

*Kearney, Nebraska
January 9, 2018
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 January 9th, 2018 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Julie Smith, Deputy City Clerk; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Mike Young, Police Lieutenant; Eric Hellriegel, Project Coordinator, and Shawna Erbsen, Administrative Services Director were also present. Members of the media present included: Kyle LaBoria from KGFW and Mike Konz from the 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

Pastor John Watson provided the Invocation.

PLEDGE OF ALLEGIANCE

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 was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

UTILITY EASEMENT VACATION LOCATED AT 2827 EAST 39TH STREET

Mayor Clouse opened the public hearing on the Application submitted by Doug Windhorst to vacate a 10 foot wide permanent utility easement being the west 10-feet of Lot 2, Northeast Industrial Subdivision, a subdivision being part of Government Lots 2 and 3 of Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2827 East 39th Street) and to consider Ordinance No. 8206.

Doug Windhorst, located at 34 Crestview Drive, presented this matter to the Council. Mr. Windhorst stated that he owned property on the South side of East 39th Street, roughly between Antelope Avenue and East of Midland Molding. He has owned the property since 1982 and recently became aware of the easement. He anticipates selling the property soon, and would like the easement vacated, which would allow someone to build across the lot.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the Application submitted by Doug Windhorst and introduced Ordinance No. 8206 vacating a 10 foot wide permanent utility easement being the west 10-feet of Lot 2, Northeast Industrial Subdivision, a subdivision being part of Government Lots 2 and 3 of Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (2827 East 39th 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 Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 8206. 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, Buschkoetter, Lear, Nikkila, Lammers. 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. 8206 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8206 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8206 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.

LAND USE MAP AMENDMENT FOR PROPERTY LOCATED AT 11 SOUTH CENTRAL AVENUE

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

Mayor Clouse announced that due to a conflict of interest, Council Member Lear has excused himself from Council Chambers at the hour of 5:36 p.m., and has abstained from any action toward Public Hearings 2 and 3.

Mayor Clouse opened the public hearing on the application submitted by Daniel Lindstrom for KAAPA Ethanol Holdings, LLC and Tracy and Jolyn Cook for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Rural Estates and Agriculture to General Commercial property described as Lot 1, Block Two, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 South Central Avenue).

Daniel Lindstrom with Jacobsen, Orr, Lindstrom, and Holbrook presented this matter to the Council. Mr. Lindstrom stated this matter involves the rezoning of the property known as Lot 1 of the Lakeview Subdivision and Lot 2, property to the North of Lot 1, which is already zoned C-2. Mr. Lindstrom stated that his client, KAAPA Ethanol, intends to build an office building on both lots. The building will cross over on both lots, so the zoning should be consistent with the zoning that already exists on the Grandpa's lot.

Bringing an office into the Kearney area will provide KAAPA with a central location for their management staff, which includes approximately 6 employees. KAAPA has acquired both lots. Mr. Lindstrom illustrated through aerial photographs of the area and preliminary sketches the building footprint on the two lots. Lot 1 would have the majority of the building. The landscape plan indicated a buffer on the South side and also on Lot 2. The new building would be built to accommodate about 15 people if there were expansion. If there was need for further expansion, the building would move further North on the lot that would be the old Grandpa's Lot.

Mr. Lindstrom introduced Chuck Woodside, CEO, Shawna Dahlgren, CFO, both of KAAPA Ethanol, and Steve Mercer representing the board. Both KAAPA and Mr. Lindstrom believe this project to be a great opportunity for the City of Kearney, as the new building is located on a site that is really in need of redevelopment.

Mayor Clouse stated the proposal was great for the community as the location is one of Kearney's entrances. Council member Buschkoetter expressed his approval for the proposal and the company's proposed plans for the build. Council member Lammers stated he would like to commend KAAPA for connecting with the area neighbors to address questions and concerns.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2018-1 approving the application submitted by Daniel Lindstrom for KAAPA Ethanol Holdings, LLC and Tracy and Jolyn Cook for an amendment to the Land Use Map of the

City of Kearney Comprehensive Development Plan from Rural Estates and Agriculture to General Commercial property described as Lot 1, Block Two, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 South Central Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear abstain. Motion carried.

RESOLUTION NO. 2018-1

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 Lot 1, Block Two, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska from Rural Estates and Agriculture to General Commercial; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Rural Estates and Agriculture to General Commercial the use classification for Lot 1, Block Two, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska.

PASSED AND APPROVED THIS 9TH DAY OF JANUARY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONING OF PROPERTY LOCATED AT 11 SOUTH CENTRAL AVENUE

Public Hearings 2 and 3 were discussed together but voted on separately. Mayor Clouse announced that due to a conflict of interest, Council Member Lear has excused himself from Council Chambers at the hour of 5:36 p.m., and has abstained from any action toward Public Hearings 2 and 3.

Mayor Clouse opened the public hearing on the Application submitted by Daniel Lindstrom for KAAPA Ethanol Holdings, LLC and Tracy and Jolyn Cook to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-2, Community Commercial District property described as Lot 1, Block Two, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 South Central Avenue) and to consider Ordinance No. 8207.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Application submitted by Daniel Lindstrom for KAAPA Ethanol Holdings, LLC and Tracy and Jolyn Cook to rezone from District R-1, Urban Residential Single-Family District (Low Density) to District C-2,

Community Commercial District property described as Lot 1, Block Two, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska (11 South Central Avenue) and introduced Ordinance No. 8207 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 Lammers seconded the motion to close the hearing and suspend the rules for Ordinance No. 8207. 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, Lammers, Buschkoetter, Nikkila. Nay: None. Lear abstain. 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. 8207 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Nikkila. Nay: None. Lear abstain. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 8207 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lammers. Nay: None. Lear abstain. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8207 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.

