

Kearney, Nebraska
October 24, 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 24, 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 and Tami James Moore. Absent: Bruce Lear and Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Brenda Jensen, Deputy City Manager; Kayla James, Director of Finance; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works; Bryan Waugh, Chief of Police; Kevin Thompson, Police Captain; Melissa Dougherty-O'Hara, City Planner and Dan Lillis, Engineering Assistant II, were also present. Members of the media present included: Brian Neben, NRG Media.

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 BUFFALO ISLAND SUBDIVISION

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

Mayor Clouse opened the public hearing 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 and consider Ordinance No. 8650; to 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 consider Ordinance No. 8651; and 3) rezone from District AG, Agricultural District and District RR-1, Rural Residential District (Rural Standards) to District RR-1, Rural Residential District (Rural Standards) for property described as 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 (77 Sweetwater Avenue) and consider Ordinance No. 8652.

John Krotz, presented this matter to the Council. Mr. Krotz stated his intention is to purchase and develop the property.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the application submitted by John Krotz, Applicant for Johnny L. Krotz, Michelle R. Krotz, Larry Kinkade and Michael Kinkade, Owners and introduced Ordinance No. 8650 vacating 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, Ordinance No. 8651 vacating 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 Ordinance No. 8652 rezoning from District AG, Agricultural District and District RR-1, Rural Residential District (Rural Standards) to District RR-1, Rural Residential District (Rural Standards) for property described as 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 (77 Sweetwater Avenue) and moved that Ordinance Nos. 8650, 8651, and 8652 be placed on first reading. Council Member Buschkoetter seconded the motion to place Ordinance Nos. 8650, 8651, and 8652 on first reading. 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. Nay: None. Lear and Nikkila absent. Motion carried. City Clerk read Ordinance Nos. 8650, 8651, and 8652 by title on first reading.

Ordinance No. 8650

An Ordinance Of The City Of Kearney, Nebraska, To Specifically Vacate An Ingress/Egress Access And Utility Easement Described As: The Centerline Of 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, Being More Particularly Described As Follows: Commencing At The Southwest Corner Of Said Section 10, Thence North 00°06'09" East (Assumed Bearing) On The West Line Of Said Southwest Quarter A Distance Of 103.36 Feet To The Point Of Beginning; Thence North 81°08'58" East A Distance Of 141.92 Feet; Thence North 86°48'31" East A Distance Of 351.61 Feet; Thence North 60°33'38" East A Distance Of 115.21 Feet; Thence North 82°02'42" East A Distance Of 72.96 Feet; Thence North 88°41'45" East A Distance Of 98.37 Feet; Thence South 64°21'00" East A Distance Of 46.04 Feet; Thence South 44°08'50" East A Distance Of 98.63 Feet; Thence South 22°54'55" East A Distance Of 95.00 Feet To The Point Of Termination All Located In Buffalo County, Nebraska As The Same Is Shown On The Plat Of Buffalo Island Subdivision Filed With The Office Of The Register Of Deeds At Document 2022-01230; To Repeal All Ordinances And Resolutions Or Parts Thereof In Conflict Herewith; To Provide For Certification Of This Ordinance To The Register Of Deeds And For Replatting Of The Vacated Lands; And To Provide For Publication In Pamphlet Form By Authority Of The City Council And Effective Date Of This Ordinance.

Ordinance No. 8651

An Ordinance Of The City Of Kearney, Nebraska, To Vacate All Of An Existing Plat For 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 As The Same Is Filed With The Office Of The Register Of Deeds At Document 2022-01230; To Specifically 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 To Repeal All Ordinances And Resolutions Or Parts Thereof In Conflict Herewith; To Provide For Certification Of This Ordinance To The Register Of Deeds And For Replatting Of The Vacated Lands; And To Provide For Publication In Pamphlet Form By Authority Of The City Council And Effective Date Of This Ordinance.

