

*Kearney, Nebraska  
October 10, 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 October 10, 2023 in the Council Chambers at City Hall. Present were: Peggy Eynetich, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, and Jonathan Nikkila. Absent: Stanley A. Clouse President of the Council and Tami James Moore. Michael Morgan, City Manager; Michael Tye, City Attorney; Kayla James, Director of Finance; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works and Bryan Waugh, Chief of Police, 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**

Vice-President Buschkoetter led the Council members and audience led the audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

Vice-President Buschkoetter 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 BUFFALO ISLAND SUBDIVISION**

Vice-President Buschkoetter stated Public Hearing 1 has been requested to be postponed to October 24, 2023 due to absence of two (2) Council members and not having super majority vote on the applications submitted by John Krotz, Applicant for Johnny L. Krotz, Michelle R. Krotz, Larry Kinkade and Michael Kinkade, Owners to 1) vacate a 40 foot wide Ingress-Egress access and Utility Easement located in the Southwest Quarter of the Southwest Quarter of Section 10 Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; 2) vacate Lot 1, Buffalo Island Subdivision, a subdivision being part of the Northwest Quarter of the Northwest Quarter of Section 15 and part of the Southwest Quarter of the Southwest Quarter of Section 10, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and 3) rezone a tract of land located in the Northwest Quarter of Section 15 and in the Southwest Quarter of Section 10, being part of Tax Lot 9 in said Section 15 and Tax Lot 7 in Section 10, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska.

Moved by Nikkila seconded by Lear to postpone until October 24, 2023 the applications submitted by John Krotz, Applicant for Johnny L. Krotz, Michelle R. Krotz, Larry Kinkade and Michael Kinkade, Owners to 1) vacate a 40 foot wide Ingress-Egress access and Utility Easement located in the Southwest Quarter of the Southwest Quarter of Section 10 Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; 2) vacate Lot 1, Buffalo Island Subdivision, a subdivision being part of the Northwest Quarter of the Northwest Quarter of Section 15 and part of the Southwest Quarter of the Southwest Quarter of Section 10, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and 3) rezone a tract of land located in the Northwest Quarter of Section 15 and in the Southwest Quarter of Section 10, being part of Tax Lot 9 in said Section 15 and Tax Lot 7 in Section 10, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Lear, Nikkila, Buschkoetter. Nay: None. Clouse and Moore absent. Motion carried.

#### **FINAL PLAT AND SUBDIVISION AGREEMENT FOR BUFFALO ISLAND SECOND SUBDIVISION**

Vice-President Buschkoetter stated Public Hearing 2 has been requested to be postponed to October 24, 2023 due to absence of two (2) Council members and not having super majority vote on the application submitted by John Krotz, Applicant for Johnny L. Krotz, Michelle R. Krotz, Larry Kinkade and Michael Kinkade, Owners for the Final Plat and Subdivision Agreement for Buffalo Island 2nd Subdivision, a subdivision being a tract of land located in the Northwest Quarter of Section 15 and in the Southwest Quarter of Section 10, being part of Tax Lot 9 in said Section 15 and Tax Lot 7 in Section 10, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska together with a 40-foot wide ingress-egress access and utility easement located in the Southwest Quarter of the Southwest Quarter of Section 10, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska.

Moved by Nikkila seconded by Lear to postpone until October 24, 2023 the application

submitted by John Krotz, Applicant for Johnny L. Krotz, Michelle R. Krotz, Larry Kinkade and Michael Kinkade, Owners for the Final Plat and Subdivision Agreement for Buffalo Island 2nd Subdivision, a subdivision being a tract of land located in the Northwest Quarter of Section 15 and in the Southwest Quarter of Section 10, being part of Tax Lot 9 in said Section 15 and Tax Lot 7 in Section 10, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska together with a 40-foot wide ingress-egress access and utility easement located in the Southwest Quarter of the Southwest Quarter of Section 10, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Lear, Nikkila, Buschkoetter. Nay: None. Clouse and Moore absent. Motion carried.

**AMENDMENT TO THE LAND USE MAP FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 2ND AVENUE AND 98TH STREET**

Vice-President Buschkoetter stated Public Hearing 3 has been requested to be postponed to October 24, 2023 due to absence of two (2) Council members and not having super majority vote on the application submitted by Trenton Snow, Surveyor for James J. Nickman, Blue Water Investments, LLC, Owner for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from RE - Rural Estates to MU3 - Commercial Mixed Use for property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southwest corner of 2nd Avenue and 98th Street).

