

Kearney, Nebraska
October 22, 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 October 22, 2024 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Peggy Eynetich, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Brenda Jensen, City Manager; Michael Tye, City Attorney; Brad DeMers, Assistant to the City Manager; Sarah Sawin, Director of Utilities; Andy Harter, Director of Public Works; JC Small, Police Sergeant and Matt Williams, Library Director, were also present. Members of the media present included:

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/RECOGNITION

Mayor Clouse and Council Members recognized Christine Walsh, Assistant Library Director who was the recipient of the PLTS Excalibur Award for Outstanding Public Librarian.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

AQUISISITON OF 80-FOOT PERMANENT RIGHT OF WAY AND UTILITY EASEMENT

Mayor Clouse opened the public hearing on the proposed acquisition of an 80-foot Permanent Right of Way and Utility Easement for A strip of land 80.00 feet wide being part of the Southeast Quarter of the Southwest Quarter, and part of Broweleit Subdivision, a subdivision being part of the Southeast Quarter of the Southwest Quarter of Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, granted by Ben Hirschfeld, President of DT Development, Inc., a Nebraska Corporation and consider Resolution No. 2024-146.

Sarah Sawin, Utilities Director presented this matter to the Council. Ms. Sawin stated this easement pertains to the section of Country Club Lane that extends from 56th Street to 58th Street and is needed due to the area not being platted.

Council Member Jonathan Nikkila questioned if this extension would be all City or if the County would also be involved. Ms. Sawin stated that the portion of this proposed easement and 58th Street will be the City's responsibility; the rest will be the County's.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2024-146 approving the proposed acquisition of an 80-foot Permanent Right of Way and Utility Easement for A strip of land 80.00 feet wide being part of the Southeast Quarter of the Southwest Quarter, and part of Broweleit Subdivision, a subdivision being part of the Southeast Quarter of the Southwest Quarter of Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, granted by Ben Hirschfeld, President of DT Development, Inc., a Nebraska Corporation. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2024-146

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

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Right of Way and Utility Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Ben Hirschfeld, President of DT Development, Inc., a Nebraska Corporation, have granted to the City of Kearney, Nebraska a Permanent Right of Way and Utility Easement as follows:

PERMANENT RIGHT OF WAY AND UTILITY EASEMENT

Spruce Hollow West Second, an addition to Buffalo County, Nebraska AND Country Club Lane Easement: A strip of land 80.00 feet wide being part of the Southeast Quarter of the

Southwest Quarter, and part of Broweleit Subdivision, a subdivision being part of the Southeast Quarter of the Southwest Quarter of Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Right-of-Way & Utility Easement purposes. Said 80.00 feet wide Right-of-Way & Utility Easement to be 40.00 feet on each side of the following described centerline: Commencing at the Southeast Corner of the Southwest Quarter of Section 22; thence S 89°53'00" W on the South line of said Southwest Quarter, and all bearings contained herein are relative thereto, a distance of 617.97 feet; thence N 00°11'30" E a distance of 50.00 feet to the North line of 56th Street as dedicated in said Broweleit Subdivision, and the POINT OF BEGINNING; thence continuing N 00°11'30" E a distance of 340.86 feet; thence Northerly on a tangent curve to the left having a central angle of 29°13'56", a radius of 500.00 feet, an arc length of 255.10 feet, and a chord bearing of N 14°25'29" W a distance of 252.34 feet; thence N 29°02'27" W a distance of 230.17 feet; thence Northerly on a tangent curve to the right having a central angle of 16°19'28", a radius of 200.00 feet, an arc length of 56.98 feet, and a chord bearing of N 20°52'43" W a distance of 56.79 feet; thence N 12°42'59" W a distance of 158.62 feet to the South line of 58th Street as dedicated in Spruce Hollow West Second, a subdivision being part of the Southwest Quarter of Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and the Point of Termination. The side lines of said 80.00 feet wide Right-of-Way & Utility Easement to be lengthened or shortened to form a continuous strip. Said 80.00 feet wide Right-of-Way & Utility Easement contains 1.91 acres, more or less.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Right of Way and Utility Easement granted by Ben Hirschfeld, President of DT Development, Inc., a Nebraska Corporation, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF OCTOBER, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Moore seconded by Lear that Subsections 1 through 14 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held October 8, 2024.