ORDINANCE NO. 8652

An Ordinance Of The City Of Kearney, Nebraska, To Change Specified Portions Of The Boundary Of District Ag, Agricultural District And District Rr-1, Rural Residential District (Rural Standards) To District Rr-1, Rural Residential District (Rural Standards) District; To Provide For Changes In The Zoning Map Accordingly; To Repeal All Ordinances And Resolutions Or Parts Thereof In Conflict Herewith; And To Provide For Publication In Pamphlet Form By Authority Of The City Council And Effective Date Of This Ordinance.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR BUFFALO ISLAND SECOND SUBDIVISION

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

Mayor Clouse opened the public hearing 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 (77 Sweetwater Avenue) and consider Resolution No. 2023-145.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the public hearing on the application submitted by John Krotz, Applicant for Johnny L. Krotz, Michelle R. Krotz, Larry Kinkade and Michael Kinkade, Owners and adopt Resolution No. 2023-145 approving 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 (77 Sweetwater Avenue) subject to the effective date of Ordinance Nos. 8650, 8651 and 8652. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

RESOLUTION NO. 2023-145

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Buffalo Island 2nd Subdivision, a subdivision being part of the Northwest Quarter of Section 15 and part of the Southwest Quarter of Section 10, being a part of Tax Lot 9 in said Section 15 and part of Tax Lot 7 in Section 10, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska being more particularly described as follows: commencing at the Southwest corner of said Section 10; thence South 89°40'47" East (assumed bearing) on the south line of said Southwest Quarter of Section 10, a distance of 290.24 feet, thence North 00°19'13" East perpendicular to said south line a distance of 223.87 feet to the Point of Beginning and also being the centerline of the river channel; thence South 31°15'15" East, a distance of 918.03 feet to the boundary line agreement as recorded in Inst 2002-3508; thence North 28°50'39" East a distance of 71.95 feet; thence North 05°32'14" East a distance of 117.70 feet; thence North 38°07'49" East a distance of 212.25 feet; thence North 60°10'04" East a distance of 715.60 feet; thence North 33°15'29" East, a distance of 332.60 feet; thence North 67°00'49" East, a distance of 337.50 feet; thence North 23°13'48" East, a distance of 143.74 feet; thence North 62°22'49" West, a distance of 128.83 feet to said centerline

of river channel; thence along said centerline the following, South 60°55'54" West, a distance of 162.44 feet; thence South 56°52'04" West, a distance of 55.42 feet; thence South 55°17'41" West, a distance of 69.13 feet; thence South 59°13'18" West, a distance of 62.16 feet; thence South 60°38'32" West, a distance of 17.30 feet; thence South 62°11'34" West, a distance of 49.47 feet; thence South 67°05'27" West, a distance of 36.85 feet; thence South 68°02'06" West, a distance of 75.51 feet; thence South 85°29'08" West, a distance of 108.99 feet; thence North 84°30'27" West, a distance of 19.58 feet; thence North 87°20'05" West, a distance of 84.24 feet; thence North 85°08'03" West, a distance of 55.33 feet; thence North 75°23'42" West, a distance of 45.15 feet; thence North 72°43'26" West, a distance of 39.65 feet; thence North 74°27'47" West, a distance of 50.55 feet; thence North 79°25'05" West, a distance of 55.47 feet; thence South 85°27'06" West, a distance of 33.17 feet; thence South 72°27'52" West, a distance of 47.47 feet; thence South 79°13'04" West, a distance of 25.58 feet; thence South 71°34'45" West, a distance of 117.93 feet; thence South 45°16'16" West, a distance of 31.05 feet; thence South 62°58'29" West, a distance of 63.13 feet; thence South 63°48'44" West, a distance of 29.29 feet; thence South 61°04'52" West, a distance of 82.64 feet; thence South 55°19'46" West, a distance of 69.47 feet; thence South 64°11'30" West, a distance of 66.00 feet; thence South 66°25'17" West, a distance of 97.46 feet; thence South 65°54'37" West, a distance of 43.81 feet; thence South 77°04'35" West, a distance of 93.63 feet; thence South 86°59'04" West, a distance of 33.16 feet; thence South 83°04'15" West, a distance of 33.94 feet to the Point of Beginning. Containing 18.68 acres, more or less and is subject to any easements or right of ways by record all located in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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

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

PASSED AND APPROVED THIS 24TH DAY OF OCTOBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

DEVELOPMENT OF STONE CREEK SECOND

Mayor Clouse stated Public Hearings 3 through 5 pertaining to property located at the southwest corner of 2nd Avenue and 98th Street were postponed until the November 14, 2023 City Council Meeting.