Moved by Lear seconded by Buschkoetter to postpone until October 24, 2023 the application submitted by Trenton Snow, Surveyor for James J. Nickman, Blue Water Investments, LLC, Owner for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from RE - Rural Estates to MU3 - Commercial Mixed Use for property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southwest corner of 2nd Avenue and 98th Street). Roll call resulted as follows: Aye: Nikkila, Buschkoetter, Lear. Nay: None. Clouse and Moore absent. Motion carried.

**REZONE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 2ND AVENUE AND 98TH STREET**

Vice-President Buschkoetter stated Public Hearing 4 has been requested to be postponed to October 24, 2023 due to absence of two (2) Council members and not having super majority vote on the application submitted by Trenton Snow, Surveyor for James J. Nickman, Blue Water Investments, LLC, Owner to rezone from District AG, Agricultural District to District M-1 – Limited Industrial District for property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southwest corner of 2nd Avenue and 98th Street).

Moved by Lear seconded by Buschkoetter to postpone until October 24, 2023 the application submitted by Trenton Snow, Surveyor for James J. Nickman, Blue Water Investments, LLC, Owner to rezone from District AG, Agricultural District to District M-1 –

Limited Industrial District for property described as a tract of land being part of the Northeast Quarter of the Northeast Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southwest corner of 2nd Avenue and 98th Street). Roll call resulted as follows: Aye: Nikkila, Buschkoetter, Lear. Nay: None. Clouse and Moore absent. Motion carried.

### **FINAL PLAT AND SUBDIVISION AGREEMENT FOR STONE CREEK SECOND**

Vice-President Buschkoetter stated Public Hearing 5 has been requested to be postponed to October 24, 2023 due to absence of two (2) Council members and not having super majority vote on the application submitted by Trenton Snow, Surveyor for James J. Nickman, Blue Water Investments, LLC, Owner for the Final Plat and Subdivision Agreement for Stone Creek Second, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southwest corner of 2nd Avenue and 98th Street).

Moved by Lear seconded by Buschkoetter to postpone until October 24, 2023 the application submitted by Trenton Snow, Surveyor for James J. Nickman, Blue Water Investments, LLC, Owner for the Final Plat and Subdivision Agreement for Stone Creek Second, a subdivision being part of the Northeast Quarter of the Northeast Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (southwest corner of 2nd Avenue and 98th Street). Roll call resulted as follows: Aye: Nikkila, Buschkoetter, Lear. Nay: None. Clouse and Moore absent. Motion carried.

### **ACQUISITION OF PROPERTY DESCRIBED AS LOT 5, BLOCK 2, TONY H. ADDITION**

Vice-President Buschkoetter opened the public hearing on the proposed acquisition of an interest in real property by purchase of a tract of land described as Lot 5, Block 2, Tony H. Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2023-148.

Mike Tye, City Attorney presented this matter to the Council. Mr. Tye described the 5.82-acre parcel located next to the 30th Avenue Overpass. The proposed purchase price for the property is \$299,152.00.

Council Member Jonathan Nikkila asked if the land west of the 30th Avenue overpass is City-Owned. Mr. Tye stated that it is not. Council member Nikkila additionally asked if the property would eventually be used to expand the 30th Avenue overpass. Mr. Tye stated that acquiring the land would allow for the possible future expansion of the overpass without the need for extra right-of-way.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Nikkila to close the hearing and adopt Resolution No. 2023-148 approving the acquisition of an interest in real property by purchase of a tract of land described as Lot 5, Block 2, Tony H. Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila. Nay: None. Clouse and Moore absent. Motion carried.

**RESOLUTION NO. 2023-148**

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

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

WHEREAS, William G. Hines Jr. and Becky A. Hines have granted to the City of Kearney, Nebraska a Warranty Deed for public purposes for Lot 5, Block 2, Tony H. Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska that the Warranty Deed granted by William G. Hines Jr. and Becky A. Hines with the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 10TH DAY OF OCTOBER, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

**IV. CONSENT AGENDA**

Moved by Nikkila seconded by Lear that Subsections 1 through 6 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila. Nay: None. Clouse and Moore absent. Motion carried.