REZONING OF PROPERTY LOCATED AT 105 WEST 25TH STREET

Mayor Clouse opened the public hearing on the Application submitted by Charles Rogers for C-K-C, Inc. to rezone from District CBD, Kearney Center Mixed Use District to District C-3, General Commercial District property described as Lots 85 and 86, Southwest Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (105 West 25th Street) and to consider Ordinance No. 8208.

Brad Ryan, located at 1360 West 102nd Street Place, addressed the Council. Mr. Ryan currently owns the car lot located on this property and wishes to rezone the property back to prior zoning (C-3) when Crossroads Ford inhabited the property. Mr. Ryan stated he did not know realize the lot was currently zoned CBD, but he had discovered the CBD zoning once he moved onto the property.

Council member Nikkila indicated the zoning had not changed but the rules for the zone had changed. Paul Briseno, Assistant City Manager, stated that the lot is currently central business district zoned and Mr. Ryan is seeking to rezone the lot to C-3. Mr. Briseno further elaborated that currently in a central business district having a car lot was a nonconforming use, which could be continued. However, if the lot were to be empty for any amount of time, the car lot usage could be continued if the lot were to be rezoned to C-3. Michael Tye, City Attorney, stated that he has had several conversations with the lawyer representing the property owner, and it is the property owner's desire to rezone the lot so that the car lot is allowed by right and is not a

nonconforming use. The owner can then continue to rent the property as a car lot.

City Attorney stated that for a number of years the lot was vacant and the owner struggled to find other tenants. The owner discovered that the best use for the lot was as a car lot and that was when the owner entered into a lease with Mr. Ryan. The owner requests to have the property zoned so that the car lot is allowed by right.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by Charles Rogers for C-K-C, Inc. to rezone from District CBD, Kearney Center Mixed Use District to District C-3, General Commercial District property described as Lots 85 and 86, Southwest Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (105 West 25th Street) and introduced Ordinance No. 8208 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. 8208. 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, Lammers, 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. 8208 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, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8208 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, 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. 8208 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.

REZONING OF PROPERTY LOCATED SOUTH OF 56TH STREET AND EAST OF BISON RUN

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Shawn and Natalie Hagan to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 56th Street and East of Bison Run) and to consider Ordinance No. 8209.

Craig Bennett from Miller & Associates presented this matter to the Council. Mr. Bennett described the property as being located South of 56th Street, East of Cottonmill. The property is within the ETJ of the City of Kearney. The property is 3.01 acres and is bordered on the West side by Bison Run. There is currently a house and a couple of buildings that are located on the property. The owners desire to build an addition onto their house and are requesting a zoning change to RR-1. The property abuts RR-1 on the North and RR-1 on the South, and the property's current zoning is agricultural. Mr. Bennett stated that the owners are asking to plat the property, which includes a 50-foot building setback and all of the other conforming RR-1 lot requirements.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the application submitted by Miller & Associates for Shawn and Natalie Hagan to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) property described as a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 56th Street and East of Bison Run) and introduced Ordinance No. 8209 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 Lammers seconded the motion to close the hearing and suspend the rules for Ordinance No. 8209. 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, Lammers, 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. 8209 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 8209 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8209 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

FINAL PLAT FOR HAGAN SUBDIVISION

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Shawn and Natalie Hagan for the Final Plat for Hagan Subdivision, a subdivision being a tract of land being part of the Southeast Quarter of the Northwest

Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 56th Street and East of Bison Run).

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt Resolution No. 2018-2 approving the Application submitted by Miller & Associates for Shawn and Natalie Hagan for the Final Plat for Hagan Subdivision, a subdivision being a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 56th Street and East of Bison Run). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2018-2

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Hagan Subdivision, a subdivision of Buffalo County, Nebraska for a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Northwest Quarter of Section 29, Township 9 North, Range 16 West and assuming the North line of said Northwest Quarter as bearing N 89°54' W and all bearings contained herein are relative thereto; thence N 89°54' W a distance of 39.0 feet; thence S 00°12'54.4" E a distance of 1359.85 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 00°12'54.4" E a distance of 384.51 feet; thence N 87°58'07" W a distance of 469.99 feet to a point on the East property line of an existing road; thence N 06°42'27" E a distance of 195.0 feet; thence N 68°38'42" E a distance of 478.3 feet to the place of beginning, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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

PASSED AND APPROVED THIS 9TH DAY OF JANUARY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

DEVELOPMENT OF SPRUCE HOLLOW ESTATES SEVENTH

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for DT Development for (1) the vacation of Lot 1, Block One, Spruce Hollow Estates Third and consider Ordinance No. 8210; and (2) the Final Plat and Subdivision Agreement for Spruce Hollow Estates Seventh, an addition to the City of Kearney, Buffalo County, Nebraska for property described as all of Lot 1, Block One, (to be vacated) of Spruce Hollow Estates Third, a subdivision to the City of Kearney, being

part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 56th Street and 17th Avenue) and consider Resolution No. 2018-3.

