

Kearney, Nebraska
May 23, 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 May 23, 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, Bruce Lear, Tami James Moore, and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Brenda Jensen, Assistant City Manager; Kayla James, Director of Finance; Amber Miller, Development Services Director; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works; Mike Young, Police Captain of Operations; Melissa Dougherty-O'Hara, City Planner, and Taylor Jaeger, Assistant Director of Finance, were also present. Members of the media present included: Mike Konz, Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

DEVELOPMENT OF SORENSEN PARK FIFTH ADDITION

Mayor Clouse opened the public hearing on the applications submitted by Buffalo Surveying Corp. for CFT NV Developments, LLC for (1) the vacation of Lot 1, Sorensen Park Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with the aforescribed lot being part of the Southeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8634; and (2) the Final Plat for Sorensen Park Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with said tract of land being Lot 1, Sorensen Park Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with said Lot 1, Sorensen Park Second Addition, now vacated (4910 and 4920 3rd Avenue) and consider Resolution No. 2023-76.

Mitch Humphrey, Buffalo Surveying Corp. presented this matter to the Council. Mr. Humphrey described the location and noted the lot proposed to be vacated would be replatted into two (2) lots as shown on the proposed plat of Sorensen Park Fifth Addition.

Council member Jonathan Nikkila questioned if the proposed Final Plat would affect the minimum parking requirements? Brenda Jensen, Assistant City Manager stated Planning Commission reviewed each lot to ensure there would still be adequate parking for both lots.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Applications submitted by Buffalo Surveying Corp. for CFT NV Developments, LLC and introduced Ordinance No. 8634 vacating Lot 1, Sorensen Park Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with the aforescribed lot being part of the Southeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., 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 Moore seconded the motion to close the hearing and suspend the rules for Ordinance No. 8634. 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. 8634 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 Moore seconded by Lear that Ordinance No. 8634 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. 8634 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 Buschkoetter seconded by Clouse to adopt Resolution No. 2023-76 approving the Final Plat for Sorensen Park Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with said tract of land being Lot 1, Sorensen Park Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with said Lot 1, Sorensen Park Second Addition, now vacated (4910 and 4920 3rd Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2023-76

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Sorensen Park Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with said tract of land being Lot 1, Sorensen Park Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with said Lot 1, Sorensen Park Second Addition, now vacated, more particularly described as follows: Referring to the Southeast Corner of the Northeast Quarter of Section 26 and assuming the South line of the Northeast Quarter of Section 26 as bearing S 89°49'24" W and all bearings contained herein are relative thereto; thence on the South line of said Northeast Quarter a distance of 50.0 feet to a point on the West right-of-way line of 2nd Avenue (formerly known as Nebraska State Highway No. 10) 2nd Avenue; thence NORTH on the aforesaid West right-of-way line a distance of 66.02 feet to the Southeast Corner of Lot 1, Block Two, Sorensen Park Subdivision, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°49'24" W and on the South line of Lot 1, Block Two and Lot 1, Block One of said Sorensen Park Subdivision a distance of 825.0 feet to the Southwest Corner of said Lot 1, Block One, Sorensen Park Subdivision; thence NORTH on the West line of said Lot 1, Block One, Sorensen Park Subdivision a distance of 498.0 feet to the ACTUAL PLACE OF BEGINNING, said point being the Northwest Corner of said Lot 1, Block One, Sorensen Park Subdivision, such point also being the Southwest Corner of vacated Lot 1, Sorensen Park Second Addition; thence continuing NORTH on the West line of vacated Lot 1, Sorensen Park Second Addition a distance of 200.0 feet to the Southwest Corner of Lot 1, Block Two, Sorensen Park Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, such point also being the Northwest Corner of said vacated Lot 1, Sorensen Park Second Addition; thence N 89°49'24" E on the line common with the South line of said Lot 1, Block Two, Sorensen Park Fourth Addition and the North line of vacated Lot 1, Sorensen Park Second Addition a distance of 612.65 feet to a point on a non-tangent 150.0 foot radius curve, concave northeasterly, said point also being the Southeast Corner of said Lot 1, Block Two, Sorensen Park Fourth Addition, and such point also being the Northeast Corner of said

vacated Lot 1, Sorensen Park Second Addition; thence southeasterly on the aforesaid 150.0 foot radius non-tangent curve, concave northeasterly, forming a central angle of 41°09'13" an arc distance of 107.74 feet to a point of non-tangency, said point being S 51°18'56" E a chord distance of 105.44 feet from the previously describe point, said point being on the East line of said vacated Lot 1, Sorensen Park Second Addition; thence SOUTH, leaving said non-tangent curve and on the East line of said vacated Lot 1, Sorensen Park Second Addition a distance of 108.92 feet to a point of curvature, said point being the Northeast Corner of said Lot 1, Block One, Sorensen Park Subdivision; thence on the line common with the North line of said Lot 1, Block One, Sorensen Park Subdivision and the South line of vacated Lot 1, Sorensen Park Second Addition, and on a 25.0 foot radius curve to the right forming a central angle of 89°49'24" an arc distance of 39.19 feet to a point of tangency; thence tangent S 89°49'24" W and continuing on the line common with the North line of said Lot 1, Block One, Sorensen Park Subdivision and the South line of vacated Lot 1, Sorensen Park Second Addition a distance of 670.03 feet to the place of beginning. Containing 3.11 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 inhabits 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 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 23RD DAY OF MAY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

PROPOSED ACQUISITION FOR A 10.00-FOOT ACCESS AND UTILITY EASEMENT GRANTED BY ARCHVIEW L.L.C., A NEBRASKA LIMITED LIABILITY COMPANY

Mayor Clouse opened the public hearing on the proposed acquisition for a 10.00-foot Access and Utility Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager for a tract of land being part of Government Lot 6 and accretions thereto, and part of Government Lot 7, Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Access and Utility Easement purposes.

