

*Kearney, Nebraska
June 25, 2024
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 June 25, 2024, in the Council Chambers at City Hall. Present were: Peggy Eynetich, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: Stanley A. Clouse, President of the Council. Brenda Jensen, City Manager; Michael Tye, City Attorney; Kayla James, Director of Finance; Mike Young, Police Captain of Services; Sarah Sawin, Director of Utilities and Brad DeMers, Assistant to the City Manager, were also present.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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.

RECOGNITION/ORAL COMMUNICATIONS

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

None.

IV. CONSENT AGENDA

Moved by Nikkila seconded by Moore that Subsections 1 through 7 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

1. Approve Minutes of Regular Meeting held June 11, 2024.
2. Approve the following Claims:

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

5.11 \$577.80 smcs; 1000Bulbs \$116.13 smcs; 4Imprint \$278.50 smcs; Ace Hardware \$861.24 smcs; Ace Irrigation \$84.50 smcs; Acushnet \$8,603.29 smcs; Adobe \$2,039.40 smcs; Advance Auto Part \$290.93 smcs; Alfred Benesch \$2,773.79 co; Allo \$165.00 smcs; Ally B Designs \$50.00 smcs; AM Leonard \$178.90 smcs; Amax Contracting \$495.23 smcs,co; Amazon \$15,721.64 smcs; American \$2,200.45 smcs,co; American Backflow \$5,157.56 smcs; American Legion \$110.11 smcs; American Red Cross \$3,006.00 smcs; Amoco \$50.00 smcs; Angel Studios \$33.14 smcs; Apple \$12.29 smcs; Apple Market \$41.52 smcs; Aramark Uniform \$368.20 smcs; Arbico Organics \$45.95 smcs; Arby's \$22.42 smcs; Arnold Motor Supply \$650.34 smcs; Arrow Seed \$670.00 smcs; Ask Supply \$2,895.85 smcs; AT&T \$1,248.59 smcs; At-A-Glance \$37.56 smcs; Aurora Coop \$546.48 smcs; Aussie Hydraulics \$2,238.07 smcs; Authorize.net \$10.00 smcs; AVFuel \$49,176.23 smcs; B&H Photo \$952.70 smcs,co; Baker & Taylor \$2,914.89 smcs; Baker's Candies \$273.75 smcs; Barth, D \$220.00 smcs; Battery Junction \$53.42 smcs; Bay Central \$294.82 smcs; Beckman, B \$1,210.00 smcs; Bennett, S \$14.11 smcs; Blackstone Library \$1,217.81 smcs; Blick Art \$193.61 smcs; Blinds \$466.48 co; Blue to Gold \$2,000.00 smcs; BlueCross BlueShield \$291,717.57 smcs; BOI \$1,089.54 smcs; Bomgaars \$2,139.97 smcs,co; Boogaarts \$49.51 smcs; Books Galore \$9,410.39 smcs; Bosselman \$8,000.41 smcs; Bossfuels \$41,209.69 smcs; Breeding, L \$4.78 smcs; Brothers Equipment \$13,710.40 co; Bruce Furniture \$142.00 co; Buffalo Co. Attorney \$18,750.00 smcs; Buffalo Co. Redi-Mix \$16,959.98 smcs,co; Buffalo Co. Sheriff \$112.50 smcs; Buffalo Co. Treasurer \$20.50 smcs; Buffalo Outdoor Power \$311.90 smcs,co; Builders \$2,165.32 smcs; Buysm Sod \$857.28 smcs; Buzz's Marine \$46.53 smcs; Cabela's \$169.98 smcs; Cal/Amp \$781.55 smcs; Canva \$119.40 smcs; Carquest \$203.68 smcs; Caseguard Studio \$4,346.00 co; Casey's \$213.59 smcs; Cash Wa \$12,292.97 smcs; CDW \$593.57 smcs; Cenex \$64.60 smcs; Center Point Large Print \$79.86 smcs; Central Comm. College \$600.00 smcs; Central Hydraulic \$31.12 smcs; Central Mercantile \$30.00 smcs; Central NE Bobcat \$730.40 smcs; Central NE Rehab \$275.00 ps; Central NE Sod \$2,975.00 co; Central Plains Library \$23.00 smcs; Certified Power \$74.83 smcs; Chesterman \$3,521.50 smcs; Chohon, K \$31.05 smcs; CHS \$2,907.98 smcs; Cintas \$311.50 smcs; Circle K \$33.98 smcs; City Glass \$30.00 smcs; City of Kearney \$23,706.16 smcs,ps; City of Omaha \$5.00 smcs; Civic Plus \$1,398.61 smcs; Collaborative Summer \$201.07 smcs; Comm. Action Partnership \$51,252.00 smcs; Computer Hardware \$929.95 smcs; Consolidated Mgmt. \$318.25 smcs; Constant