Craig Bennett from Miller & Associates presented this matter to the Council. Mr. Bennett stated the property is currently platted as one lot consisting of 12.86 acres. The property is bordered on the East side by 17th Avenue and on the South side by 56th Street, on the West side by 19th Avenue, and on the North by 58th Street. Mr. Bennett stated that the plan was to leave the right-of-way around all sides of the property. The owner is requesting to vacate Lot 1, Block One of Spruce Hollow Estates Third.

The proposal would include a new street called 57th Street, going from 19th Avenue Easterly toward 17th Avenue. The proposal would then be taking a new street and right-of-way, which would be known as 18th Avenue connecting from 56th Street North to 58th Street. For general locations, Mr. Bennett indicated that the location of 18th Avenue lines up with the location of the driveway that goes into the apartments, so it would be a consistent alignment. Mr. Bennett indicated that these streets would be right in and right out on both 56th Street and 17th Avenue. With the widening of 56th Street, these streets will eventually have medians that will discourage people from crossing over the medians.

The access would be along 19th Avenue to get into the property or through the roundabout on 58th through the property and ultimately back out onto 58th Street. Mr. Bennett indicated that there was existing infrastructure on the property. When the plans were made, sanitary sewer was subbed out beyond the East end of the roundabout and will be continued throughout the subdivision. Mr. Bennett discussed the infrastructure feasibility plan. Overall, the property consists of a four-lot, four-block subdivision, and right now the developers were not splitting any of the blocks up. The developer is proposing a convenience store in the Southeast corner of the lot and some hypothetical lots were described.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Applications submitted by Miller & Associates for DT Development for property located in the Northwest corner of 56th Street and 17th Avenue and introduced Ordinance No. 8210 vacating Lot 1, Block One, Spruce Hollow Estates Third and consider Ordinance No. 8210 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. 8210. 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, Lammers, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8210 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse,

Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8210 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8210 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Clouse seconded by Lammers to adopt Resolution No. 2018-3 approving the Final Plat and Subdivision Agreement for Spruce Hollow Estates Seventh, an addition to the City of Kearney, Buffalo County, Nebraska for property described as all of Lot 1, Block One, (to be vacated) of Spruce Hollow Estates Third, a subdivision to the City of Kearney, being part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 56th Street and 17th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2018-3

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Spruce Hollow Estates Seventh, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being all of Lot 1, Block One, (now vacated) of Spruce Hollow Estates Third, a subdivision to the City of Kearney, being part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 9 North, Range 16 West of the 6th P.M., all in Buffalo County, Nebraska and more particularly described as follows: Referring to the Southeast corner of the Southeast Quarter of Section 22 and assuming the South line of said Southeast Quarter as bearing S 89°52'04" W and all bearings contained herein are relative thereto; thence N 00°15'55" W on the East line of said Southeast Quarter a distance of 60.00 feet to the North line of 56th Street, as shown and dedicated on Spruce Hollow Estates Third, a subdivision to the City of Kearney, Buffalo County, Nebraska; thence S 89°52'04" W on said North line of 56th Street a distance of 60.00 feet to a 5/8" rebar w/cap on the West line of 17th Avenue, as shown and dedicated on said Spruce Hollow Estates Third, and the ACTUAL POINT OF BEGINNING; thence continuing S 89°52'04" W on said North line of 56th Street a distance of 150.00 feet to a 5/8" rebar; thence S 88°35'41" W continuing on said North line of 56th Street a distance of 450.03 feet to a 5/8" rebar; thence S 89°52'04" W continuing on said North line of 56th Street a distance of 190.49 feet to a 5/8" rebar w/cap on the East line of 19th Avenue as shown and dedicated on said Spruce Hollow Estates Third; thence N 00°21'47" E on said East line of 19th Avenue a distance of 663.65 feet to a 5/8" rebar; thence continuing on said East line of said 19th Avenue and on a tangent curve to the Right having a central angle of 53°07'48", a radius of 25.00 feet, an arc length of 23.18 feet, and a chord bearing of N 26°55'41" E a distance of 22.36 feet to a 5/8" rebar; thence continuing on said East line of said 19th Avenue and on a tangent curve to the Left having a central angle of 16°22'54", a radius of 100.00 feet, an arc length of 28.59 feet, and a chord bearing of N

45°18'08" E a distance of 28.49 feet to a 5/8" rebar; thence continuing on said East line of said 19th Avenue and on a tangent curve to the Right having a central angle of 53°07'48", a radius of 25.00 feet, an arc length of 23.18 feet, and a chord bearing of N 63°40'35" E a distance of 22.36 feet to a 5/8" rebar on the South line of 58th Street as shown and dedicated on said Spruce Hollow Estates Third; thence S 89°45'31" E on said South line of 58th Street a distance of 748.99 feet to a 5/8" rebar on said West line of 17th Avenue; thence S 00°15'55" W on said West line of 17th Avenue a distance of 98.72 feet to a 5/8" rebar; thence S 01°32'19" W continuing on said West line of 17th Avenue a distance of 450.00 feet to a 5/8" rebar; thence S 00°15'55" W continuing on said West line of 17th Avenue a distance of 150.00 feet to the Point of Beginning, containing 12.86 Acres, more or less, 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 JANUARY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONING OF PROPERTY LOCATED AT 56TH STREET AND KEARNEY EAST EXPRESSWAY

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

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for the Charlotte Brandt Revocable Trust, by Kathryn Panas, Successor Trustee to rezone from District AG, Agricultural District to District BP/PD, Business Park/Planned Development Overlay District property described as a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 56th Street and Kearney East Expressway) and to consider Ordinance No. 8211.