Tony Jelinek, Director of Utilities presented this matter to the Council. Mr. Jelinek stated the proposed Access and Utility Easement would serve for future development of the Waste Water Treatment Plant.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2023-77 approving the proposed acquisition for a 10.00-foot Access and Utility Easement

granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager for a tract of land being part of Government Lot 6 and accretions thereto, and part of Government Lot 7, Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Access and Utility Easement purposes. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2023-77

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 10.00-foot wide Access and Utility Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager, have granted to the City of Kearney, Nebraska a 10.00-foot wide Access and Utility Easement as follows:

ACCESS AND UTILITY EASEMENT

A tract of land being part of Government Lot 6 and accretions thereto, and part of Government Lot 7, Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at the Northeast corner of Government Lot 7 in Section 8; thence S 00°14'30" W on the East line of said Government Lot 7, and all bearings contained herein are relative thereto, a distance of 849.57 feet to the Easterly extension of the North line of a tract of land owned by the City of Kearney, Buffalo County, Nebraska; thence S 82°56'19" W on said Easterly extension and on said North line a distance of 539.92 feet to the West right-of-way line of Nebraska State Highway No. 10; thence N 00°18'41" W on said West right-of-way line a distance of 20.13 feet to the North line of an existing 20.00 feet wide easement and the POINT OF BEGINNING; thence continuing N 00°18'41" W on said West right-of-way line a distance of 10.07 feet; thence S 82°56'19" W parallel to and 30.00 feet North, as measured at right angles to the North line of said tract owned by the City of Kearney a distance of 1337.35 feet; thence S 82°56'45" W continuing parallel to and 30.00 feet north of said North line of the city tract a distance of 452.02 feet to the Northerly extension of the West line of said city tract; thence S 00°13'29" W on said Northerly extension a distance of 10.08 feet to said North line of an existing 20.00 feet wide easement; thence N 82°56'45" E on said North line of existing easement a distance of 452.01 feet; thence N 82°56'19" E continuing on said North line of existing easement a distance of 1337.44 feet to the Point of Beginning. Containing 0.41 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 10.00-foot wide Access and Utility Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager, 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 23RD DAY OF MAY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Clouse seconded by Nikkila that Subsections 1 through 15 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held May 9, 2023.

2. Approve the following Claims:

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

1000bulbs.com \$145.48 smcs; 24hourwristbands.com \$166.20 smcs; 4Imprint \$1,767.15 smcs; Ace Irrigation \$11,052.14 smcs; Acushnet \$3,624.59 smcs; Adobe \$309.66 smcs; Advance Auto Parts \$128.39 smcs; Adventure Enterprises \$4,630.00 smcs; Agri Coop \$3,213.08 smcs; Alertshirt \$1,357.31 smcs; Alfred Benesch \$61,278.66 co; All City Garage \$700.00 smcs; All Copy \$499.09 smcs; All Makes Auto \$3,170.22 smcs; All Star Tennis \$603.64 smcs; All Temp Refrigeration \$653.20 smcs; Allen, E \$32.57 smcs; Ally B Designs \$75.00 smcs; Amazon \$21,432.33 smcs,co; America Library Assn. \$47.40 smcs; American \$374.51 smcs; American Button \$152.23 smcs; American Flagpole \$48.45 smcs; American Instants \$105.24 smcs; American Red Cross \$1,044.00 smcs; Anatum Geomobile \$9,560.37 co; Andersen Wrecking \$75.00 smcs; Apple Market \$30.00 smcs; Apple.com \$2.97 smcs; Aramark Uniform \$621.44 smcs; Archway \$57.72 smcs; Arnold Motor \$2,079.75 smcs; Arrow Seed \$1,677.90 smcs,co; Ask Supply \$3,282.26 smcs; ASP \$346.80 smcs; ATT \$1,121.12 smcs; Aurora Coop \$567.20 smcs; Aussie Hydraulics \$409.51 smcs; Authorize.net \$30.00 smcs; AvFuel \$101,925.06 smcs; B&H Photo \$4,528.79 smcs,co; B2B Prime \$79.00 smcs; Baker & Taylor \$6,439.07 smcs; Bamford \$250.00 smcs; Barth, D \$366.00 smcs; Beacon Athletics \$3,937.00 smcs,co; Becker, F \$4.25 smcs; Beehive Industries \$6,396.00 smcs; Bert Gurney \$2,303.00 smcs; Bird, N \$32.47 smcs; Bishs RV \$58.95 smcs; Black Diamond \$30.00 smcs; Blackstone Library \$1,196.03 smcs; Blessing \$52,928.53 co; Blinds.com \$612.45 smcs; Blue Ridge Diesel \$72.25 smcs; BlueCross BlueShield \$230,116.36 smcs; Bomgaars \$1,539.63 smcs; Boogaarts \$45.00 smcs; Bosselman \$9,769.33 smcs; Bossfuels \$43,367.56 smcs; Brand Mgmt. Group \$832.90 smcs; Brandt, L \$120.00 smcs; Broadfoots \$2,159.53 smcs; Brown's Shoe Fit \$100.00 smcs; Bubble Factory \$15.78 smcs; Buffalo Co. Court \$268.76

