

Kearney, Nebraska
April 11, 2023
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 April 11, 2023, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Peggy Eynetich, City Clerk; Council Members Randy Buschkoetter, Tami James Moore, and Jonathan Nikkila. Absent: Bruce Lear. Michael Tye, City Attorney; Brenda Jensen, Assistant City Manager; Kayla James, Director of Finance; Tony Jelinek, Director of Utilities; Kevin Thompson, Police Captain; Greg Benson, Police Sergeant; Melissa Dougherty-O'Hara, City Planner and Dan Lillis, Engineering Assistant, 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

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.

RECOGNITION/ ORAL COMMUNICATIONS

PRESENTATION OF 2023 YOUTH WEEK PROCLAMATION

Mayor Clouse read the Proclamation for Kearney Elks Lodge #984 Youth Week and presented it to the Elks members in attendance.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

FINAL PLAT AND SUBDIVISION AGREEMENT AND ANNEXATION FOR ARBOR VIEW SECOND

Mayor Clouse opened Public Hearings 1 and 2 on the applications submitted by Miller & Associates for Fox Creek Development, LLC, for the Final Plat and Subdivision Agreement and Annexation for Arbor View Second. At the request of the applicant, Miller & Associates for Fox Creek Development, LLC, Developer, this item has been requested to be further postponed to the April 25, 2023, City Council meeting.

Moved by Nikkila seconded by Moore to further postpone Public Hearings 1 and 2 pertaining to the Final Plat and Subdivision Agreement and Annexation for Arbor View Second to the April 25, 2023 City Council meeting. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

REZONE PROPERTY LOCATED EAST OF CHERRY AVENUE AND SOUTH OF EAST 11TH STREET

Mayor Clouse opened the public hearing on the application submitted by Roger Harders for West Limited, LLC, to rezone from District AG, Agricultural District to District BP, Business Park District for property described as a tract of land being part of the Northwest Quarter of the Northwest of Section 9, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Cherry Avenue and South of East 11th Street) and to consider Ordinance No. 8626.

Jeff Benson, future property owner presented this matter to the Council. Mr. Benson stated the rezoning request is for future development.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the application submitted by Roger Harders for West Limited, LLC, and introduced Ordinance No. 8626 to rezone from District AG, Agricultural District to District BP, Business Park District for property described as a tract of land being part of the Northwest Quarter of the Northwest of Section 9, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Cherry Avenue and South of East 11th 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 Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8626. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8626 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent.

Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8626 be passed, approved, and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8626 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 Clouse seconded by Nikkila that Subsections 1 through 6 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held April 11, 2023.

2. Approve the following Claims:

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

AED Authority \$2,430.00 co; Agri Coop \$168.94 smcs; All City Garage Door \$2,278.00 smcs; All Copy Products \$553.07 smcs; All Makes Auto \$2,406.07 smcs; Anatum Geo Mobile \$939.37 smcs; Archivesocial \$7,188.00 smcs; Ask Supply \$1,064.40 smcs; Astro Buildings \$19,907.20 co; Aurora Coop \$64.00 smcs; Auto Value Parts \$3,028.91 smcs; AvFuel \$189,464.46 smcs; Baker & Taylor \$2,337.20 smcs; Bamford \$200.00 smcs; Bert Gurney & Assoc. \$1,912.58 smcs; Birdies & Brews \$465.71 smcs; BlueBeam \$109.00 smcs; BlueCross BlueShield \$108,001.24 smcs; Bosselman \$24,927.32 smcs; Bossfuels \$22,202.33 smcs; Buffalo Co. Board Comm. \$18,725.02 co; Buffalo Co. Court \$268.76 ps; Buffalo Co. Sheriff \$218,420.20 co; Builders \$669.50 co; Caldwell Tanks \$319,167.36 co; Carlson, J \$43.57 smcs; Cash Wa \$904.53 smcs; Central NE Bobcat \$53,994.40 co; Chesterman \$606.50 smcs; Child's World \$1,779.90 smcs; Cintas \$259.20 smcs; City of Kearney \$601,246.83 smcs,ps; CivicPlus \$513.00 smcs; Cold Spring \$339.60 smcs; Comm. Action Partnership \$1,970.50 smcs; Comm. Health Agencies \$15.00 ps; Commonwealth Electric \$1,476.42 smcs; Core & Main \$5,471.03 smcs; Cornhusker Cleaning \$579.68 smcs; Crane Sales \$5,010.00 smcs; Cummins Sales \$128.92 smcs; Cutter & Buck \$976.00 smcs; D & M Security \$70.50 smcs; DeLaet Electric \$2,589.20 co; Depository Trust \$5,427.50 ds; Dish \$120.76 smcs; Ditch Witch \$5,700.00 smcs; Eagle Distributing \$957.35 smcs; Eakes \$3,971.16 smcs; Eastman, R \$12.35 smcs; Erpelding, G \$47.70 smcs; ESRI \$1,155.00 smcs; Flynn, B \$163.00 smcs; Frontier \$3,999.00 smcs; Full Tilt \$2,400.00 smcs; Gale \$1,560.60 smcs; Give Nebraska \$15.00 ps; Goswani, A \$40.00 smcs; Greater NE Cities \$1,000.00 smcs; Herian, J \$60.00 smcs; HM Life