Contact \$290.00 smcs; Construction Rental \$5,164.62 smcs,co; Control Yours \$220.00 smcs; Cook, R \$4,225.00 smcs; Copycat Printing \$4,887.32 smcs; Country Partners \$59,284.94 smcs; Court Reserve \$154.09 smcs; Cox, J \$28.78 smcs; Culligan \$211.50 smcs; Cummins \$1,097.79 smcs; Curb-It \$1,746.00 smcs; Dan's Plumbing \$467.23 smcs; Dawson Public Power \$29,847.41 smcs; Daylight Donuts \$533.48 smcs; Deep Discounts \$120.44 smcs; Dell \$2,397.48 smcs,co; Dell Marketing \$5,482.07 co; Delta Air \$992.40 smcs; Demco \$75.90 smcs; Depository Trust \$588,562.51 smcs; Deterdings \$274.93 smcs; Digidert \$618.00 smcs; Dinges Fire \$241.50 smcs; Dish \$145.07 smcs; Divas \$64.20 smcs; Dmilaco \$322.50 smcs; Dollar General \$14.00 smcs; Dollartree \$32.10 smcs; Dowhy Towing \$519.40 smcs; DTS Technology \$32.09 smcs; Dunham's \$130.22 smcs; Dunkin \$41.97 smcs; Eakes \$3,382.93 smcs; Earl May \$115.78 smcs; Ecolab \$129.91 smcs; Edgerton Explorit Center \$910.49 smcs; Edzards, B \$24.76 smcs; EH Wachs \$3,885.47 smcs; Eileen's Cookies \$64.50 smcs; Elf Enterprises \$347.40 smcs; Elliott Equipment \$9,683.21 smcs; Emblem Authority \$462.00 smcs; Epic Sports \$718.57 smcs,co; Escalade Sports \$221.50 co; ESChat \$109.68 smcs; ESO Solutions \$5,903.46 smcs; Etrailer \$68.71 smcs; Etsy \$23.90 smcs; Evident \$275.35 smcs; Exhaust Pros \$15.00 smcs; Expedia \$50.57 smcs; Eyemed \$2,230.71 smcs; EZ Turf \$3,662.35 co; Facebook \$710.15 smcs; Fairfield Inn \$254.16 smcs; Family Advocacy Network \$2,000.00 smcs; Family Fresh \$13.92 smcs; Fastenal \$733.76 smcs; Fleming, K \$29.48 smcs; Foote, J \$550.00 smcs; Foster & Freeman USA \$10,995.81 smcs; Friesen Ford \$1,562.46 smcs; Frontier \$3,166.56 smcs; Full Wedge Golf \$470.00 smcs; Fun Express \$402.01 smcs; Gale \$966.87 smcs; Galeton \$1,588.22 co; Gall's \$85.60 smcs; Garrett Tires \$1,628.46 smcs; Gaylord Texan \$2,166.23 smcs; General Spring \$1,944.43 smcs; Get Sling \$449.32 smcs; GI Family Radio \$3,744.00 smcs; Global Industrial \$131.94 smcs; Gmstek \$776.94 smcs; Golden Corral \$1,789.20 smcs; Good Sportsman \$57.00 smcs; Goodwin Tucker \$1,153.75 smcs; Govt. Finance Office \$150.00 smcs; Graham Tire \$1,689.36 smcs,co; Grainger \$967.63 smcs; Grand Kubota \$191.51 smcs; Great Plains Comm. \$889.51 smcs; Hach \$1,364.00 smcs; Hall Weapon Systems \$1,240.00 smcs; Hampton Inns \$570.39 smcs; Hebb, K \$40.00 smcs; Heiman Fire Equipment \$3,930.00 smcs; Heritage Landscape \$214.70 smcs; Hineright \$31.35 smcs; Hobby-Lobby \$714.83 smcs; Hoehner Turf \$9,310.00 co; Holiday Inn Express \$3,110.14 smcs; Holiday Outdoor Decor \$26,383.50 co; Holmes Plumbing \$693.31 smcs,co; Holtz Industries \$411.64 smcs; Home Depot \$1,973.94 smcs; Hometown Family Radio \$3,120.00 smcs; Hometown Leasing \$289.03 smcs; Hooker Bros. \$357.75 smcs; Huebner, D \$338.00 smcs; Hy-Vee \$3,317.67 smcs; IACA \$445.00 smcs; Idemia Identity \$16,292.00 smcs; IIA Store \$190.00 smcs; Imperial Supplies \$372.48 smcs; Integrated Security \$629.84 smcs; Interlight \$206.33 smcs; Invoice Home \$5.28 smcs; Iprint Technologies \$544.00 smcs; IRS \$223,860.32 ps; It Straps On \$710.44 smcs; J & A Traffic Products \$3,809.75 co; Jack Lederman \$756.47 smcs,co; Jackson Services \$387.23 smcs; JCB Delivery \$500.00 smcs; Jimmy Johns \$316.40 smcs; Johnson Brothers \$3,600.00 smcs; Johnson Landscape \$7,469.81 smcs,co; Johnstone Supply \$719.30 smcs; Kansas City Royals \$3,367.00 smcs; Kansas State Firefight \$600.00 smcs; Kart-Man \$1,467.00 smcs; Kaw Valley \$483.08 smcs; Kearney Animal Shelter \$23,090.31 smcs; Kearney Concrete \$16,017.00 smcs,co; Kearney Crete & Block \$5,859.98 smcs,co; Kearney Family YMCA \$86.00 smcs; Kearney Hub \$1,674.26 smcs; Kearney Power Sports \$125.95 smcs; Kearney Towing \$125.00 smcs; Kearney Warehouse \$30.00 smcs; Kearney Winlectric \$15,784.92 smcs,co; Kearney Winnelson \$3,350.43 smcs,co; Kearney, D \$24.76 smcs; Kelly Supply \$2,554.04 smcs; KGFV KQKY KRNY \$436.00 smcs; Kinnett, S \$12.49 smcs; Knoell, N \$67.67 smcs; Konica