ps; Buffalo Co. Mutual Aid \$50.00 smcs; Buffalo Co. Sheriff \$401.00 smcs; Buffalo Co. Treasurer \$17.94 smcs; Buffalo Outdoor Power \$1,211.96 smcs; Builders \$20.47 smcs; Burke, N \$22.28 smcs; Butts, M \$33.57 smcs; BuyNebraska.com \$125.15 smcs; Cal/Amp \$781.55 smcs; Calendly \$144.00 smcs; Canva \$119.40 smcs; Carolina Biologic \$79.34 smcs; Carquest \$330.50 smcs; Casey's \$211.50 smcs; Cash Wa \$5,258.05 smcs; CDW \$164.45 smcs; Central Hydraulic \$58.29 smcs; Central NE Bobcat \$8,862.81 smcs,co; Central NE Golf Assn. \$120.00 smcs; Central NE Rehab \$250.00 ps; Central NE Sod Supply \$1,440.00 co; Central States Wire \$7,034.44 smcs; Cheaper than Dirt \$149.87 smcs; Chemsearch \$347.00 smcs; Chesterman \$4,217.25 smcs; Choice Paint \$112.46 smcs; City of KY \$11,406.21 smcs,ps; City Plumbing \$240.31 smcs; CNA Surety \$40.00 smcs; Cold Spring \$354.90 smcs; Comm Act Part Mid NE \$2,561.00 smcs; Concrete Industries \$420.00 co; Constant Contact \$125.00 smcs; Construction Rental \$3,641.32 smcs,co; Copycat \$2,875.20 smcs; Country Partners \$49,109.55 smcs; CourtReserve \$141.30 smcs; Courtyard \$446.09 smcs; Crane River Theater \$400.00 smcs; Crowne Plaza \$7,435.29 smcs; Culligan \$130.50 smcs; Cummins \$4,114.86 smcs; Curly's Radiator \$22.00 smcs; Cutter & Buck \$1,128.21 smcs; Dahl, R \$28.54 smcs; Dairy Queen \$40.00 smcs; Danko Emergency \$899.32 smcs; Dan's Plumbing \$715.95 smcs; Dashlane \$41.48 smcs; Davis, C \$7.75 smcs; Dawson Public Power \$26,448.05 smcs; Daylight Donuts \$17.64 smcs; Decker Storage \$1,449.99 smcs; Dell \$4,213.54 smcs,co; Depository Trust Co. \$1,281,206.14 ds; Design Print Banner \$8.28 smcs; Detectachem \$321.51 smcs; Deterdings \$160.00 smcs; Digicert \$1,154.00 smcs; Dish \$140.10 smcs; Ditch Witch \$2,253.86 smcs; Divas KY Floral \$74.90 smcs; Do My Own \$105.53 smcs; Dolan Consulting \$95.00 smcs; Dollar \$456.50 smcs; Dollar Tree \$5.35 smcs; Dot Cards \$40.00 smcs; Dowhy Towing \$100.00 smcs; DPC Industries \$25,804.69 smcs; Dropbox \$89.91 smcs; Drudik, K \$31.16 smcs; DTS Technology \$96.27 smcs; Dunkin Donuts \$55.96 smcs; Dutton-Lainson \$1,914.00 smcs; Eagle Distributing \$2,279.26 smcs; Eakes \$2,093.52 smcs; Earl May \$16.74 smcs; EB 2023 Nebraska \$150.00 smcs; Ebay \$151.64 smcs; Echo Electric \$96.56 smcs; Ecolab \$126.21 smcs; Ed Broadfoot's & Sons \$697.00 smcs; Eldt.com \$50.00 smcs; Elf Enterprises \$727.00 co; Elliott Equipment \$11,608.02 smcs; Emblem Authority \$1,380.75 smcs; Enterprise \$495.54 smcs,co; ESRI \$3,850.00 smcs; Etrailer \$94.81 smcs; Etsy \$21.39 smcs; Exit 210 Saloon \$1,082.88 smcs; EZ Turf \$1,044.75 smcs,co; Facebook \$192.22 smcs; Fairfield Inn \$861.95 smcs; Family Fresh \$83.67 smcs; Family Practice \$91.00 ps; Fastenal \$1,842.89 smcs; Fiddelke \$1,250.00 smcs; Flaherty, T \$96.00 smcs; Flores, M \$37.51 smcs; Friesen Chevrolet \$146.65 smcs; Frontier \$3,368.49 smcs; Fun Express \$156.48 smcs; Gale \$7,800.80 smcs; Galls \$97.20 smcs,ps; GameTime \$246.75 co; Gammon Technical \$122.68 smcs; Garrett Tires \$7,630.30 smcs; Gear for Sports \$2,982.90 smcs; Glandt, P \$21.61 smcs; Glass Doctor \$358.27 smcs; Glendale Parade \$335.25 smcs; Good Evans \$23.76 smcs; Goodwin Tucker \$1,213.66 smcs; GPM Pump and Truck \$113.04 smcs; Graham Tire \$1,431.88 smcs; Grainger \$1,389.06 smcs; Great Plains Comm. \$929.93 smcs; Green House Mega Store \$17.32 smcs; Greenpartstore.com \$95.06 smcs; Grey House Publishing \$420.75 smcs; Hach Company \$710.46 smcs; Hampton Inn \$305.76 smcs; Harbor Freight \$53.49 smcs; Harley Davidson \$37.53 smcs; Heartland Clerks Assn. \$10.00 smcs; Hireright \$57.00 smcs; Hobby Lobby \$441.74 smcs; Holiday Inn \$879.12 smcs; Holmes Plumbing \$1,797.52 smcs,co; Home Depot \$457.25 smcs; Hose Warehouse \$521.84 smcs; HTS Ag \$2,267.03 smcs; Hub International \$6,796.00 smcs; Hyatt Place \$675.35 smcs; Hy-Vee \$805.93 smcs; I Robot \$74.88 smcs; IAAI \$100.00 smcs; IACP \$190.00 smcs; Impact Plastics \$1,609.04 smcs; Integrated Security \$4,640.00 smcs; Interstate Battery \$533.90 smcs; Int'l Code Council \$196.00 smcs; Int'l Municipal \$510.00 smcs;