Moved by Moore seconded by Buschkoetter to postpone Public Hearings 3 through 5 pertaining to the development of Stone Creek Second until November 14, 2023. Roll call

resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 13 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Moore. Nay: None. Lear and Nikkila absent. Motion carried.

1. Approve Minutes of Regular Meeting held October 10, 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 \$661.62 smcs; 123 Security \$1,078.27 smcs; 4imprint \$413.68 smcs; 911 Custom \$151.81 smcs; AASHTO \$874.00 smcs; Accent Wire-Tie \$1,499.48 smcs; Accuquilt \$346.08 smcs; Acme Tools \$1,181.22 smcs; Adventure Enterprises \$1,799.00 smcs; All Copy \$209.09 smcs; All Makes Auto \$1,078.88 smcs; Ally B \$1,575.00 smcs; AM Leonard \$172.88 smcs; Amazon \$28,982.52 smcs,co; American \$362.99 smcs; American Airlines \$598.80 smcs; American Button \$170.80 smcs; American Fence \$235.15 smcs; American Planning \$513.00 smcs; American Red Cross \$33.00 smcs; Anatum Geomobile \$322.39 smcs; Anypromo.com \$274.51 smcs; Apple \$3.96 smcs; Aramark \$1,124.37 smcs; Arnold Motor \$324.80 smcs; Artisans \$40.00 smcs; Ask Supply \$728.21 smcs; Atek Access \$240.00 smcs; Aurora Coop \$545.20 smcs; Aussie Hydraulics \$37.30 smcs; Authorize.net \$10.00 smcs; Auto Value \$45.45 smcs; AvFuel \$92,144.10 smcs; Avtech \$1,383.45 co; B&H Photo \$8,362.14 smcs,co; Bacon, S \$330.42 smcs; Baker & Taylor \$2,556.59 smcs; Barco Products \$1,593.60 smcs; Barney Insurance \$40,159.30 smcs; Barth, D \$1,054.00 smcs; Battery Junction \$147.60 smcs; Baxter, M \$84.95 smcs; Beacon \$1,429.99 smcs; Beehive Industries \$7,697.00 smcs; Berens Tate \$500.00 smcs; Berke, N \$131.86 smcs; Bill's Trailer \$48.00 smcs; Blackburn Mfg. \$115.44 smcs; Blackstone Library \$362.38 smcs; Bluebeam \$240.00 smcs; BlueCross BlueShield \$177,410.44 smcs; BMI \$378.90 smcs; Bomgaars \$593.52 smcs; Boogaarts \$69.04 smcs; Book Page \$1,080.00 smcs; Bosselman \$12,422.20 smcs; Bossfuels \$49,205.90 smcs; Broadfoot's \$405.00 smcs; BT NE State \$10.00 smcs; Buffalo Co. Redi-Mix \$18,359.68 co; Buffalo Co. Register \$28.00 smcs; Buffalo Co. Treasurer \$15.38 smcs; Buffalo Outdoor Power \$2,482.75 smcs,co; Builders \$1,038.99 smcs,co; Cabelas \$213.99 smcs; Cal/Amp \$781.55 smcs; Calibre Press \$359.00 smcs; Canva \$119.40 smcs; Carolina Software \$650.00 smcs; Caseys \$41.75 smcs; Cash Wa \$2,006.55 smcs; CDW \$6,688.69 smcs; Cenex \$72.45 smcs; Central Comm. College \$240.00 smcs; Central District Health \$4,587.00 smcs; Central Hydraulic \$59.08 smcs; Central NE Bobcat \$4,342.33 smcs; Central NE Council \$55.00 smcs; Centrifuge Training \$4,275.00 smcs; Certified Power \$3,385.65 smcs; Chargepoint \$690.00 smcs; Chemsearch \$365.00 smcs; Chesterman \$863.50 smcs; Chicago Books \$85.54 smcs; Choice Paint \$480.00 smcs; Citizenserv \$23,400.00 smcs; City of KY \$32,272.05