1. Approve Minutes of Regular Meeting held September 26, 2023.
2. Approve the following Claims:
  - PS Personnel Services
  - SMCS Supplies, Materials & Contractual Services
  - ER Equipment Rental
  - CO Capital Outlay
  - DS Debt Service

A T & T \$95.00 smcs; Agri Coop \$6,451.32 smcs; All Copy \$199.99 smcs; All Makes Auto \$1,880.95 smcs; Artisans \$40.00 smcs; Arvest Equipment \$76,706.83 ds; Ask Supply \$491.36 smcs; Aurora Coop \$28.80 smcs; AVFuel \$97,239.10 smcs; Baker & Taylor \$4,413.95 smcs; Barnes, G \$112.23 smcs; Barth, G \$950.00 smcs; BlueCross BlueShield \$177,901.10 smcs; Bossfuels \$26,132.21 smcs; Brosius, B \$37.66 smcs; Brown, C \$150.00 smcs; Buffalo Co. Ag Assoc. \$225.00 smcs; Buffalo Co. Sheriff \$288,819.73 smcs; Builders \$209.21 co; Burchell, C \$151.99 smcs; Burkey, J \$81.00 smcs; Cash Wa \$2,380.70 smcs; Center Point Publishing \$79.86 smcs; Central NE Bobcat \$6,232.38 smcs; Chesterman \$1,065.00 smcs; Cintas \$387.31 smcs; City of KY \$616,888.19 smcs,ps; Civic Plus \$20,248.73 smcs; Clipper \$68.00 smcs; Cold Spring \$510.00 smcs; Comm. Health Agencies \$15.00 ps; Construction Rental \$6,871.50 co; Country Partners \$28,158.80 smcs; Critical Hire \$100.00 smcs; Crowne Plaza \$300.00 smcs; Cruz, I \$58.38 smcs; Cutting Edge Cleaning \$175.00 smcs; Danburg, A \$149.79 smcs;

Depository Trust \$80,427.50 ds; Development Council \$210,000.00 smcs; Donkey Towing \$125.00 smcs; DPC Industries \$12,448.53 smcs; Eagle Distributing \$520.85 smcs; Eakes \$3,131.05 smcs,co; Family Practice \$182.00 ps; Fedex \$141.40 smcs; Gable, W \$79.83 smcs; Gale \$996.45 smcs; Garrett Tires \$1,480.86 smcs; Give Nebraska \$15.00 ps; Groteluschen, H \$125.07 smcs; Hawkins, M \$128.87 smcs; Heggemeyer, L \$150.00 smcs; HM Life Insurance \$53,397.55 smcs; HOA Solutions \$963.00 smcs; Hoelting, J \$126.00 smcs; Hometown Leasing \$443.23 smcs; Hudl \$1,500.00 smcs; IRS \$208,722.40 ps; Isolved \$3,937.92 smcs; Jack's Uniforms \$1,522.65 smcs; JB Concrete \$9,067.00 co; KY Hub \$2,197.46 smcs; King Residential \$79.85 smcs; Konica Minolta \$699.55 smcs; Kowalek, G \$500.00 smcs; Laser Technology \$251.00 smcs; Leadsonline \$4,151.00 smcs; Leopold, J \$81.00 smcs; Lincoln Nat'l \$11,505.39 smcs; Macqueen Equipment \$3,429.05 smcs; Magic Cleaning \$7,350.00 smcs; McCartney, Erin Chpt. 13 \$157.00 ps; MCL Construction \$1,715,801.49 co; McMahan, B \$16.52 smcs; Mid-State Engineering \$2,724.00 co; Midwest Connect \$2,624.93 smcs; Midwest Petroleum \$484.00 smcs; Midwest Turf \$2,087.80 smcs; Miller & Associates \$170,373.21 co; Miracle Recreation \$171.00 co; Mission Square \$8,179.19 ps; Municipal Supply \$16,491.54 smcs; NE Child Support \$1,594.65 ps; NE Dept. Revenue \$103,359.59 ps; NE Dept. Veterans \$70,000.00 smcs; NE Library Commission \$3,423.50 smcs; NE Safety & Fire \$165.00 smcs; Northwestern Energy \$2,665.02 smcs; Novus Glass \$50.00 smcs; Olsson Assoc. \$23,914.50 co; Paymentus \$1,085.00 smcs; Peerless Machine \$17,755.00 co; Pep Co. \$157.50 smcs; Presto-X \$144.18 smcs; Prime Secured \$11,832.14 co; PSK \$400.00 smcs; Quintana, A \$150.00 smcs; Reams Sprinkler \$26,305.68 co; Resource Mgmt. \$5,647.25 smcs; RMV Construction \$822,713.30 co; Rouse, H \$150.00 smcs; Sampson Construction \$675,135.00 co; Sapp Brothers \$3,945.00 smcs; Schleicher, T \$145.00 smcs; School District #7 \$4,480.00 smcs; Sherwin Williams \$9,900.00 smcs; Sirsi Corp. \$38,915.58 smcs; SITESCAPES \$14,000.00 co; SOS Portable \$530.00 smcs; Staab, J \$384.00 smcs; State of NE/DAS \$15.75 smcs; Stonebridge \$210.00 smcs; Stutsman \$4,392.00 smcs; Swedberg, M \$19.02 smcs; Titan Machinery \$9,859.50 smcs; Tk Elevator \$513.94 smcs; Traffic Control \$12,585.00 smcs; Tri-Cities Roofing \$274.57 smcs; Twin City Hardware \$1,160.34 smcs,co; Tye & Rowling \$15,595.33 smcs; Union Bank & Trust \$110,850.82 smcs,ps; United Way \$141.00 ps; Uthagrove, P \$11.25 smcs; Vanco \$93.58 smcs; Victor Outdoor Advertising \$16,800.00 smcs; Village Cleaners \$280.12 smcs; Wessels, W \$2,640.00 smcs; Wilke Contracting \$7,994.00 co; Wilkins Architecture \$1,461.44 co; Woodruff, G \$16.75 smcs; Payroll Ending 09/29/2023 -- \$646,479.93. 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. 2023-149 establishing a policy regulating weapons in areas owned or occupied by the City of Kearney and permitting the appropriate signage to be posted on all City of Kearney premises and property prohibiting weapons as authorized by Neb. Rev. Stat. §28-1202.01(3)(5).