Minolta \$527.86 smcs; Kotschwar, T \$610.60 smcs; Kully Supply \$305.90 smcs; Kum & Go \$78.00 smcs; Landmark Implement \$11,870.66 smcs,co; Language Line \$165.00 smcs; LCL Truck \$2,515.31 smcs; Lee, T \$774.20 smcs; Lerner LPG \$199.99 smcs; Lifeguard Store \$730.00 smcs; Lockmobile \$73.67 smcs; Logan Contractors \$4,061.98 smcs,co; Loper Athletics \$1,871.25 smcs; L-Tron \$1,493.61 smcs; Lucky Bags \$782.00 smcs; Lululemon \$81.32 smcs; Lulzbot \$146.13 smcs; Lyft \$19.47 smcs; Macqueen \$31,810.41 smcs; Magic Cleaning \$400.00 smcs; Mah Jongg League \$112.00 smcs; Mara USA \$92,674.93 smcs; Marlatt Precision \$245.44 smcs; Marlow White Uniforms \$106.45 smcs; Marriott \$1,045.16 smcs; Matheson \$168.67 smcs; McCartney, Erin Chpt. 13 \$157.00 ps; McCormack Distrib. \$56.39 smcs; McDonald Uniforms \$322.66 smcs; MCL Construction \$2,313,952.73 co; Meadowlark Hills Golf \$1,151.64 smcs; Menards \$13,141.11 smcs,co; Merrill Company \$1,200.50 smcs; MF Athletic \$110.75 smcs; MFAC \$255.90 smcs; Microsoft \$168.65 smcs,co; Midland Scientific \$317.48 smcs; Mid-NE Digging \$4,450.00 smcs; Mid-NE Garage Doors \$350.00 smcs; Mid-State Engineering \$3,039.00 co; Mid-States Organized \$195.00 smcs; Midwest Breathing Air \$505.95 smcs; Midwest Connect \$255.15 smcs; Midwest Turf \$1,328.16 smcs; Milco Environmental \$2,808.80 smcs; Miller & Associates \$35,830.80 co; Miller, D \$804.21 smcs; Mirror Image \$214.81 smcs; Mission Square \$7,463.92 ps; Mity Lite \$1,703.76 co; Mohr, K \$32.19 smcs; Moonlight Embroidery \$2,885.80 smcs; Most Dependable Fount. \$201.92 smcs; Motorola Solutions \$75,311.16 co; Municipal Supply \$119,556.95 smcs,co; Murcal \$1,063.13 smcs; My Memories \$1,143.12 smcs; Napa \$2,491.45 smcs; Nat'l School Resource \$50.00 smcs; Nat'l Assn. Police \$40.00 smcs; Nat'l Petroleum \$95.32 smcs; Nat'l Safety Gear \$964.55 co; NDEE \$584,943.46 smcs, ds; NE Child Support \$1,688.81 ps; NE Dept. Labor \$1,112.46 ps; NE Dept. Revenue \$52,706.26 smcs; NE Generator \$7,731.32 smcs; NE Golf Assn. \$4,615.00 smcs; NE Library Assn. \$60.00 smcs; NE Machinery \$964.05 smcs; NE Peterbilt \$190.02 smcs; NE Public Health \$2,035.00 smcs; NE Safety & Fire \$210.00 smcs; NE Secretary of State \$60.00 smcs; NE Truck Center \$1,986.32 smcs; Network Solutions \$154.90 smcs; Nevco \$671.11 smcs; New Level \$14.00 smcs; NI SFM Elevator \$840.00 smcs; No Spill Systems \$158.43 smcs; Northern Safety \$177.60 smcs; Northwestern Energy \$2,725.97 smcs; Northwestern University \$700.00 smcs; Nutrien Ag Southern \$2,169.83 smcs; NVY Bar & Cigar Lounge \$40.00 smcs; Oak Creek Engineering \$1,025.00 smcs; Odeys \$151.02 smcs; Office Max \$644.69 smcs; OMABL \$259.44 smcs; Omaha South Garage \$102.00 smcs; Omnify \$521.50 smcs; On Street Meters \$3.00 smcs; One Call Concepts \$656.18 smcs; O'Reilly Auto \$1,359.25 smcs; OTC Brands \$168.87 smcs; Outdoor Recreation \$124,500.78 co; Panera Bread \$38.18 smcs; Peavey Corp. \$144.81 smcs; Pep Co. \$385.88 smcs; Pet Pickups \$710.82 smcs; Petsmart \$560.32 smcs; Phillips 66 \$80.68 smcs; Ping \$119.60 smcs; Pioneer Athletics \$1,932.75 smcs; Pitney Bowes \$645.30 smcs; Platinum Awards \$110.70 smcs; Platte Valley Auto \$1,466.52 smcs; Platte Valley Comm. \$259.92 smcs; Platte Valley Roofing \$7,182.00 smcs; Polka Dot Entertainment \$170.00 smcs; POS Guys \$483.96 smcs; Positive Promotions \$911.51 smcs; Poster My Wall \$29.95 smcs; Prairie Moon Nursery \$3,592.20 smcs; Presto-X \$581.88 smcs; Project Lifesaver \$639.95 smcs; Propper E-Commerce \$124.95 smcs; PSI Services \$130.00 smcs; Pump & Pantry \$249.20 smcs; PVS Chemicals \$24,811.15 smcs; Quill \$732.88 smcs; Quizizz \$468.00 smcs; Rapid Action Gear \$2,550.00 smcs; Rasmussen Mechanical \$24,264.33 smcs; Rasmussen, R \$35.46 smcs; Ready Mixed Concrete \$6,227.60 co; Reams Supply \$3,863.26 smcs; Redman's Shoes \$118.99 smcs; Rentokil \$620.37 smcs; Residence Inn \$940.16 smcs; Rheome Tree \$11,650.00 smcs; S & J Construction \$3,745.00 co; Safety Products \$406.44 smcs; Sahling Kenworth \$32.96 smcs; Sapp Brothers \$3,662.50 smcs;