Invoicehome.com \$5.00 smcs; IRS \$204,231.68 ps; Jack Lederman \$2,627.92 smcs; Jack's Uniforms \$2,278.64 smcs; Jackson Services \$470.45 smcs; Jiffy Lube \$55.98 smcs; Jimmy Johns \$193.36 smcs; Joann Stores \$187.03 smcs; Johnstone Supply \$846.25 smcs; Kaw Valley Greenhouses \$634.89 smcs; KY Ace \$418.12 smcs; KY Animal Shelter \$14,775.66 smcs; KY Catholic \$300.72 smcs; KY Chamber Comm. \$365.00 smcs; KY Concrete \$11,650.86 smcs,co; KY Crete & Block \$4,499.93 smcs,co; KY Cultural Partners \$227.27 smcs; KY Hub \$4,381.57 smcs; KY Quality Sew \$27.97 smcs; KY Towing \$830.00 smcs; KY Vol. Fire Dept \$568.90 smcs; KY Winlectric \$14,965.95 smcs,co; KY Winnelson \$434.42 smcs; Kelly Supply \$2,715.51 smcs; Kerner, T \$11.18 smcs; King, H \$59.98 smcs; Klauenberg, T \$405.00 smcs; Kolb, C \$12.93 smcs; Konica Minolta \$693.84 smcs; Kraft Tool \$805.39 co; Kully Supply \$583.40 smcs; Kum & Go \$34.01 smcs; Kummer, K \$15.52 smcs; Landmark Implement \$3,704.99 smcs; LCL Truck Equipment \$413.00 smcs; Lego \$282.34 smcs; Leopold Painting \$2,000.00 smcs; Lifeguard Store \$219.75 smcs; Litographs.com \$115.53 smcs; LMC Truck \$134.67 smcs; Lockmobile \$6.76 smcs; Lockworld \$31.98 smcs; Logan Contractors \$5,467.80 co; Luke, D \$133.00 smcs; Macqueen Equipment \$1,669.55 smcs; Magic Cleaning \$400.00 smcs; Marlatt Precision \$259.17 smcs; Marriott \$129.98 smcs; Master True Value \$776.89 smcs,co; Matheson \$330.56 smcs; McCartney, Erin Chpt. 13 \$157.00 ps; Mead Lumber \$278.28 co; Meca Parking \$10.00 smcs; Memberdeals.com \$580.38 smcs; Menards \$9,046.95 smcs,co; Michaels \$136.84 smcs; Microsoft Store \$3,761.02 smcs; Mid American Signal \$26,726.00 smcs; Mid-NE Garage Doors \$2,650.00 smcs; Midwest Connect \$715.60 smcs; Midwest Turf \$451.94 smcs; Miller & Associates \$2,135.15 smcs; Miller Painting \$9,450.00 co; Miller Signs \$162.00 smcs; Mirror Image \$652.78 smcs; Mission Square \$36,014.80 ps; MOCIC \$250.00 smcs; Moonlight Embroidery \$1,015.20 smcs; Moore & O'Conner Const \$83.74 smcs; Most Dependable \$279.78 smcs; Municipal Emergency \$59.40 ps; Municipal Pipe \$6,000.56 smcs; Municipal Supply \$55,662.97 smcs; Murphy Tractor \$1,249.47 smcs; My Senior Center \$240.00 smcs; NAP Industrial \$89.45 smcs; National Registry EMT \$18.00 smcs; Nature's Educators \$200.00 smcs; NE Child Support \$1,986.51 ps; NE Co Attorney \$150.00 smcs; NE Generator Service \$2,109.55 smcs; NE Golf Assn. \$2,488.00 smcs; NE Library Assn. \$60.00 smcs; NE Machinery \$380.67 smcs; NE Muni. Clerks' Assn. \$50.00 smcs; NE Municipal Utilities \$120.00 smcs; NE Peterbilt \$1,825.04 smcs; NE Safety & Fire \$1,409.00 smcs; NE Truck Center \$427.12 smcs; Nebraskland Distributors \$2,403.39 smcs; Nelson, M \$250.00 smcs; Network Solutions \$18.97 smcs; Neujahr, B \$4.02 smcs; NI NDA \$270.00 smcs; NI SFM \$120.00 smcs; Norfolk Lodge \$226.26 smcs; Northern Safety \$106.56 smcs; Northwestern Energy \$7,073.86 smcs; NSF Ticket Office \$1,242.00 smcs; NSVFA \$600.00 smcs; OCLC \$816.57 smcs; Oestreich, A \$33.68 smcs; Officemax \$1,274.23 smcs; Oldham Co. KT Tourism \$1,007.00 smcs; Olivia's Salon \$20,000.00 co; Omaha Airport \$36.00 smcs; Omnify \$479.50 smcs; One Call Concepts \$811.60 smcs; O'Neill, J \$410.77 smcs; Onform \$299.00 smcs; Optics Planet \$1,297.58 smcs; O'Reilly Auto \$1,723.19 smcs; Overhead Door \$636.00 smcs; Pacific Bow Butts \$2,665.00 co; Panera Bread \$308.40 smcs; Penner, A \$21.61 smcs; Penworthy \$739.89 smcs; Pep Co. \$354.21 smcs; Pepperball \$549.00 smcs; Perkins \$45.00 smcs; PetSmart \$359.96 smcs; PFE 2023 Police Fleet \$484.24 smcs; Phillips 66 \$66.93 smcs; Pilot \$35.07 smcs; Ping \$1,028.55 smcs; Pitney Bowes \$647.79 smcs; Pizza Ranch \$873.30 smcs; Platinum Awards \$86.10 co; Platinum Awards \$180.65 smcs,ps; Platte Valley Auto \$1,596.77 smcs; Platte Valley Comm \$1,063.08 smcs,co; Platte Valley Laboratories \$665.00 smcs; Positive Promotions \$432.53 smcs; Prairie Legal \$452.73 smcs; Presto-X \$459.83 smcs; Proactive Sports \$684.00 smcs; Pump & Pantry \$45.00 smcs; QT \$44.50 smcs; Quill