Insurance \$52,188.01 smcs; Hub Int'l \$6,796.00 smcs; Independent Travel \$1,000.00 smcs; IRS \$197,290.22 ps; Jack Lederman \$162.74 smcs; John T. Jones Const. \$1,373,903.03 co; Jokela Power Equipment \$9,281.25 co; JPS Interoperability \$1,650.00 co; Kearney Animal Shelter \$14,775.66 smcs; Kearney Catholic School \$376.07 smcs; Konica Minolta \$427.12 smcs; Kreig, B \$127.50 smcs; Krejdl, L \$20.70 smcs; LCL Truck Equipment \$3,933.32 smcs; Leach, P \$171.61 smcs; Lincoln Nat'l Life \$11,267.39 smcs; Mac Tools \$66.25 smcs; Macqueen Equipment \$4,470.46 smcs; Magic Cleaning \$7,350.00 smcs; Mallory Safety \$296.00 smcs; McCartney, Erin Chpt. 13 \$157.00 ps; Meadowlark Hills Golf \$1,413.00 smcs; Meester, K \$135.00 smcs; Menards \$288.11 smcs; Midwest Connect \$12,144.24 smcs; Midwest Turf \$34,526.62 smcs; Miller & Associates \$144.29 co; Milliman \$2,100.00 smcs; Mirror Image \$370.50 smcs; Mission Square \$26,916.78 ps; Mitchell 1 \$1,077.02 smcs; Molina, F \$150.00 smcs; Moonlight Horseshoeing \$40.00 smcs; Municipal Pipe Services \$214.00 smcs; Municipal Supply \$41,567.85 smcs; Myers, J \$200.00 smcs; NE Child Support \$1,986.51 ps; NE Dept of Revenue \$99,402.67 ps; NE Public Health \$2,618.00 smcs; NE Safety & Fire \$540.00 smcs; NELTC \$10.00 smcs; Northwestern Energy \$26,578.95 smcs; Oak Creek Engineering \$10,123.82 smcs,co; OMNI Engineering \$6,734.83 smcs; One Call Concepts \$465.04 smcs; Overheard Door \$546.00 smcs; Paul Zimmerman Found. \$3,565.00 co; Pep Co. \$367.50 smcs; Perkins, C \$17.56 smcs; Presto-X \$144.18 smcs; Rasmussen Mechanical \$39,851.00 smcs,co; Recon Power Bikes \$10,074.00 co; Rheome Tree \$5,400.00 smcs; Rivershore Reading \$468.00 smcs; RMV Construction \$208,199.75 co; Sapp Brothers \$25,729.54 smcs; School District #7 \$4,742.50 smcs; Sherwin Williams \$10,875.00 smcs; Sign Solutions \$551.23 smcs; Small, J \$245.00 smcs; SOS Portable Toilets \$179.00 smcs; Spracklen Built \$11,652.00 co; Springer Roofing \$750.00 co; Staab, J \$288.00 smcs; State of NE/DAS \$8.82 smcs; Stutsman \$3,843.00 smcs; Teneyck, A \$22.85 smcs; Thompson, J \$25.05 smcs; Traveler's \$111.00 smcs; Tri County Glass \$131.25 co; Turner, J \$110.00 smcs; Twin City Hardware \$260.65 smcs; Twin Valley Automotive \$338.26 smcs; Tye & Rowling \$15,474.41 smcs; Union Bank & Trust \$106,593.04 ps; United Way \$141.00 ps; Van Diest \$43,914.29 smcs; Vanco \$91.44 smcs; Village Cleaners \$210.30 smcs; Volaire Aviation \$2,000.00 smcs; Waggoner Plumbing \$2,572.70 smcs; Warrington, D \$163.00 smcs; Weller, B \$297.00 smcs; Whitacre, B \$250.00 smcs; Wilkins Architecture \$3,653.60 co; Wulf, K \$120.00 smcs; Payroll Ending 03/25/2023 -- \$614,778.12. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Adopt Resolution No. 2023-55 approving Change Order No. 8 showing an increase in the amount of \$611.00 and Change Order No. 9 showing an increase in the amount of \$802.00 submitted by RMV Construction and approved by Wilkins ADP for the Yanney Heritage Park Pavilion and Parking Lot.