Craig Bennett from Miller & Associates presented this matter to the Council. Mr. Bennett indicated that the property is located on the North side of East 56th Street, and on the West side of the Kearney East Expressway. The property is the remnant of what was once a farmstead located in the Southeast corner of the quarter section. The current

zoning of the parcel is Agricultural, and the developers are requesting a rezoning of 5.29 acres from Agricultural to BP, which has a PD overlay on top of it as well.

The final plat shows the part of Chase Avenue that would connect off of 56th Street and provide access into Lot 1 of BT Acres. There is no sanitary sewer in close proximity, as the sanitary sewer is extended Northerly on the property. Part of the agreement with BT Acres is that they would not protest future connection once sanitary sewer is available. Currently the property would have a septic system at this time until sanitary sewer becomes available in closer or adjacent proximity to the site. Mr. Bennett described the infrastructure feasibility plan.

There was no one present in opposition to this hearing.

Moved by Lammers to close the public hearing on the application submitted by Miller & Associates for the Charlotte Brandt Revocable Trust, by Kathryn Panas, Successor Trustee to rezone from District AG, Agricultural District to District BP/PD, Business Park/Planned Development Overlay District property described as a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 56th Street and Kearney East Expressway) and introduced Ordinance No. 8211 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 close the hearing and suspend the rules for Ordinance No. 8211. 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, Lammers, 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. 8211 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, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8211 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, 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. 8211 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 SBUDIVISION AGREEMENT FOR BT ACRES SUBDIVISION

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

Mayor Clouse opened the public hearing on the application submitted by Miller &

Associates for the Charlotte Brandt Revocable Trust, by Kathryn Panas, Successor Trustee for the Final Plat and Subdivision Agreement for BT Acres Subdivision, a subdivision being a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 56th Street and Kearney East Expressway).

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2018-4 approving the Application submitted by Miller & Associates for the Charlotte Brandt Revocable Trust, by Kathryn Panas, Successor Trustee for the Final Plat and Subdivision Agreement for BT Acres Subdivision, a subdivision being a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest corner of 56th Street and Kearney East Expressway). Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2018-4

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of BT Acres Subdivision, a subdivision of Buffalo County, Nebraska for a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to a Drill Hole in Concrete at the Southeast Corner of the Southeast Quarter of Section 20 and assuming the South line of said Southeast Quarter as bearing N 89°25'58" W and all bearings contained herein are relative thereto; thence N 89°25'58" W on said South line a distance of 948.20 feet to the Southwest corner of a tract of land deeded to the State of Nebraska, Department of Roads in Inst. 2013-3713, recorded in the Register of Deeds Office, Buffalo County, Nebraska; thence N 02°55'01" E on the West line of said State of Nebraska tract a distance of 54.94 feet to an aluminum cap; thence S 88°56'50" E on the North line of said State of Nebraska tract a distance of 110.44 feet to a 5/8" rebar w/cap and the ACTUAL POINT OF BEGINNING; thence N 00°34'02" E a distance of 158.08 feet to a 5/8" rebar w/cap; thence S 89°25'58" E a distance of 66.00 feet to a 5/8" rebar w/cap; thence Northeasterly on a non-tangent curve Left, having a central angle of 23°00'38", a radius of 1290.43 feet, an arc length of 518.25 feet, and a chord bearing of N 47°45'36" E, a distance of 514.78 feet to a 5/8" rebar w/cap; thence S 89°49'04" E a distance of 203.92 feet to a 5/8" rebar w/cap on the West line of said State of Nebraska tract; thence S 01°58'31" E on said West line of the State of Nebraska tract, and all courses following are on said West and North line of the State of Nebraska tract until otherwise described, a distance of 33.63 feet to an aluminum cap; thence S 00°47'24" E a distance of 247.27 feet to an aluminum cap; thence S 00° 49' 55" E a distance of 119.30 feet to an aluminum cap; thence S 09°17'28" W a distance of 67.00 feet to an aluminum cap; thence S 47°05'39" W a distance of 38.54 feet to an aluminum cap; thence S 87°38'51" W a distance of 365.45 feet to an aluminum cap; thence N 88°56'50" W a distance of 254.74 feet to the POINT OF BEGINNING, containing 5.29 acres more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as

amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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

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

PASSED AND APPROVED THIS 9TH DAY OF JANUARY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

FINAL PLAT FOR PATRIOT SECOND SUBDIVISION

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for the City of Kearney for the Final Plat for Patriot Second Subdivision, a subdivision being a tract of land being part of the Southeast Quarter of the Northwest Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Southwest Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of Airport Road and Bellanca Street).