\$1,576.13 smcs; Quinn, J \$1,075.00 smcs; Randall, T \$15.62 smcs; Rasmussen Mechanical \$16,069.06 smcs; Ray O Herron Co. \$182.97 smcs; RDG Planning \$25,578.00 co; Ready Mixed Concrete \$5,789.80 co; Reams Supply \$8,876.53 smcs; Recreaonics \$59.30 smcs; Recreation Supply \$420.08 smcs; Redbox \$3.48 smcs; Redman's Shoes \$1,129.95 smcs,co; Rentokil \$280.53 smcs; Republic National \$1,106.48 smcs; Resource Mgmt. \$3,171.00 smcs; Rheome Tree \$7,010.00 smcs; RMV Construction \$99,700.50 co; Romwod.com \$139.95 ps; Runza \$60.00 smcs; S&S Worldwide \$524.95 smcs; Safegate Americas \$83.73 smcs; Sahling Kenworth \$814.93 smcs; Salem Press \$369.72 smcs; Sam's Club \$738.41 smcs; Sandhill Plastics \$332.80 smcs; Sandry Fire \$1,655.78 smcs; Sapp Brothers \$3,815.80 smcs; Saylor Screenprint \$220.00 smcs; Scorr Marketing \$3,093.75 smcs; See Clear Cleaning \$2,295.00 smcs; Seiler Instrument \$9,842.70 co; Select Sprayers \$34.50 smcs; Sensit Technologies \$166.86 smcs; Shell Oil \$31.95 smcs; Sherwin Williams \$975.18 smcs; Shoptoro \$19.09 smcs; Shredding Solutions \$120.88 smcs; Sign Center \$9,417.24 smcs,co; SLA Corp. \$178.23 smcs; Small, J \$159.00 smcs; Smartsign \$29.48 smcs; Snap On Tools \$6,225.00 co; Sorensen Group \$2,384.00 smcs; Southern Glaziers \$2,311.66 smcs; Spectrum \$764.03 smcs; Sprinkler Warehouse \$1,744.78 smcs; Starling, M \$20.73 smcs; Steelman Industries \$686.75 co; Steinbrink Landscaping \$290.00 smcs; Stover, J \$42.59 smcs; Stupka, J \$21.48 smcs; Stutsman \$2,196.00 smcs; Subway \$19.65 smcs; Suhr, M \$39.02 smcs; Sunbelt Rentals \$1,723.16 smcs; Sunset Law Enforcement \$679.23 smcs; Supplyhouse.com \$3,837.40 smcs; Tacticalgear.com \$744.32 smcs; Target \$285.96 smcs; Thompson, K \$159.00 smcs; Total Backflow \$150.00 smcs; Totally Promotional \$287.50 smcs; Tractor-Supply \$1,404.32 smcs; Transunion \$111.60 smcs; Tritech Forensics \$599.00 smcs; Twin City Hardware \$244.19 smcs; Twitter \$84.00 smcs; Underground Const. \$1,884.70 smcs; Union Bank & Trust \$105,683.96 ps; Unique Mgmt. Services \$81.55 smcs; United \$595.60 smcs; UPS \$139.80 smcs; USPS \$235.52 smcs; Van Wall Equipment \$2,138.70 smcs; Verizon \$74.89 smcs; Viator Trip Advisor \$88.00 smcs; Village Services \$255.54 smcs; VVS \$87.64 smcs; Walgreens \$58.21 smcs; Walmart \$3,370.86 smcs; When To Work \$326.00 smcs; Wilcac Life Ins. \$10.00 ps; Wilkins Architecture \$4,193.60 co; Wilson Sporting Goods \$731.80 smcs; Winberg, B \$192.08 smcs; Wolfe Comm. \$86.25 smcs; Wolford, G \$315.51 smcs; Youtube \$302.99 smcs; Zoro Tools \$33.00 smcs; Payroll Ending 05/06/2023 -- \$628,990.04. 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. Receive recommendations of Planning Commission and set June 13, 2023 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Approve Amendment No. 003 of the Standard Form of Agreement for the Community Tennis Facility with RDG Planning & Design in the amount of \$25,578.00 and adopt Resolution No. 2023-78.