Sayler Screenprinting \$3,226.40 smcs; Schindler Elevator \$1,478.88 smcs; Scholastic Education \$213.57 smcs; Schumacher Fencing \$247.20 smcs; Select Sprayers \$794.37 smcs,co; Sequel Bookshop \$600.00 smcs; Server Permit \$9.95 smcs; Shark Ninja \$256.57 co; Shell Oil \$26.02 smcs; Sherwin Industries \$525.08 smcs,co; Sherwin Williams \$1,467.25 smcs; Shredding Solutions \$402.19 smcs; Sid Dillon \$49,860.00 co; Sign Center \$1,591.98 smcs; SLA Corp. \$191.94 smcs; Slama, A \$42.03 smcs; Smallcakes \$14.00 smcs; Smith Coaches \$700.00 smcs; Smith, S \$27.55 smcs; Sonic Drive-In \$11.65 smcs; SOS Portable Toilets \$260.00 smcs; Southwest \$561.97 smcs; Spectrum \$709.44 smcs; Sporting Edge \$907.48 smcs; Sprinkler Warehouse \$4,427.04 smcs; St. Patrick's Seminary \$25.00 smcs; Starbucks \$111.81 smcs; Staybridge Suites \$295.36 smcs; Steinbrink Landscaping \$10,605.55 smcs,co; Sticker Mule \$214.00 smcs; Stitch 3 \$105.00 ps; Stitch Upholstery \$75.00 smcs; Streicher's \$2,496.69 smcs; Stutsman \$2,745.00 smcs; Summit \$1,500.00 smcs; Supply House \$345.63 smcs; Surgent McCoy \$96.75 smcs; Swim Outlet \$230.22 smcs; T&T Mobile Washing \$1,914.00 smcs; Taber, P \$23.33 smcs; Taco Johns \$6.13 smcs; Tactical Technologies \$120.00 smcs; Taillon, R \$5,193.00 smcs; Target \$848.08 smcs; Taubenheim, L \$42.03 smcs; Theisen, G \$10.74 smcs; Thrift Books \$213.19 smcs; TK Elevator \$1,185.00 smcs; Toad Hollar Bar \$1,508.63 smcs; Tommy's Express \$95.00 smcs; Tractor Supply \$1,457.57 smcs; Trade Well \$1,250.00 smcs; Transunion \$118.80 smcs; Trausch Dynamics \$1,121.14 smcs; Tri-Cities Roofing \$5,132.29 smcs; Triple Crown Products \$956.17 co; Triple H Tractor \$25.68 smcs; True Value \$1,021.68 smcs,co; TS Auto Glass \$600.25 smcs; Turner Body Shop \$125.00 smcs; Two Dogs \$356.00 smcs; Uber \$81.23 smcs; UI \$65.00 smcs; Uline \$1,051.26 smcs; Under Armour \$385.20 smcs; Union Bank & Trust \$111,354.45 ps; Unique Management \$209.70 smcs; United \$572.01 smcs; United States Flag \$45.96 smcs; UPS \$424.92 smcs; USPS \$331.60 smcs; Van Wall Equipment \$196.10 smcs; Vestis Services \$45.56 smcs; Video Kingdom \$129.99 smcs; Village Services \$258.79 smcs; VW Golf \$171.94 smcs; Walgreens \$23.29 smcs; Walmart \$3,031.15 smcs; Waugh, B \$364.14 smcs; Western NRG \$225.00 smcs; White, J \$17.03 smcs; Wilber, M \$195.00 smcs; Wilcac Life \$5.00 ps; Wilson Sporting Goods \$299.39 co; World Herald \$30.99 smcs; WPCI \$891.98 ps; Young, M \$245.00 smcs; YouTube \$593.67 smcs; Zoom \$171.09 smcs; Zoro Tools \$41.06 smcs; Payroll Ending 06/15/2024 -- \$757,600.81. 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 July 9, 2024 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Authorize the Vice-President to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-15085 liquor license application and manager application for Laura S Ryan submitted by Le Chateau No. 22, LLC dba Le Chateau No. 22 located at 2216 Central Avenue.
5. Consider the recommendations from the Golf Advisory Board amending the Meadowlark Hills Golf Course Rules and Regulations and adopt Resolution No. 2024-85.