Craig Bennett from Miller & Associates presented this matter to the Council. Mr. Bennett stated that the property consists of 20.80 acres and is on the West side of Airport Avenue and the East side of Piper Avenue. The current zoning for the property is M1. There is currently sanitary sewer along the West side and water on both the East and the West side. There is existing storm water on the property, most of which is gravity drainage in the area, located in the Northeast corner. Tonight's proposal is for the final plat of 20.80 acres known as Patriot Second Subdivision.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2018-5 approving the application submitted by Miller & Associates for the City of Kearney for the Final Plat for Patriot Second Subdivision, a subdivision being a tract of land being part of the Southeast Quarter of the Northwest Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Southwest Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Southwest corner of Airport Road and Bellanca Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2018-5

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF

KEARNEY, NEBRASKA, that the plat of Patriot Second Subdivision, a subdivision of Buffalo County, Nebraska for a tract of land being part of the Southeast Quarter of the Northwest Quarter part of the Southwest Quarter of the Northeast Quarter part of the Northeast Quarter of the Southwest Quarter and part of the Northwest Quarter of the Southeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to a Bureau of Land Management Brass Cap the Northwest corner of the Northeast Quarter of Section 28 and assuming the West line of said Northeast Quarter as bearing S 00°15'12" W and all bearings contained herein are relative thereto; thence S 00°15'12" W on said West line of the Northeast Quarter a distance of 1992.12 feet to the Southerly line of Bellanca Street, platted as Fourth Street on Proposed Industrial Subdivision, Kearney Air Field, Kearney, Nebraska and the ACTUAL POINT OF BEGINNING; thence S 82°34'00" E on said Southerly line of Bellanca Street a distance of 480.58 feet to a 5/8" rebar on the Westerly line of Airport Road; thence S 07°26'30" W on said Westerly line of Airport Road a distance of 1156.54 feet to a 5/8" rebar; thence N 82°31'50" W a distance of 783.55 feet to a 5/8" rebar on the Easterly line of Piper Avenue; thence N 07°26'43" E on said Easterly line of Piper Avenue a distance of 1156.04 feet to a 5/8" rebar w/cap on said Southerly line of Bellanca Street; thence S 82°34'00" E on said Southerly line of Bellanca Street a distance of 302.91 feet to the Point of Beginning, containing 20.80 acres, more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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

PASSED AND APPROVED THIS 9TH DAY OF JANUARY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

CODE AMENDMENT ALLOWING THE ENCROACHMENT OF ARCHITECTURAL FEATURES INTO THE PUBLIC RIGHT-OF-WAY

Mayor Clouse opened the public hearing on the proposed amendment to Section 28-103 "Special Regulations and Standards" of Chapter 28 "District CBD, Kearney Center Mixed Use District" to add language regarding encroachments into the public right-of-way and clearance requirements and to consider Ordinance No. 8212.

Assistant City Manager, Paul Briseno, presented this matter to the Council. Mr. Briseno stated the requested code amendment was brought forward by Mr. Brent Yaw to the City and City Planning Commission. The amendment is only effective within the Central Business District. Mr. Briseno stated that City Planning Commission as well as City staff recommend approval contingent upon agreement and limited in the street right-of-way. The main request is for balconies, which City code would allow within 1-foot or 2-feet, depending on how high the balconies would go. Mr. Yaw was present to answer any questions.

Council Member Nikkila asked what kind of things would City Staff be looking for in approving such a request. Mr. Briseno answered that it would depend on the request; if the request was for a balcony, structural stability would need to be established and plans reviewed, with a legal document accompanying the request, much like what took place at Tru Café a few years ago allowing Tru Café to occupy the right-of-way. Council Member Nikkila asked if there was anything other than balconies that would be included. Mr. Briseno stated that City code does allow some architectural features, such as awnings. There are some limitations within City code but code does not currently reflect balconies.

Council Member Lammers asked if the restriction was extending beyond the 4-feet. Mr. Briseno answered that no, the maximum a structure could be extended out was 4-feet at 12-feet high. Council Member Buschkoetter stated that City code requires approval subject to a license agreement, and asked what the agreement would include. Council Member Lammers stated the agreement is between the City of Kearney and the owner of the property, and would focus primarily on liability issues as the owner of the property would be assuming the liability. The licensing agreement would be part of the process if the owner decides to build balconies.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the proposed amendment to Section 28-103 "Special Regulations and Standards" of Chapter 28 "District CBD, Kearney Center Mixed Use District" to add language regarding encroachments into the public right-of-way and clearance requirements and introduced Ordinance No. 8212 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 Lammers seconded the motion to close the hearing and suspend the rules for Ordinance No. 8212. 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, Lammers, 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. 8212 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, Lammers, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 8212 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, 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. 8212 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.

CODE AMENDMENT TO CHAPTER 50

Mayor Clouse opened the public hearing on the proposed amendments to the following chapters/sections of the City Code as follows: (a) Section 50-113 "Outdoor Advertising Signs" of Chapter 50 "Sign Regulations" to amend the language of regulations pertaining to outdoor advertising signs described in sub-item E; (b) Table 50-3 "Permitted Signs by Maximum Permitted Area and District" of Chapter 50 "Sign Regulations" to amend the language of regulations pertaining to maximum permitted sign area; and (c) Table 50-4 "Permitted Signs by Numbers, Dimensions, and Locations" of Chapter 50 "Sign Regulations" to amend language pertaining to permitted sign area referencing Table 50-3 and to consider Ordinance No. 8213.