RESOLUTION NO. 2023-78

WHEREAS, on June 11, 2020, City Council adopted Resolution No. 2019-95 accepting the Proposals received for the Community Tennis Facility, awarding the Proposal submitted by RDG Planning & Design to serve as the Architect/Project Manager

for the design and construction observation of the Community Tennis Facility Project and approving the Standard Form of Agreement with RDG Planning & Design; and

WHEREAS, on August 25, 2020, RDG Planning & Design submitted Amendment No. 001 which provided design services for the administrative office addition for \$185,000.00, and Amendment No. 002 provided design services for an early grading package for \$25,000; and

WHEREAS, RDG Planning & Design has submitted Amendment No. 003 that provides for additional meetings, reviews, and visits by the design team for several items incomplete including those listed on punch and closeout lists along with those identified in the Substantial Completion letter among others.

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 hereby authorized and directed to execute Amendment No. 003 between RDG Planning & Design and the City of Kearney. Amendment No. 003, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

5. Adopt Resolution No. 2023-79 approving Application and Certificate for Payment No. 10 – Final in the amount of \$99,700.50 and accept the Certificate of Substantial Completion submitted by RMV Construction, LLC and approved by Wilkins ADP for the Harmon Park Sonatorium Restoration project.

RESOLUTION NO. 2023-79

WHEREAS RMV Construction, LLC of Kearney, Nebraska has performed services in connection with Harmon Park Sonatorium Restoration, and the City's architect, Wilkins ADP, have filed with the City Clerk Application and Certificate for Payment No. 10 – Final in the amount of \$99,700.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 1,301,400.00</u>
Change Order No. 1 (12-21-2021)	- 97,325.00
Change Order No. 2 (07-26-2022)	+ 3,566.00
Change Order No. 3 (09-13-2022)	+ 12,401.00
Change Order No. 4 (10-11-2022)	+ 13,796.00
Change Order No. 5 (10-11-2022)	+ 5,197.00
Change Order No. 6 (01-10-2023)	+ 62,522.00
Change Order No. 7 (01-10-2023)	+ 6,435.00
Change Order No. 8 (01-10-2023)	+ 12,722.00
Change Order No. 9 (01-10-2023)	+ 4,392.00
Change Order No. 10 (05-09-2023)	<u>+ 6,351.00</u>
Contract Sum To Date	\$1,331,457.00
Retainage (0%)	0.00
Less Previous Certificates for Payment	<u>1,231,756.50</u>
Current Payment Due	\$ 99,700.50

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of April 19, 2023, as shown by Exhibit "B" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 10 – Final, as shown on Exhibit "A" and the Certificate of Substantial Completion as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

6. Adopt Resolution No. 2023-80 approving the updated Agreement between the City of Kearney and Suburban Fire Protection District No. 1 of Buffalo and Kearney Counties.

RESOLUTION NO. 2023-80

WHEREAS, for many years the City of Kearney and Suburban Fire Protection District No. 1 of Buffalo and Kearney Counties have joined in a contractual arrangement to aid and cooperate with each other for mutual fire protection and prevention purposes; and

WHEREAS, the Board of Suburban Fire Protection District No. 1 of Buffalo and Kearney Counties has reviewed the contract to update and continue the agreement and has approved the said agreement, subject to certain amendments; and

WHEREAS, the City Council of the City of Kearney and the Administration have reviewed the agreement and find it acceptable and in the best interests of the public.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that the agreement between Suburban Fire Protection District No. 1 of Buffalo and Kearney Counties and the City of Kearney, a copy of which, marked Exhibit "A" is attached hereto, be and is hereby approved.

BE IT FURTHER RESOLVED that the President of the Council is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska,

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

7. Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court licenses until May 31, 2024: Restrictions Permit Applications as follows:

- a) Cornhusker Trailer Court, 1115 Avenue C;
- b) Countryside Mobile Park, 1920 15th Avenue;
- c) Merriweather Mobile Home Village, 914 West 17th Street;
- d) Rodeo Court, 2414 West 24th Street;
- e) R-Villa East, 2500, 2719, 2803 West 24th Street;
- f) R-Villa West, 2500, 2719, 2803 West 24th Street;

- g) R-Villa South, 2500, 2719, 2803 West 24th Street; and
- h) Villa Park, 2703 West 24th Street.

8. Adopt Resolution No. 2023-81 approving the renewal of the Property Maintenance and Lease Agreement between the City of Kearney and Greg Dollman for a 40-acre detention cell located in northeast Kearney.