RESOLUTION NO. 2023-55

WHEREAS RMV Construction, LLC of Kearney, Nebraska has performed services in connection with Yanney Heritage Park Pavilion and Parking Lot, and the City's architect, Wilkins ADP, has filed with the City Clerk Change Order No. 8 showing an increase in the amount of \$611.00 as shown on Exhibit "A" attached hereto and Change

Order No. 9 showing an increase in the amount of \$802.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ <u>3,653,600.00</u>
Change Order No. 1 (7-26-2022)	+ 23,433.00
Change Order No. 2 (9-13-2022)	+ 17,883.00
Change Order No. 3 (10-11-2022)	+ 395.00
Change Order No. 4 (01-10-2023)	- 7,195.00
Change Order No. 5 (01-10-2023)	+ 3,947.00
Change Order No. 6 (01-10-2023)	+ 9,676.00
Change Order No. 7 (03-14-2023)	+ 1,348.00
Change Order No. 8 (04-11-2023)	+ 611.00
Change Order No. 9 (04-11-2023)	<u>+ 802.00</u>
Contract Sum to Date	\$3,704,500.00

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

PASSED AND APPROVED THIS 11TH DAY OF APRIL, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

4. Accept the proposal from Elliot Sanitation Equipment Co. for the purchase of a Front Load Refuse Compactor Truck to be used in the Sanitation Division of the Utilities Department in the amount of \$306,226.52.
5. Approve the purchase of a Kenworth T880 Chassis and TRUVAC Hydro-Excavation body in the amount of \$597,430.56 submitted by MacQueen Equipment under the Sourcewell Cooperative Purchasing program to be used by the Utilities Department.
6. Adopt Resolution No. 2023-56 approving the Agency Agreement between the City of Kearney and Nebraska Department of Transportation (NDOT), Aeronautics Division for Project No. 3-31-0045-038-2023 allowing the NDOT, Aeronautics Division to act as the City's agent for the project.

RESOLUTION NO. 2023-56

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGENCY AGREEMENT WITH NEBRASKA DEPARTMENT OF TRANSPORTATION, AERONAUTICS DIVISION FOR PROJECT NO. 3-31-0045-038-2023 TO BE SUBMITTED BY THE DEPARTMENT TO THE FEDERAL AVIATION ADMINISTRATION TO OBTAIN FEDERAL ASSISTANCE FOR THE DEVELOPMENT OF THE AIRPORT.

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that:
1. The City of Kearney shall enter into an Agency Agreement with the Department of Transportation, Aeronautics Division for Project No. 3-31-0045-038-2023 for the purpose

of obtaining federal assistance in the development of the Airport and that such agreement shall be set forth hereinbelow.

2. The Mayor of the City of Kearney is hereby authorized and directed to execute said Agency Agreement on behalf of the City of Kearney and the City Clerk is hereby authorized to attest said execution.

3. The said Agreement, referred to hereinabove, is inserted in full and attached herewith, and made a part hereof as Exhibit "A".

PASSED AND APPROVED THIS 11TH DAY OF APRIL, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIMS

Moved by Nikkila seconded by Moore that the Open Account Claims in the amount of \$7,078.94 payable to Nebraska Public Power District and \$192.80 to Stanley Clouse be allowed. Roll call resulted as follows: Aye: Moore, Buschkoetter, Nikkila. Nay: None. Clouse abstained. Lear absent. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:39 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

ATTEST:

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

PEGGY EYNETICH
CITY CLERK