smcs,ps; City Plumbing \$334.95 smcs; Clausen, M \$33.09 smcs; Clevenger Oil \$43.81 smcs; Comm. Action Partner \$2,336.50 smcs; Compute North \$159,664.88 smcs; Constant Contact \$145.00 smcs; Construction Rental \$5,064.24 smcs,co; Control Yours \$110.00 smcs; Copycat \$880.47 smcs; Core & Main \$1,725.46 smcs; Cornhusker Cleaning \$90.24 smcs; Court Reserve \$141.09 smcs; Cricut \$336.86 smcs; Culligan \$232.00 smcs; Cummins \$311.44 smcs; Curly's Radiator \$191.00 smcs; Dan's Plumbing \$384.97 smcs; Dapper Cadaver \$1,375.18 smcs; Dare Catalog \$107.76 smcs; Dawson Public Power \$44,406.38 smcs; Daylight Donuts \$15.04 smcs; Dell \$17,703.77 smcs,co; Demco \$581.75 smcs; Depository Trust \$415,241.25 ds; Dish \$271.56 smcs; Divas \$428.00 smcs; DLT Solutions \$4,385.52 smcs; Dmilaco \$240.00 smcs; Dollar Tree \$249.03 smcs; Dostal, B \$204.00 smcs; Dougherty-O'Hara, Melissa \$246.94 smcs; Dowhy Towing \$446.00 smcs; DPC Industries \$12,407.48 smcs; Drip Drop \$143.96 ps; DTS Technology \$96.27 smcs; Dynamic Brands \$1,481.55 smcs; Eagle Distributing \$460.80 smcs; Eakes \$2,569.80 smcs; Easy Tech Infrastructure \$5,000.00 co; Ecolab \$126.21 smcs; Edeal, A \$100.00 smcs; EH Wachs \$2,744.58 smcs; Electric Pump \$540.76 smcs; Elliott Equipment \$1,553.34 smcs; Emblem Authority \$283.00 smcs; EMC Insurance \$1.43 smcs; Enterprise \$644.02 smcs,co; ERA Waters \$1,248.72 smcs; ESChat \$187.37 smcs; Etsy \$74.37 smcs; Exhaust Pros \$119.25 smcs; Eyemed \$2,009.68 smcs; Facebook \$450.67 smcs; Family Fresh \$33.34 smcs; Family Practice \$511.00 ps; Fastenal \$976.29 smcs; Firefly Landscaping \$213.95 co; Firehouse \$2,331.00 ; Flaherty, T \$196.00 smcs; FreshGrass \$68.00 smcs; Friends Program \$3,960.00 smcs; Friesen Chevrolet \$70.20 smcs; Frontier \$2,939.33 smcs; Fun Express \$261.57 smcs; Gale/Cengage \$1,034.04 smcs; Galetton \$625.93 smcs; Galls \$533.38 smcs; Garrett Tires \$12,997.86 smcs; Gaylord Rockies \$62.44 smcs; GD Concrete \$8,262.00 co; Gensler, S \$65.99 smcs; Gopher Family Brands \$691.83 smcs; Govt. Finance Office \$150.00 smcs; Gracie University \$2,400.00 smcs; Graczyk Lawn \$1,622.00 smcs; Graham Tire \$2,465.40 smcs; Grainger \$2,787.29 smcs,co; Grand Kubota \$6,418.29 smcs; Granite Mountain Indust. \$884.00 smcs; Graphic Vision \$3,092.88 smcs; Great Plains Comm. \$915.53 smcs; Gulf Oil \$49.36 smcs; Hansen, A \$60.00 smcs; Harbor Freight Tools \$31.53 smcs; Hilton Hotels \$1,474.60 smcs; Hobby Lobby \$1,003.94 smcs; Holiday Inn Express \$1,886.70 smcs; Holmes Plumbing \$4,764.03 smcs,co; Home Depot \$3,126.34 smcs; Hosick, D \$81.00 smcs; Hotsy \$457.85 smcs; Hub Int'l \$6,796.00 smcs; Huebner, A \$32.37 smcs; Hunter Industries \$109.00 smcs; Hydroverge \$2,068.00 smcs; Hy-Vee \$311.03 smcs; IAAI \$1,250.00 smcs; ICMA \$225.00 smcs; ID Security \$1,091.50 smcs; Impact Plastics \$689.96 smcs; Integrated Security \$15,598.00 smcs; Int'l Public \$971.84 smcs; Invoice Home \$5.28 smcs; Iprint Technologies \$413.00 smcs; IRS \$209,651.65 ps; It Pro TV \$299.00 smcs; Jack Lederman \$814.91 smcs,co; Jackson Services \$469.17 smcs; Jacobsen Orr Lindstrom \$175.00 smcs; Jensen, B \$181.13 smcs; Jimmy Johns \$35.34 smcs; John T. Jones Const. \$2,090,158.91 co; Johnsen Corrosion \$2,806.00 smcs; Johnson Fitness \$622.40 ps; Johnson Service \$6,004.75 smcs; Johnstone Supply \$98.43 smcs; Juice Stop \$100.00 smcs; KY Ace \$1,511.77 smcs; KY Animal Shelter \$15,495.66 smcs; KY Area Builder \$400.00 smcs; KY Chamber \$50.00 smcs; KY Cinema \$50.00 smcs; KY Concrete \$9,697.89 smcs,co; KY Crete & Block \$778.76 smcs,co; KY Family YMCA \$350,000.00 co; KY Noon Rotary \$160.00 smcs; KY Power Sports \$16.95 smcs; KY Quality Sew \$45.00 smcs; KY Tire & Auto \$1,301.96 smcs; KY Towing \$375.00 smcs; KY Winlectric \$22,352.93 smcs,co; Kelly Supply \$3,176.55 smcs; Kids & Dreams Found. \$1,500.00 smcs; Killion, C \$122.00 smcs; Ktown Cakery \$20.00 smcs; Landmark Implement \$5,323.49 smcs; Language Line \$19.65 smcs; LCL Truck Equip. \$726.11 smcs; Lifeguard