Paul Briseno, Assistant City Manager presented this matter to the Council. Mr. Briseno stated that this amendment was housekeeping and clarification of City code regarding primarily billboards. Council Member Buschkoetter asked if the amendment would really change anything other than being for clarification, and if any existing billboards would be in violation. Mr. Briseno responded no.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the proposed amendments to the following chapters/sections of the City Code as follows: (a) Section 50-113 "Outdoor Advertising Signs" of Chapter 50 "Sign Regulations" to amend the language of regulations pertaining to outdoor advertising signs described in sub-item E; (b) Table 50-3 "Permitted Signs by Maximum Permitted Area and District" of Chapter 50 "Sign Regulations" to amend the language of regulations pertaining to maximum permitted sign area; and (c) Table 50-4 "Permitted Signs by Numbers, Dimensions, and Locations" of Chapter 50 "Sign Regulations" to amend language pertaining to permitted sign area referencing Table 50-3 and introduced Ordinance No. 8213 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. 8213. 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, Lammers, 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. 8213 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8213 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance,

Ordinance No. 8213 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 15 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held December 19, 2017.

2. Approve the following Claims:

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

A-1 Refrigeration \$142.46 smcs; Alfred Benesch \$27,515.45 co; Ally B Designs \$750.00 smcs; Ask Supply \$304.56 smcs; Aurora Coop \$143.60 smcs; Baird Holm \$8,965.00 smcs; Baker & Taylor \$6,288.78 smcs; Bamford \$14,512.50 smcs; Baseballracks.com \$750.00 smcs; Bauer,K \$31.00 smcs; Baughman,J \$29.69 smcs; Beehive \$11,546.00 smcs; Bender,T \$29.00 smcs; Blessing \$229,905.26 co; BlueCross BlueShield \$239,532.80 smcs; Boopsie \$4,495.00 smcs; Bosselman \$24,260.99 smcs; Bridgett Levine Consulting \$1,666.67 smcs; Broadfoot's \$1,710.00 smcs; BSB Construction \$225,876.10 co; Buffalo Co. Register Deeds \$70.00 smcs; Buffalo Co. Sheriff \$162,694.00 smcs; Buffalo Co Treasurer \$15.00 co; Builders \$334.26 smcs; Capital Business Systems \$491.11 smcs; Cash-Wa \$362.52 smcs; Center Point Publishing \$75.96 smcs; Central NE Bobcat \$2,000.00 co; Chesterman \$85.70 smcs; Cigna \$8,920.97 smcs; Cisler,V \$7.74 smcs; City of Krny \$563,304.51 smcs,ps; Clark Enersen \$5,147.96 co; Community Health Charities \$9.00 ps; Complete Weddings \$365.00 smcs; Core & Main \$4,020.00 smcs; Cummins \$2,043.80 smcs; D & M Security \$70.50 smcs; Danko Emergency \$648.92 smcs; Dawson Public Power \$16,531.27 smcs; Dell Marketing \$1,979.96 co; Depository Trust Co. \$7,018,414.92 ds; Dultmeier \$4,255.00 co; Eakes \$2,420.83 smcs; Evers,B \$157.50 smcs; FAA-M.Monroney AeroCntr \$68,277.60 co; Fedex \$169.16 smcs; Fiddelke \$50.00 smcs; Fidelity Security Life \$760.63 smcs; First National \$65.00 smcs; Friesen Chevrolet \$1,485.00 smcs; Frontier \$71.98 smcs; Gale/Cengage Learning \$3,564.57 smcs; Gannon Travel \$1,330.00 smcs; Garrett Tires \$351.69 smcs; GD Construction \$8,940.00 co; Genealogical Publishing \$117.35 smcs; Halstead,A \$20.00 smcs; Happ,L \$100.00 smcs; HM Life Insurance \$48,438.00 smcs; Hometown Leasing \$157.20 smcs; Hort,K \$100.00 smcs; Howe,C \$102.40 smcs; Hyungseok,C \$2.25 smcs; ICMA \$9,192.63 ps; IRS \$317,822.92 ps; Jack Lederman \$2,802.96 smcs; Jahn,E \$144.00 smcs; Johnstone Supply \$113.70 smcs; Krny Area United Way \$927.60 ps; Krny Sister City \$5,125.44 smcs; Krny Winlectric \$241.43 smcs; King,B \$140.00 smcs; Knipping,D \$102.40 smcs; Kociemba,T \$134.40 smcs; Konica Minolta \$795.26 smcs; Landmark Implement \$13,150.00 co; Larue Distributing \$71.20 smcs; League of NE Municipalities \$595.00 smcs; Lincoln