RESOLUTION NO. 2023-81

WHEREAS, the City of Kearney entered into a Property Maintenance and Lease Agreement with Greg Dollman for a large City-owned detention cell that is approximately 40 acres, in northeast Kearney that serves the northeast area of the community; and

WHEREAS, the City of Kearney and Greg Dollman wish to extend the Property Maintenance and Lease Agreement for three (3) additional years in accordance with the terms of said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Property Maintenance and Lease Agreement on behalf of the City of Kearney. The Agreement, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

9. Adopt Resolution No. 2023-82 approving Application and Certificate for Payment No. 9 in the amount of \$1,591,259.17 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

RESOLUTION NO. 2023-82

WHEREAS, John T. Jones Construction Co. has performed services in connection with WWTP Phase II Improvements; Water Resource Recovery Facility, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 9 in the amount of \$1,591,259.17 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 35,218,367.00
Contract Sum To Date	35,218,367.00
Gross Amount Due	14,744,952.12
Retainage	- 1,466,685.51
Amount Due to Date	13,278,266.61
Less Previous Certificates for Payment	11,687,007.44
Current Payment Due	\$ 1,591,259.17
Balance to finish, including retainage	\$ 21,940,100.39

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

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

10. Adopt Resolution No. 2023-83 approving Change Order No. 2 showing an increase in the amount of \$12,000.00 and Application and Certificate for Payment No. 11 in the amount of \$138,600.00 submitted by Caldwell Tank and approved by Miller & Associates for the 2.0 MG Elevated Water Tower.

RESOLUTION NO. 2023-83

WHEREAS, Caldwell Tank of Louisville, Kentucky and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 11 in the amount of \$319,167.36 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	3,970,008.50
Retainage (10%)	<u>- 412,400.85</u>
Amount Due to Date	3,711,607.65
Less Previous Certificates for Payment	<u>- 3,573,007.65</u>
Current Payment Due	\$ 138,600.00

WHEREAS, Caldwell Tank of Louisville, Kentucky and Miller & Associates have filed with the City Clerk Change Order No. 2 in the amount of \$12,000.00 as shown on Exhibit "B" 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>
Change Order (05-23-2023)	<u>+ 12,000.00</u>
Contract Sum To Date	\$ 4,974,008.50

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. 11, as shown on Exhibit "A" and Change Order No. 2, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

11. Adopt Resolution No. 2023-84 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement with Danny Starostka, President of Starostka Group Unlimited, a Nebraska Cooperation, for Millennial Estates Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2023-84

WHEREAS, on the 28th day of April, 2020 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2020-62 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Danny Starostka, President of Starostka Group Unlimited, a Nebraska Cooperation, to construct paving, water main, sanitary sewer main and storm sewer to serve Millennial Estates Third Addition, 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 main, sanitary sewer main, and storm sewer to serve Millennial Estates Third Addition, 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 23RD DAY OF MAY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

12. Adopt Resolution No. 2023-85 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement with Danny Starostka, President of Starostka Group Unlimited, Inc., a Nebraska Corporation for Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2023-85

WHEREAS, on the 25th day of May, 2021 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2021-87 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Danny Starostka, President of Starostka Group Unlimited, a Nebraska Cooperation, to construct paving, water main, sanitary sewer main and storm sewer improvements to serve Millennial Estates Fourth Addition, 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 paving, water main, sanitary sewer main and storm sewer improvements to serve Millennial Estates Fourth Addition, 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 23RD DAY OF MAY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

13. Adopt Resolution No. 2023-86 approving the Developer Constructed Infrastructure Agreement for Meridian West Second, Lots 1 & 2, between the City of Kearney and Dan Schumacher, Owner of Schumacher Fencing, LLC, a Nebraska Limited Liability Company, and Lynne L. Heiden, Managing Member of 21st Century Investment Co., LLC, a Nebraska Limited Liability Company, for the construction of water infrastructure for fire protection to serve Lots 1 and 2, Meridian West Second, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2023-86

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled “Developer Constructed Infrastructure Agreement for Meridian West Second, Lots 1 & 2” between the City of Kearney and Dan Schumacher, Owner of Schumacher Fencing, LLC, a Nebraska Limited Liability Company, and Lynne L. Heiden, Managing Member of 21st Century Investment Co., LLC, a Nebraska Limited Liability Company for the construction of water infrastructure for fire protection to serve Lots 1 and 2, Meridian West Second, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit “A” 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 23RD DAY OF MAY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

14. Accept the bids received for 2023 Part 1 Improvements Yanney Drive Water/Sewer/Paving and adopt Resolution No. 2023-87 awarding the bid to Nielsen Contracting, LLC in the amount of \$1,596,870.00.

RESOLUTION NO. 2023-87

WHEREAS, the City of Kearney has reviewed the sealed bids which were opened on May 16, 2023, at 2:00 p.m. for the 2023 Part 1 Improvements; Yanney Drive Water/Sewer/Paving; and

WHEREAS, the City Engineer's Opinion of Probable Construction Cost for the project was \$1,512,322.00; and

WHEREAS, the City Engineer has recommended the bid offered by Nielsen Contracting, LLC of Kearney, Nebraska in the amount of \$1,596,870.00 be accepted as the lowest responsible bid for the 2023 Part 1 Improvements; Yanney Drive Water/Sewer/Paving.