RESOLUTION NO. 2024-85

WHEREAS, on the 10th day of May, 1994, the City Council of the City of Kearney,

Nebraska passed and approved Resolution No. 94-90 which Resolution established rules, regulations and fees for use of said golf course; and

WHEREAS, on December 23, 2002, the City Council passed and approved Resolution No. 2002-291 repealing all prior Resolutions, with the exception of Resolution No. 94-90, in conflict herewith and established a policy to set the fees for use of Meadowlark Hills Golf Course; and

WHEREAS, on the 9th day of December, 2003, the City Council passed and approved Resolution No. 2003-212 increasing the fees for season passes at Meadowlark Hills Golf Course; and

WHEREAS, on December 19, 2005 the Golf Advisory Board met and has recommended increasing the green fees; and

WHEREAS, on the 14th day of February, 2006, the City Council passed and approved Resolution No. 2006-24 to include taxes in the prices listed in the Meadowlark Hills Golf Course 2006 Fee Structure and approve the changes to the Meadowlark Hills Golf Course Operating and Procedures; and

WHEREAS, it is necessary to repeal all prior Resolutions in conflict herewith and to update the Meadowlark Golf Course Operating and Procedures.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska, that the Meadowlark Hills Golf Course Operating Procedures, a copy marked as Exhibit "A", attached hereto and made a part hereof, be and is hereby adopted and approved.