Winwater \$1,391.00 smcs; Lynn,D \$20.09 smcs; Mac Tools \$15.25 smcs; Magic Cleaning \$5,850.00 smcs; Matheson \$202.00 smcs; McKelvey,M \$92.50 smcs; Medicap Pharmacy \$9,000.00 ps; Mid-NE Garage \$2,910.00 smcs; Midwest Connect \$7,237.22 smcs; Midwest Pump \$626.50 smcs; Miller & Associates \$725.70 co; Morin,A \$576.00 smcs; NE Assn Airport Officials \$250.00 smcs; NE Assn Senior Centers \$40.00 smcs; NE Aviation Council \$190.00 smcs; NE Child Support \$4,713.91 ps; NE Dept. of Revenue \$112,304.09 smcs,ps; NE Golf Association \$1,224.00 smcs; NE Public Health \$2,161.00 smcs; NE Safety \$260.00 smcs; NE Secretary of State \$30.00 smcs; NE State Fire Marshal \$240.00 smcs; NE Supreme Court \$66.70 smcs; Newman Signs \$52.80 smcs; Northwestern Energy \$8,465.16 smcs; Office Depot \$60.64 smcs; Olsson Associates \$29,308.00 co; Paramount \$180.98 smcs; Paulsen \$537,104.70 co; Payflex Systems \$569.50 smcs,ps; Penguin Random House \$168.75 smcs; Penworthy Company \$188.61 smcs; Platte Valley Comm \$166.49 smcs; Pot O' Gold \$155.00 smcs; Presto-X \$445.00 smcs; Provantage \$3,899.00 smcs; Pulliam, Ric \$40.00 smcs; Recorded Books \$675.79 smcs; Recovery Systems \$72.47 smcs; Rich,T \$50.00 smcs; Ryan,L \$5,000.00 co; Sandry Fire Supply \$349,098.74 smcs,co; Sapp Brothers \$37,681.84 smcs; School District #7 \$807.20 smcs; See Clear Cleaning \$2,050.00 smcs; Shoutbomb \$402.00 smcs; SOS Portable Toilets \$214.50 smcs; Spellman,C \$105.00 smcs; State of NE/DAS \$6,270.67 smcs; Sunbelt Rentals \$704.73 smcs; Sutphen \$115.10 smcs; Tacha,J \$50.00 smcs; Thompson Co. \$65.36 smcs; Titan Machinery \$118.25 smcs; Tye Law Firm \$13,815.48 smcs; Tyler Technologies \$108,668.00 smcs; Union Bank & Trust \$155,668.36 ps; UNL-Lied Center \$1,543.50 smcs; Verizon \$1,640.68 smcs; Village Uniform \$354.19 smcs; Volaire Aviation \$10,000.00 smcs; Waldinger Corp. \$109.00 smcs; WeisCo Properties \$8,390.43 co; Wentz,A \$44.15 smcs; Wilke Contracting Corp. \$129,944.10 co; Zabel,A \$102.40 smcs; Payroll Ending 12/23/17 -- \$442,011.38 and Payroll Ending 01/06/18 -- \$448,823.24. 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. Appointment of Bob Lammers to serve on the Kearney Visitors Bureau, the appointment of Stanley Clouse and Bruce Lear to serve on the Buffalo County Economic Development Council, and the appointment of Jonathan Nikkila, Bob Lammers and Chuck Ogle to serve on the Joint Airport Zoning Board.

4. Approve the Street/Sidewalk/Parking Lot Closure, Traffic Control and or Parking Restrictions Permit Application and Agreement with the Museum of Nebraska Art for the temporary closing of the parking lot located north of MONA from 7:00 a.m. on April 4, 2018 through April 9, 2018; temporary closing of the parking stalls along the east side of Central Avenue between 24th Street and 25th Street on April 6 and 7, 2018 beginning 4:00 p.m. until 11:00 p.m. each day in conjunction with Spirit: A Celebration of Art in the Heartland.

5. Approve the recommendation on selecting Julie Smith as the Deputy City Clerk.

6. Approve the City of Kearney Donation Policy and approve Resolution No. 2018-6.

RESOLUTION NO. 2018-6

WHEREAS, it has been determined that the City of Kearney needed a policy in place setting forth the provisions for donations proposed at City facilities, public parks, open space and trails on City property or on public easements; and

WHEREAS, the City Council have reviewed the policy and determined it to be appropriate.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the "City of Kearney Donation Policy" be and is hereby approved. A copy of the Policy, marked as Exhibit "A", is attached hereto and made a part hereof.

PASSED AND APPROVED THIS 9TH DAY OF JANUARY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2018-7 authorizing the execution and delivery of a Master Government Lease Purchase Agreement providing financing for a 2018 Elgin Eagle Street Sweeper for the Public Works Department.

RESOLUTION NO. 2018-7

WHEREAS, a resolution of the governing body of the City of Kearney, Nebraska authorizing the execution and delivery of a Master Governmental Lease-Purchase Agreement with respect to the acquisition, purchase, financing and leasing of certain equipment for the public benefit; authorizing the execution and delivery of documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and

WHEREAS, the City of Kearney (the "Lessee"), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of Nebraska is authorized by the laws of the State of Nebraska to purchase, acquire and lease personal property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the Lessee desires to purchase, acquire and lease certain equipment constituting personal property necessary for the Lessee to perform essential governmental functions; and

WHEREAS, in order to acquire such equipment, the Lessee proposes to enter into that certain Master Governmental Lease-Purchase Agreement (the "Agreement") with Wells Fargo Equipment Finance, Inc. (the "Lessor"), the form of which have been presented to the governing body of the Lessee at this meeting; and

WHEREAS, the governing body of the Lessee deems it for the benefit of the Lessee and for the efficient and effective administration thereof to enter into the Agreement for the purchase, acquisition and leasing of the equipment to be therein described on the terms and conditions therein provided.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska as follows:

Section 1. Approval of Documents. The form, terms and provisions of the Agreement is hereby approved in substantially the form presented at this meeting. With

such insertions, omissions and changes as shall be approved by the Mayor of the Lessee or other members of the governing body of the Lessee executing the same, the execution of such document being conclusive evidence of such approval; and the Mayor of the Lessee is hereby authorized and directed to execute, and the City Clerk of the Lessee is hereby authorized and directed to attest and countersign, the Agreement and any related Exhibits attached thereto and to deliver the Agreement including such Exhibits to the respective parties thereto and the City Clerk of the Lessee is hereby authorized to affix the seal of the Lessee to such documents.