### **RESOLUTION NO. 2023-149**

WHEREAS, Neb. Rev. Stat. §28-1202.01(3)(5) authorizes the City Council of the City of Kearney to establish rules and regulations for the use of all City buildings and City properties that are leased or owned; and

WHEREAS, the City of Kearney has inherent property rights to regulate the managed, leased, and/or owned property or premise by the City of Kearney to maintain safe access for the public and City employees; and

WHEREAS, Neb. Rev. Stat. §28-1202.01(3)(5) recognizes the City of Kearney's property rights to restrict weapons and handguns concealed or open, with or without a permit, and specifically allows for the placing of appropriate signage notifying the public of the prohibition of the carrying of weapons and handguns concealed or open, with or without a permit on all City of Kearney managed, leased and/or owned property or premises "*if a person, persons, entity, or entities in control of the place or premises or an employer in control of the place or premises prohibits the carrying of concealed handguns into or onto the place or premises and such place or premises are open to the public, a person does not violate this section unless the person, persons, entity, or entities in control of the place or premises or employer in control of the place or premises has posted conspicuous notice that carrying a concealed handgun is prohibited in or on the place or premises or has made a request, directly or through an authorized representative or management personnel, that the person remove the concealed handgun from the place or premises*"; and

WHEREAS, the following definitions shall apply to this policy:

- 1) "City of Kearney leased and/or owned property or premises" is defined as any premises under the care and control of the City of Kearney to include, but is not limited to owned or leased property or property contracted to be managed by the City of Kearney and common areas including but not limited to the approach, sidewalks, steps, verandas, parking lots, vestibules, interior hallways, restrooms and atriums;
- 2) "Possession" is defined as a person having a weapon on or near their person or having control over a weapon located in or on City of Kearney managed, leased and/or owned property or premises; and
- 3) "Weapon" is defined as any firearm, stun gun, knife with a blade length longer than 3.5 inches, any device that releases any propelled object by spring mechanism, compressed air, or compressed gas, explosive, or any other instrument the use of which is intended or likely to cause death or serious bodily injury or immobilize another person; and

WHEREAS, the prohibitions of this policy shall not apply to the possession of a weapon by:

- 1) Law Enforcement: as provided in Neb. Rev. Stat. §28-1202.01(10), 28-1202.01(3) does not apply to a qualified law enforcement officer or qualified retired law enforcement officer carrying a concealed handgun pursuant to 18 U.S.C. 926B or 926C, respectively, as such sections existed on January 1, 2023; nor to an officer, agent, or employee of a state or a political subdivision thereof who has jurisdiction in Buffalo County and who is authorized by law to engage in or supervise the prevention, detection, and investigation of any violation of law. This person must be carrying proof of law enforcement jurisdiction while possessing a weapon on City of