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 Nielsen Contracting, LLC of Kearney, Nebraska be and is the lowest responsible bidder for the 2023 Part 1 Improvements; Yanney Drive Water/Sewer/Paving to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Nielsen Contracting, LLC of Kearney, Nebraska in the amount of \$1,596,870.00, be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer's Opinion of Probable Construction Cost in the amount of \$1,512,322.00 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 23RD DAY OF MAY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

15. Adopt Resolution No. 2023-88 authorizing the City Manager, Director of Finance, Assistant Director of Finance, and City Clerk to sign checks, drafts or other withdrawal orders issued against the funds of the City on deposit with designated depositories.

RESOLUTION NO. 2023-88

WHEREAS, the President and City Council have determined that it is appropriate and proper to designate various banks as depositories for funds of the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the following banks be and are hereby designated as city depository banks:

- Wells Fargo Bank Nebraska, N.A.
- 1st National Bank
- Farmers & Merchants Bank
- US Bank

- Exchange Bank
- Great Western Bank
- Five Points Bank
- Heartland Bank
- Bank of the West
- FirstTier Bank
- NebraskaLand National Bank
- Pinnacle Bank
- Bruning Bank

However, such designation as a City depository shall not be exclusive and shall not be determined in any way to constitute a franchise to the exclusion of other designated depositories.

BE IT FURTHER RESOLVED by the President and City Council of the City of Kearney, Nebraska that checks, drafts or other withdrawal orders issued against the funds of the City on deposit with said depositories be signed by any one of the following who now hold offices or positions with the City:

Michael W. Morgan, City Manager
 Kayla D. James, Director of Finance
 Taylor Jaeger, Assistant Director of Finance
 Peggy Eynetich, City Clerk

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict herewith are hereby repealed and that Resolution No. 2022-224 is hereby specifically rescinded and repealed.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2023.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8635 AUTHORIZING THE DEED OF SALE FOR PROPERTY LOCATED IN PATRIOT SECOND SUBDIVISION

Council Member Nikkila introduced Ordinance No. 8635 authorizing the deed of sale for Lot 1, Except the West 366.75 feet thereof, Patriot Second Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska (East Tract) to Airport Road Rentals, LLC, a Nebraska Limited Liability Company, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Moore seconded the motion to suspend the rules for Ordinance No. 8635. 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. 8635 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 Moore seconded by Lear that Ordinance No. 8635 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. 8635 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

INTRODUCTION OF TAYLOR JAEGER, ASSISTANT FINANCE DIRECTOR

Mayor Clouse opened Regular Agenda Item 1 pertaining to the introduction of Assistant Finance Director Taylor Jaeger.

Kayla James, Finance Director introduced Taylor Jaeger, Assistant Finance Director who was recently hired.

PRESENTATION BY NEBRASKA PUBLIC POWER DISTRICT REGARDING THE 115KV TRANSMISSION LINE PROJECT IN THE KEARNEY AREA

Mayor Clouse opened Regular Agenda Item 2 for Council to receive a presentation from Nebraska Public Power District (NPPD) regarding the 115kV transmission line project in the Kearney Area. This presentation was for informational purposes only.

Paul Brune, NPPD Project Manager provided this presentation to Council. Mr. Brune reviewed the route selection process and provided details for the next phase of the project, including right-of-way entry agreements, land surveying, and mapping.

Mr. Brune introduced Ron Starzec, NPPD Land Management Manager; Shelby Mayash, HDR Right-of-Way Agent; Todd Muehlich, HDR Right-of-Way Agent, and Ryan Dykes, Westwood Survey Project Lead who will be working in the Kearney area on this project.

Council members thanked Mr. Brune for his presentation.

PUBLIC NOTIFICATION PROCEDURES FOR PUBLIC HEARINGS

Mayor Clouse opened Regular Agenda Item 3 for Staff's presentation on proposed Public Notification Procedures for Public Hearings.

Melissa Dougherty-O'Hara, City Planner presented this matter to the Council. Ms. Dougherty-O'Hara reviewed the additional proposed public notification procedures City Staff will implement for public hearings. Michael Tye, City Attorney, noted the addition will exceed State Statute requirements for public notifications of public hearings.

Moved by Moore seconded by Lear to approve Resolution No. 2023-89 on proposed Public Notification Procedures for Public Hearings. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2023-89

WHEREAS, it has been requested that a procedure be added to the notification process pertaining to public notification for public hearings for items that come before Planning Commission and City Council; and

WHEREAS, the City has developed a proposed procedure for providing mailed notification of such public hearings 10 days prior to the Planning Commission meeting; and

WHEREAS, the City will continue to provide public notification in the locally published newspaper 10 days prior to the Planning Commission meeting (per State Statute) and erect temporary, on-site signage.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the addition of the "Public Notification Procedures for Public Hearings" procedure be included in how the City of Kearney provides notification to the public pertaining to public hearings that come before Planning Commission and City Council beginning with the June 16, 2023, Planning Commission meeting. A copy of the Mail Notification Procedure is attached hereto and made a part hereof.

PASSED AND APPROVED THIS 23RD DAY OF MAY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

OPEN ACCOUNT CLAIM

Moved by Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$100,558.90 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council member Randy Buschkoetter commended the Kearney Police Department for their continued hard work and dedication throughout the past challenging week.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:00 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
CITY CLERK**