Store \$547.25 smcs; Light & Siren \$8,164.41 smcs; Lindner, L \$122.00 smcs; Logan Contractors \$16,007.48 smcs,co; Loves \$40.71 smcs; Luke, D \$81.00 smcs; Lulzbot \$132.18 smcs; MacQueen \$5,714.95 smcs; Maize \$3,170.32 smcs; Masters True Value \$1,280.35 smcs,co; Matheson \$4,612.03 smcs; McCartney, Erin Chpt. 13 \$157.00 ps; McEntee, S \$150.00 smcs; Menards \$9,698.29 smcs,co; Merrill Company \$655.12 smcs; Merryman \$300.00 smcs; Mesco \$167.22 smcs; Michaels \$263.64 smcs; Microsoft \$105.94 co; Mid American Signal \$2,725.00 smcs; Mid-Iowa Solid Waste \$1,010.91 smcs; Midlands Contracting \$11,398.75 co; Mid-NE Garage Doors \$225.00 smcs; Mid-Plains Equip. \$6.50 smcs; Mid-State Engineering \$2,065.00 co; Midwest Alarm \$1,515.00 smcs; Midwest Connect \$5,302.37 smcs; Midwest Restaurant \$330.00 smcs; Midwest Turf \$1,494.66 smcs; Miracle Recreation \$188.14 co; Mirror Image \$57.91 smcs; Mission Square \$8,274.68 ps; Modern Cleaners \$22.40 smcs; Molina, F \$1,500.00 smcs; Moonlight Embroidery \$435.00 smcs; Morgan, M \$243.00 smcs; Municipal Supply \$88,752.67 smcs; Najera, A \$81.00 smcs; Nat'l Petroleum \$928.80 smcs; NDEE \$22,119.50 smcs; NE Child Support \$1,594.65 ps; NE Dept. Revenue \$93,958.94 smcs; NE Dept. Transportation \$15.40 smcs; NE Generator \$8,026.39 smcs; NE Golf & Turf \$48,795.00 co; NE Golf Assn. \$161.00 smcs; NE Machinery \$2,050.83 smcs; NE Municipalities \$140.00 smcs; NE Safety & Fire \$405.00 smcs; NE Society of CPAs \$315.00 smcs; NE Statewide Arboretum \$130.00 smcs; NE Truck Center \$2,437.46 smcs; Nebraskaland Dist. \$1,976.44 smcs; Network Solutions \$72.95 smcs; Nielsen Kids U-Pick \$245.00 smcs; North American Rescue \$247.18 smcs; Northern Safety \$177.60 smcs; Northwestern Energy \$423.59 smcs; Novus Glass \$25.00 smcs; NSA POAN \$330.00 smcs; NWEA \$375.00 smcs; Office Max \$1,866.33 smcs; Omnify \$486.50 smcs; One Call \$816.16 smcs; O'Neill Wood \$72,800.00 smcs; Open VPN \$2,520.00 smcs; Optics Planet \$1,695.84 smcs; O'Reilly Automotive \$2,430.64 smcs; Orkin \$218.28 smcs; OTC Brands \$258.80 smcs; Paddle Wheeler \$716.23 smcs; Paint Paradise \$500.00 smcs; Palmer, C \$18.78 smcs; Panera Bread \$108.32 smcs; Pep Co. \$105.00 smcs; Phillips 66 \$49.62 smcs; Pickleball Central \$796.04 smcs; Pioneer Woman \$29.97 smcs; Pitney Bowes \$517.50 smcs; Platte Valley Automart \$381.08 smcs; Platte Valley Comm. \$418.46 smcs; Postermywall \$29.95 smcs; Power Mower Sales \$65.12 smcs; Powertech \$1,300.00 smcs; Prairie Moon Nursery \$431.88 smcs; Presto-X \$259.56 smcs; PSHRA \$352.00 smcs; Pump & Pantry \$153.99 smcs; Pump Products \$1,314.68 smcs; Quill \$984.93 smcs; RDG Planning & Design \$20,459.91 co; Ready Mixed Concrete \$3,735.60 co; Reams Supply \$2,552.29 smcs; Red Equipment \$303.74 smcs; Redbox \$4.82 smcs; Rentokil \$226.06 smcs; Rheome Tree \$2,600.00 smcs; Russell's Appliance \$3,440.00 smcs; Safety Products \$98.53 smcs; Safewar \$2,008.00 smcs; Sahling Kenworth \$235.68 smcs; Sam's Club \$73.64 smcs; Sandry Fire Supply \$1,712.55 smcs; Sapp Brothers \$3,994.30 smcs; Sargent Packing \$119.80 smcs; Saylor Screenprinting \$696.00 smcs; Schroer, J \$709.00 smcs; Schumacher Fencing \$625.00 smcs; Schwarz, J \$245.00 smcs; Scorr Marketing \$437.50 smcs; See Clear Cleaning \$425.00 smcs; Select Sprayers \$490.00 smcs; Sequel Bookshop \$900.00 smcs; Sherwin Williams \$435.29 smcs; Shotkoski, Z \$28.57 smcs; Shredding Solutions \$171.14 smcs; Shutterstock \$31.04 smcs; Sign Center \$544.37 smcs; Sirotzki, J \$18.70 smcs; Siteone Landscape \$2,049.45 smcs; SLA Corp. \$191.94 smcs; Snap-On Tools \$4,451.03 smcs; Society Human \$244.00 smcs; Solid Waste Assn. \$245.00 smcs; Sorensen Construction \$1,943.00 smcs; Spectrum \$789.08 smcs; Spreadshirt \$81.27 smcs; Sprinkler Warehouse \$2,802.45 smcs; Steel Toe Shoes \$310.29 smcs; Steinbrink's \$1,249.92 smcs; Stitch 3 \$60.00 smcs; Stutsman \$1,647.00 smcs; Sun Gro \$12,742.80 co; Sunbelt Rentals \$3,318.92 smcs,co; Supply House \$28.70 smcs; Surplus Center \$387.22 smcs;