Section 2. Other Actions Authorized. The officers and employees of the Lessee shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

Section 3. No General Liability. Nothing contained in this resolution, the Agreement nor any other instrument shall be constructed with respect to the Lessee as incurring a pecuniary liability or charge upon the general credit of the Lessee or against its taxing power, nor shall the breach of any agreement contained in this resolution, the Agreement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Lessee or any charge upon its general credit or against its taxing power, except to the extent that the rental payments payable under the Lease are special limited obligations of the Lessee as provided therein.

Section 4. Appointment of Authorized Lessee Representatives. The Finance Director and City Clerk of the Lessee are each hereby designated to act as authorized representatives of the Lessee for purposes of the Agreement until such time as the governing body of the Lessee shall designate any other or different authorized representative for purposes of the Agreement.

Section 5. Severability. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 6. Repealer. All bylaws, orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 7. Effective Date. This resolution shall be effective immediately upon its approval and adoption.

PASSED AND APPROVED THIS 9TH DAY OF JANUARY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Adopt Resolution 2018-8 approving the rescheduling of the December 25, 2018 City Council Meeting to December 18, 2018 due to the holiday schedule.

RESOLUTION NO. 2018-8

WHEREAS, Section 1-210 "Meetings" of Article 2 "City Council" of Chapter 1 "Administration" provides that Regular Council meetings shall be held on the second (2nd) and fourth (4th) Tuesdays in each month, at 5:30 o'clock p.m.; and

WHEREAS, the City Council recognizes the importance of establishing a schedule to enable Council to schedule their time accordingly and provide proper notification to the public of changes to the regular council meeting schedule; and

WHEREAS, the regularly scheduled meeting of December 25, 2018 conflicts with the Christmas holidays; and

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, the December 25, 2018 regular City Council meeting is rescheduled to December 18, 2018 due to the Christmas holiday.

PASSED AND APPROVED THIS 9TH DAY OF JANUARY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Approve the applications for a Special Designated License submitted by Night Life Concepts, Inc., dba Cunningham's Journal in connection with their Class CK-059311 liquor license to cater and dispense alcoholic liquor as follows:

a) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, February 3, 2018 from 4:00 p.m. until 1:00 a.m. for a monster truck event;

b) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on February 5, 6, 7, 8, 9, 2018 from 11:00 a.m. until 8:00 p.m. for a Landmark Company Training;

c) Inside the Expo Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on February 17, 19, 20, 21, 22, 23, 24, 2018 from 11:00 a.m. until 1:00 a.m. and February 18 and 25, 2018 from 11:00 a.m. to 12:00 a.m. for the Cattlemen's Classic; and

d) Inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on February 17, 19, 20, 21, 22, 23, 24, 2018 from 11:00 a.m. until 1:00 a.m. and February 18 and 25, 2018 from 11:00 a.m. to 12:00 a.m. for the Cattlemen's Classic.

10. Approve the application for a Special Designated License submitted by Catholic High School of Kearney to dispense alcoholic liquor inside the Kearney Catholic Old Gymnasium located at 110 East 35th Street on Saturday, February 24, 2018 from 6:00 p.m. until 11:00 p.m. for a trivia night event.

11. Adopt Resolution No. 2018-9 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Whispering Pines, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2018-9

WHEREAS, on the 12th day of April, 2016 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2016-64 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Custer Federal State Bank to construct paving, water, sanitary sewer, and storm sewer to serve Whispering Pines, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for paving, water, sanitary sewer and storm sewer to serve the property described as Whispering Pines, an addition to the City of Kearney, Buffalo County, Nebraska constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 9TH DAY OF JANUARY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. Approve the Plans and Specifications for the 2017 Part 3 Improvements for 11th Street beginning west of 7th Avenue to 14th Avenue and set the bid opening date for February 1, 2018 at 2:00 p.m.

13. Approve the Plans and Specifications for the 2017 Part 4 Improvements for the construction of raised left turn lane medians located at 56th Street at the intersection of 17th Avenue, 2nd Avenue at the intersection of 54th Street and to maximize the left turn lane stacking capabilities on 2nd Avenue at the 48th and 52nd Street intersections and set the bid opening date for February 6, 2018 at 2:00 p.m.

14. Adopt Resolution No. 2018-10 approving the Developer Constructed Infrastructure Agreement for BT Acres Subdivision between the City of Kearney and Charlotte Brandt Revocable Trust, by Kathryn L. Panas, Successor Trustee for the construction of paving, water main and storm sewer for BT Acres Subdivision, a subdivision being a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska.

RESOLUTION NO. 2018-10

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for BT Acres Subdivision" between the City of Kearney and Charlotte Brandt Revocable Trust, by Kathryn L. Panas, Successor Trustee, for the construction of paving, water main and storm sewer to serve BT Acres Subdivision, a subdivision being a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 9TH DAY OF JANUARY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

15. Adopt Resolution No. 2018-11 approving the Developer Constructed Infrastructure Agreement for Spruce Hollow Estates Seventh between the City of Kearney and DT Development for the construction of paving, water, sanitary sewer and storm sewer for Spruce Hollow Estates Seventh, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2018-11

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Spruce Hollow Estates Seventh" between the City of Kearney and DT Development, for the construction of paving, water, sanitary sewer and storm sewer for Spruce Hollow Estates Seventh, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 9TH DAY OF JANUARY, 2018.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

None.

VII. REPORTS

Council Member Nikkila thanked City Staff for their hard work involving snow removal over the holiday season.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 6:10 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**