- Kearney property, and must identify themselves and provide proof of jurisdiction to agents of the City of Kearney;
- 2) Other Person: Other officers, agent, or employees of a political subdivision while performing their official job responsibilities in or on City of Kearney leased and/or owned property or premises is authorized to be in possession of an approved weapon. Examples include but are not limited to, an employee who is a law enforcement trainee, an animal control officer, handles seized evidence, collects and processes evidence, maintains vehicles in which weapons are stored, court personnel, and an attorney handling evidence. For purposes of this definition, an attorney not employed by a political subdivision (outside attorney) may possess a weapon for purposes of presentation of evidence where allowed. This exception does not authorize any person to possess a weapon for personal protection; and
  - 3) Practice Facility: Any person possessing a weapon in or on a shooting range or archery operated supervised, or maintained by the City of Kearney may possess a weapon in compliance with the applicable practice facility rules.

WHEREAS, this policy applies regardless of whether a person possesses a valid concealed carry permit or license issued by any jurisdiction; and

WHEREAS, any person who violates this policy shall be considered to be trespassing and subject to criminal and civil penalties, including being banned from the City of Kearney’s managed, leased, and/or owned property or premises; and

WHEREAS, the City of Kearney reserves the right at any time and at its discretion to search all City of Kearney premises or property for violations of this policy. Where security reasons justify, the City of Kearney may require a person or person’s personal items to be searched while in or on City of Kearney managed, leased, and/or owned property or premise.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that appropriate signage will be posted on all City of Kearney managed, leased, and/or owned property or premise notifying the public of this policy.

PASSED AND APPROVED THIS 10TH DAY OF OCTOBER, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

4. Accept the bids received for purchasing a Sanitation Rear Loading Refuse Compactor Truck for use in the Sanitation Department and award the bid to Elliott Sanitation Equipment for \$240,000.00.

5. Adopt Resolution No. 2023-150 approving Change Order No. 3 showing a decrease in the amount of \$37,928.00 submitted by Sampson Construction Co., Inc. and approved by Alfred Benesch and Company for the construction of a Box Hangar located at the Kearney Regional Airport (AIP Project No: 3-31-0045-035).

**RESOLUTION NO. 2023-150**

WHEREAS, Sampson Construction Co., Inc. has performed services in connection with the construction of the Box Hangar (AIP Project No: 3-31-0045-035) at the Kearney Regional Airport, and the City's engineer, Alfred Benesch and Company, have filed with the City Clerk Change Order No. 3 showing a decrease in the amount of \$37,928.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 6,000,756.00
Change Order No. 1 (08-08-2023)	+ 13,687.00
Change Order No. 2 (09-12-2023)	- 51,615.00
Change Order No. 3 (10-10-2023)	- <u>37,928.00</u>
Contract Sum To Date	\$ 5,841,738.00

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, hereby find and determine that Change Order No. 3, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 10TH DAY OF OCTOBER, 2023.

ATTEST:  
 PEGGY EYNETICH  
 CITY CLERK

RANDY BUSCHKOETTER  
 VICE-PRESIDENT OF THE COUNCIL

6. Adopt Resolution No. 2023-151 approving Certificate for Payment No. 13 in the amount of \$2,090,158.71 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

**RESOLUTION NO. 2023-151**

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. 13 in the amount of \$2,090,158.91 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 35,218,367.00</u>
Change Order No. 1 (07-12-2022)	- 639,633.00
Change Order No. 2 (08-22-2023)	+ <u>21,141.00</u>
Contract Sum To Date	35,239,508.00
Gross Amount Due	22,729,413.92
Retainage	- <u>1,942,027.40</u>
Amount Due to Date	20,787,386.52
Less Previous Certificates for Payment	- <u>18,697,227.61</u>
Current Payment Due	<u>\$ 2,090,158.91</u>
Balance to finish, including retainage	\$ 14,430,980.48

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 13, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 10TH DAY OF OCTOBER, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

**V. CONSENT AGENDA ORDINANCES**

None.

**VI. REGULAR AGENDA**

None.

**VII. REPORTS**

None.

**VIII. ADJOURN**

Moved by Buschkoetter seconded by Nikkila that Council adjourn at 5:35 p.m. Roll call resulted as follows: Aye: Nikkila, Buschkoetter, Lear. Nay: None. Clouse and Moore absent. Motion carried.

ATTEST:

\_\_\_\_\_  
RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

\_\_\_\_\_  
PEGGY EYNETICH  
CITY CLERK