T&T Mobile Washing \$192.50 smcs; Target \$357.78 smcs; Tennis Court Supply \$57.79 smcs; Text My Gov \$9,500.00 smcs; TimeClock Plus \$3,472.56 smcs; Titan Machinery \$132.00 smcs; Tommy's Express \$197.12 smcs; Tower Tap & Grill \$24.52 smcs; Tractor Supply \$1,267.06 smcs; Trade Well Pallet \$2,230.00 smcs; Traffic Safety Store \$496.28 smcs; Train Videos \$33.86 smcs; Transunion \$114.40 smcs; Tri Co Glass \$1,184.00 smcs; Tri State Oil Reclaimers \$52.50 smcs; Trotter, B \$60.79 smcs; Trudoor \$212.06 smcs; Twin City Hardware \$192.37 smcs; Uline \$1,647.41 smcs; Under Armour \$308.16 smcs; UniFi \$1,769.80 co; Union Bank & Trust \$108,200.07 ps; Unique Mgmt. Services \$174.75 smcs; UPS \$223.71 smcs; USA Blue Book \$248.18 smcs; USPS \$917.06 smcs; Valley Forklift \$31,909.00 co; Van Diest \$1,063.76 smcs; Van Wall \$37,900.00 co; Vbelts4less \$77.98 smcs; Virtra \$12,771.61 smcs; Walgreens \$23.54 smcs; Wal-Mart \$1,349.52 smcs; Walter Curtis Co. \$46.00 smcs; Ward Laboratories \$1,099.75 co; Waterlink \$709.41 smcs; Webstaurant Store \$767.06 smcs; Wedding Sisters \$264.88 smcs; Western NRG \$225.00 smcs; Wilcac Life \$5.00 ps; World Herald \$21.99 smcs; WPCI \$552.08 ps; Yanda's Music \$50,161.15 co; Youtube \$348.71 smcs; Zimco Supply \$1,585.00 smcs; Payroll Ending 10/07/2023 -- \$651,543.50. 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 November 14, 2023 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-126009 liquor license application and manager application for Kinsley Hunnicutt submitted by Le Chateau No. 22, LLC dba Le Chateau No. 22 located at 2216 Central Avenue.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-126032 liquor license application and manager application for Qi Zhang submitted by Lucky Lighthouse, LLC dba Hunan's Chinese Restaurant located at 305 West 11th Street.
6. Approve the purchase of a 2100I Sewer Combination Jet/Vacuum Truck in the amount of \$469,347.26 submitted by Macqueen Equipment under the Sourcewell Cooperative Purchasing Contract program.
7. Adopt Resolution No. 2023-152 approving the Developer Constructed Infrastructure Agreement for The Meadows First Addition between the City of Kearney and Danny Starostka, President of Starostka Group Unlimited, Inc., a Nebraska Corporation, for the public improvements, water main, sanitary sewer main, paving and storm sewer main to serve The Meadows First Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2023-152

