adopted.

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2022

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

4. Adopt Resolution No. 2022-270 approving the Use and Operations Agreement for part of Annex A in Hangar T-926 located at the Kearney Regional Airport between the City of Kearney and Apollo Med Flight.

RESOLUTION NO. 2022-270

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement on behalf of the City of Kearney with Apollo Med Flight for part of Annex A in Hangar T-926 located at the Kearney Regional Airport, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

5. Accept the bids received for 2022 Part 2 Improvements; 56th Street and Avenue N Turn Lane and adopt Resolution No. 2022-271 awarding the bid to Dan Roeder Concrete, Inc. in the amount of \$1,063,315.25.

RESOLUTION NO. 2022-271

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on December 6, 2022 at 2:00 p.m. for the 2022 Part 2 Improvements; 56th Street and Avenue N Turn Lane; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$908,570.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Dan Roeder Concrete, Inc. in the amount of \$1,063,315.25 be accepted as the lowest responsible bid for 2022 Part 2 Improvements; 56th Street and Avenue N Turn Lane.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer’s recommendation is hereby accepted, that Dan Roeder Concrete, Inc. be and is the lowest responsible bidder for the 2022 Part 2 Improvements; 56th Street and Avenue N Turn Lane to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Dan Roeder Concrete, Inc. in the amount of \$1,063,315.25 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$908,570.00 be and is hereby accepted.

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

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

6. Adopt Resolution No. 2022-272 approving Application and Certificate for Payment No. 7 in the amount of \$143,010.00 submitted by Caldwell Tank and approved by Miller & Associates for the 2.0 MG Elevated Water Tower.

RESOLUTION NO. 2022-272

WHEREAS, Caldwell Tank of Louisville, Kentucky and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 7 in the amount of \$143,010.00 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 4,973,000.00</u>
Change Order (10-11-2022)	- <u>10,991.50</u>
Contract Sum To Date	4,962,008.50
Gross Amount Due	2,126,985.90
Retainage (10%)	- <u>212,698.59</u>
Amount Due to Date	1,914,287.31
Less Previous Certificates for Payment	- <u>1,771,277.31</u>
Current Payment Due	\$ 143,010.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that the Application and Certificate for Payment No. 7, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

STAFF PRESENTATION ON INDOOR SPORTS COMPLEX

Mayor Clouse opened Regular Agenda Item 1 for Council to receive a presentation from City Staff providing an update on the Indoor Sports Complex. Scott Hayden, Director of Recreational Services stated City Staff has been working diligently fine tuning the details and functionality of the building. Mr. Hayden explained the roughly 209,000 square-foot building will include a gymnasium, turf field, pickleball courts, track, training room, multiple vending locations along with numerous other amenities. The gymnasium will feature 8 basketball or 12 volleyball courts with drop down curtains and both fixed and retractable seating for nearly 3,000 spectators. Mr. Hayden also detailed the various uses of the turf field.

Council Member Nikkila questioned what other activities the gymnasium would support? Mr. Hayden explained in addition to basketball and volleyball, the gymnasium will host wrestling, pickleball and numerous other sport activities.

Mr. Hayden stated the second floor of the facility will include offices and a 3-lane track with standard track corners and a track spike compatible surface.

Council Member Buschkoetter asked if there would be a defined break room space for Officials during large tournaments? Mr. Hayden stated the conference room will be a potential spot for tournament headquarters and Officials' break room.

Eric Hellriegel, Director of Parks provided information regarding the site plan for the Indoor Sports Complex. Mr. Hellriegel stated the 29-acre property will include two parking lots, multiple ingress and egress points and trail access to the Hospitality District for pedestrian traffic. The building will feature a drop off area near the front entrance, easy ADA access route and potentially a covered walkway for protection from inclement weather.

Council Member Moore voiced her appreciation for City Staff's work on the functionality of the building and suggested the exterior of the building be esthetically pleasing, noting the building's close proximity to the interstate.

Council Members thanked City Staff for their presentation.

VII. REPORTS

Council Member Buschkoetter thanked City Staff for their extra work installing Christmas lights throughout the holiday season.

Mr. Morgan stated feedback on the Holiday Light Festival and tower lighting at Yanney Park has been positive. Additionally, several major road work projects have been completed and noted the 56th Street and Avenue N turn lane street project that was approved previously will be the only major road project in 2023. An update on Denver Air Connect and ongoing issues with code sharing were discussed.

Council Members congratulated Peggy Eynetich on her appointment to City Clerk.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:49 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
CITY CLERK**