BE IT FURTHER RESOLVED that Resolution No. 94-90, passed and approved on the 10th day of May, 1994, Resolution No. 2002-291, passed and approved on the 23rd day of December, 2002; Resolution No. 2003-212 passed and approved on the 9th day of December, 2003; and Resolution 2006-24 passed and approved on the 14th day of February, 2006 be and are hereby repealed in its entirety.

PASSED AND APPROVED THIS 25TH DAY OF JUNE, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

6. Adopt Resolution No. 2024-86 approving the Application and Certificate for Payment No. 22 in the amount of \$782,738.40 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

RESOLUTION NO. 2024-86

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. 22 in the amount of \$782,738.40 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)	+ 21,141.00
Contract Sum To Date	35,239,508.00
Gross Amount Due	32,657,895.70
Retainage	- 1,579,277.45
Amount Due to Date	31,078,618.25
Less Previous Certificates for Payment	- 30,295,879.85
Current Payment Due	<u>\$ 782,738.40</u>
Balance to finish, including retainage	\$ 4,160,889.75

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

PASSED AND APPROVED THIS 25TH DAY OF JUNE, 2024.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

RANDY BUSCHKOETTER
 VICE-PRESIDENT OF THE COUNCIL

7. Adopt Resolution No. 2024-87 approving Change Order No. 3 showing a decrease in the amount of \$11,490.01, Application and Certificate for Payment No. 19-Final in the amount of \$137,851.50 and accept the Certificate of Substantial Completion submitted by Caldwell Tank and approved by Miller & Associates for the 2.0 MG Elevated Water Tower.

RESOLUTION NO. 2024-87

WHEREAS, Caldwell Tank of Louisville, Kentucky has performed services in connection with the 2MG Elevated Water Tower, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 18 in the amount of \$11,490.01 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Caldwell Tank of Louisville, Kentucky and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 19-Final in the amount of \$137,851.50 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 4,973,000.00
Change Order (10-11-2022)	- 10,991.50
Change Order (05-23-2023)	+ 12,000.00
Change Order (06-25-2024)	- 11,490.01
Contract Sum To Date	4,962,518.49
Gross Amount Due	4,962,518.49
Less Retainage	<u>0.00</u>
Amount Due to Date	4,962,518.49
Less Previous Certificates for Payment	- 4,824,666.99
Current Payment Due	<u>\$ 137,851.50</u>

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work

is completed as of May 31, 2024, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 3, as shown on Exhibit "A", Application and Certificate for Payment No. 19-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF JUNE, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8682 AMENDING SEVERAL SECTIONS OF THE CITY CODE

Council Member Moore introduced Ordinance No. 8682 amending several Sections of Article 4 "Golf Advisory Board" of Chapter 7 "Park and Recreation" of the City Code as follows: Section 7-402 "Composition" to amend title of ex-officio member; Section 7-406 "Officers" to amend when election of Chairperson and Vice-Chairperson and other officers as necessary; Section 7-407 "Powers and Duties" to amend the primary functions and duties Golf Advisory Board and remove punishable violation language; Section 7-410 "Meetings; Records" to add Board meetings being scheduled quarterly; and Section 7-411 "Rules and Regulations" to remove punishable violation language, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules for Ordinance No. 8682. Vice-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: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8682 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8682 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8682 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 and the Kearney Public Library.

ORDINANCE NO. 8683 AUTHORIZING THE DEED OF SALE FOR A TRACT OF LAND LOCATED AT PATRIOT INDUSTRIAL PARK

Council Member Moore introduced Ordinance No. 8683 authorizing the deed of sale for a tract of land being described as Lots 2 and 13, and that part of a vacated 30.00-foot alley abutting Lots 2 and 13, and tract of land being part of Lots 3 and 12, all in Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska to Robert R. Rutt and Jane M. Rutt, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules for Ordinance No. 8683. Vice-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: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8683 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8683 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8683 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 and the Kearney Public Library.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$96,930.52 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

VII. REPORTS

Brenda Jensen, City Manager, provided an update on Governor Pillen's Town Hall discussion held in Kearney regarding property taxes, noting the potential implications on TIF financing. Additionally, Ms. Jensen reviewed the single Essential Air Service bid received for the Kearney Regional Airport.

VIII. ADJOURN

Moved by Buschkoetter seconded by Nikkila that Council adjourn at 5:34 p.m. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. Motion carried.

ATTEST:

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

PEGGY EYNETICH
CITY CLERK