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for the Meadows First Addition" between the City of Kearney and Danny Starostka, President of Starostka Group Unlimited, Inc., a Nebraska

Corporation, for the public improvements, water main, sanitary sewer main, paving and storm sewer main to serve The Meadows First Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 24TH DAY OF OCTOBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

8. Adopt Resolution No. 2023-153 appointing the fulfillment of the term vacated by Joe Johnson on the Downtown Improvement Board.

RESOLUTION NO. 2023-153

WHEREAS, Resolution No. 2005-96 calls for Citizen Board/Commission member appointments to be made by resolution submitted by the Mayor to the City Council for final approval; and

WHEREAS, a vacancy currently exists on certain Boards/Commissions.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following person, as proposed by the Mayor of the City of Kearney, Nebraska, is hereby appointed to the designated Boards/Commissions for the terms indicated:

DOWNTOWN IMPROVEMENT BOARD

Scott Klone appointed to fulfill the term of Joe Johnson to July 31, 2026

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED THIS 24TH DAY OF OCTOBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

9. Adopt Resolution No. 2023-154 to restrict parking on portions of 6th Avenue and 7th Avenue per an Agreement with the Kearney Family YMCA.

RESOLUTION NO. 2023-154

WHEREAS, in February of 2022, the Kearney Family YMCA entered into an Agreement with the City of Kearney agreeing to the creation of parking restrictions on 6th Avenue and 7th Avenue following the completion of the Kearney Family YMCA's new addition, which included added parking at the facility; and

WHEREAS, the Kearney Family YMCA and First Presbyterian have recently requested the addition of a pedestrian crosswalk on 6th Avenue between the YMCA and the church; and

WHEREAS, the Kearney Family YMCA project is nearing completion; therefore, the following parking restrictions will be implemented: beginning at the intersection of 6th Avenue and 7th Avenue, north 325 feet, along the northbound lane and north 445 feet, along the southbound lane on 6th Avenue and, south 380 feet along the southbound lane on 7th Avenue.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that beginning at the intersection of 6th Avenue and 7th Avenue, north 325 feet, along the northbound lane and north 445 feet, along the southbound lane on 6th Avenue and, south 380 feet along the southbound lane on 7th Avenue be designated as 'No Parking' zones any time; and

BE IT FURTHER RESOLVED that the City Manager be and is hereby instructed to place appropriate signs designating this area as directed by this Resolution.

PASSED AND APPROVED THIS 24TH DAY OF OCTOBER, 2023.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

10. Adopt Resolution No. 2023-155 approving Certificate for Payment No. 14 in the amount of \$1,857,276.71 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

RESOLUTION NO. 2023-155

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. 14 in the amount of \$1,857,276.71 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 35,858,000.00</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	24,480,717.10
Retainage	<u>- 1,836,053.87</u>
Amount Due to Date	22,644,663.23
Less Previous Certificates for Payment	<u>- 20,787,386.52</u>
Current Payment Due	<u>\$ 1,857,276.71</u>
Balance to finish, including retainage	\$ 12,594,844.77

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. 14, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF OCTOBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

11. Adopt Resolution No. 2023-156 approving Application and Certificate for Payment No. 16 in the amount of \$151,965.00 submitted by Caldwell Tank and approved by Miller & Associates for the 2.0 MG Elevated Water Tower.

RESOLUTION NO. 2023-156

WHEREAS, Caldwell Tank of Louisville, Kentucky and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 16 in the amount of \$151,965.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 4,973,000.00</u>
Change Order (10-11-2022)	- 10,991.50
Change Order (05-23-2023)	<u>+ 12,000.00</u>
Contract Sum To Date	4,974,008.50
Gross Amount Due	4,848,508.50
Retainage (10%)	<u>- 484,850.85</u>
Amount Due to Date	4,363,657.65
Less Previous Certificates for Payment	<u>- 4,211,692.65</u>
Current Payment Due	\$ 151,965.00

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, and hereby find and determine that the Application and Certificate for Payment No. 16, as shown on Exhibit "A" is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF OCTOBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

12. Adopt Resolution No. 2023-157 approving Application and Certificate for Payment No. 6 in the amount of \$170,568.27 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the Booster Pump Stations, Renovations and Associated Improvements.

RESOLUTION NO. 2023-157

WHEREAS, Midlands Contracting, Inc of Kearney, Nebraska has performed services in connection with Booster Pump Stations, Renovations and Associated Improvements, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 6 in the amount of \$170,568.27 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 2,185,960.00</u>
Change Order No. 1 (09/13/2022)	- <u>345,373.00</u>
Contract Sum To Date	1,840,587.00
Gross Amount Due	979,992.12
Retainage (10%)	- <u>97,999.21</u>
Amount Due to Date	881,992.90
Less Previous Certificates for Payment	<u>711,424.63</u>
Current Payment Due	\$ 170,568.27

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. 6, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF OCTOBER, 2023.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

13. Adopt Resolution No. 2023-158 approving Change Order No. 1 showing a decrease in the amount of \$34,423.50 and Application and Certificate for Payment No. 1-Final in the amount of \$422,811.50 submitted by Gary Smith Construction Co. Inc. for 2023 Part 2 Improvements - Mill & Asphalt Overlay.

RESOLUTION NO. 2023-158

WHEREAS, Gary Smith Construction Company Inc., Grand Island, NE has performed services in connection with 2023 Part 2 Improvements Mill and Asphalt Overlay, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$34,423.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Gary Smith Construction Company Inc., Grand Island, NE have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$422,811.50 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 452,235.00
Change Order No. 1 (10/24/2023)	- <u>34,423.50</u>
Current Contract Price	422,811.50
Total Work Completed and Stored to Date	422,811.50
Retainage (0%)	- <u>0.00</u>
Amount Due to Date	\$ 422,811.50
Less Previous Payments	- <u>0.00</u>
Amount Due this Application	\$ 422,811.50

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. 1, as shown

on Exhibit "A", and Application and Certificate for Payment No. 1, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF OCTOBER, 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

Mayor Clouse announced that Regular Agenda Item 1, granting permission to pay the Open Account Claims in the amount of \$116.36 to Goodwill and \$119,189.55 to Nebraska Public Power District would be postponed to the November 14, 2023, Council meeting.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Buschkoetter that Council adjourn at 5:36 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

ATTEST:

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

PEGGY EYNETICH
CITY CLERK