2. Approve the following Claims:

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

1000bulbs.com \$193.12 smcs; 24/7 Travel \$38.01 smcs; 4Imprint \$1,014.42 smcs; 5G Store \$1,414.78 co; 911 Custom \$184,589.33 co; Accucut \$116.54 smcs; Ace Hardware \$306.61 smcs; Ace Irrigation \$369.40 smcs; Adams, S \$22.30 smcs; Advance Auto Parts \$188.97 smcs; Adventure Enterprises \$225.00 smcs; All City Garage Door \$1,298.00 smcs; All Copy \$76.92 smcs; All Safe Industries \$1,119.98 smcs; Allo \$297.00 smcs; Ally B Designs \$1,575.00 smcs; Amazon \$17,510.37 smcs,co; American \$155.33 smcs; American Library Assn. \$350.00 smcs; Angus Burgers \$36.81 smcs; Anova \$49,198.50 co; APA \$642.45 smcs; Apple \$7.96 smcs; Apple Market \$18.39 smcs; Archway \$70.59 smcs; Arevalo, L \$94.50 smcs; Armageddon Gear \$447.58 smcs; Arnold Motor \$84.22 smcs; Arrowhead Scientific \$690.77 smcs; Artisans \$40.00 smcs; Arvest Equipment Finance \$76,706.83 ds; Ask Supply \$1,014.62 smcs; Assn. Threat Assessment \$200.00 smcs; AT&T \$1,448.79 smcs; Aurora Coop \$1,305.23 smcs,co; Aussie Hydraulics \$220.09 smcs; Authorize.net \$10.00 smcs; Autodesk \$2,780.00 smcs; Automatic Systems \$2,730.77 smcs; Avfuel \$46,592.09 smcs; B&H Photo \$9,988.21 co; B2B Prime \$9.99 smcs; Baker & Taylor \$3,375.79 smcs; Ballast Shop \$109.85 smcs; Barney Insurance \$100.00 smcs; Battery Junction \$402.52 smcs; Baxter, M \$127.32 smcs; Beadpro.net \$150.00 smcs; Beehive Industries \$7,697.00 smcs; Berens-Tate Consulting \$500.00 smcs; Big D \$44.25 smcs; Bitwarden \$6.26 smcs; Blackstone Library \$547.20 smcs; Blackstrap \$3,550.64 smcs; Blinds.com \$455.57 smcs; BlueCross BlueShield \$242,028.85 smcs; Bomgaars \$531.58 smcs,co; Boogaarts \$17.03 smcs; Book Page \$1,116.00 smcs; Bossfuels \$19,676.18 smcs; Bossleman Energy \$7,922.44 smcs; BP \$42.62 smcs; Brightly Software \$16,759.06 smcs; Brimar Industries \$100.41 smcs,co; Buffalo Co. Redi-Mix \$20,868.10 smcs, co; Buffalo Co. Sheriff \$160.00 smcs; Buffalo Co. Treasurer \$145.53 smcs; Buffalo Outdoor Power \$788.04 smcs; Builders \$9,383.53 smcs,co; Buller Fixture \$1,950.00 co; Buzz's Marine \$83.99 smcs; C&H Precision \$252.89 smcs; Cal/Amp \$781.55 smcs; Calumet Specialty \$982.20 smcs; Campbell Pet \$512.75 smcs; Campbell's Nurseries \$153.35 smcs; Candlewood Suites \$1,831.84 smcs; Canva \$119.40 smcs; Carolina Software \$650.00 smcs; Casey's \$120.52 smcs; Cash Wa \$3,275.97 smcs; CDW \$408.90 smcs; Central Ag \$1,819.88 smcs; Central Comm. College \$85.00 smcs; Central District Health \$6,090.00 smcs; Central Nebraska Sod \$416.00 smcs; Central States Safety \$2,076.00 smcs; Central States Wire \$335.20 smcs; Century Lumber Center \$21.34 smcs; Chesterman \$1,081.04 smcs; Chipotle \$16.64 smcs; Choice Marketing \$319.95 smcs; Cintas \$437.32 smcs; Citizenserve \$21,600.00 smcs; City of KY \$78,145.40 smcs,ps; Clipper \$78.00 smcs; CNA Surety \$80.00 smcs; Comcate \$10,544.28 smcs; Computer Hardware \$4,448.65 co; Conroy, B \$876.70 smcs; Consolidated Mgmt. \$890.70 smcs; Constant Contact \$145.00 smcs; Construction Rental \$3,397.76 smcs,co; Copycat Printing \$334.28 smcs; Corner Pantry \$30.15 smcs; Court Reserve \$171.85 smcs; Crown Products \$169.85 co; Culligan \$150.00 smcs; Cummins \$511.54 smcs; Dairy Queen \$100.00 smcs; Dare Catalog \$3,230.06 smcs; David Barth \$1,833.50 smcs; Davis Equipment \$1,422.42 smcs; Dawson Public Power \$46,304.29 smcs; Decked \$1,711.99 smcs; Deepdiscount.com \$51.59 smcs; Defensive Edge

\$600.00 smcs; Dell \$3,558.35 smcs,co; Demco \$187.70 smcs; Depository Trust Co. \$417,691.25 ds; Deterdings \$936.00 smcs; Development Council \$270.00 smcs; Dick's Sporting Goods \$106.95 smcs; Digicert \$309.00 smcs; Dish \$139.10 smcs; Displays2go \$449.64 smcs; Ditch Witch \$795.77 smcs; DK La Vista \$2,748.00 smcs; Dollar General \$10.70 smcs; Dollar Tree \$194.28 smcs; Domino's \$146.79 smcs; Dowhy Towing \$200.00 smcs; Downtown Market \$38.47 smcs; DTS Technology \$32.09 smcs; Dunkin \$14.99 smcs; Eagle Distributors \$313.28 smcs; Eakes \$5,813.57 smcs,co; Earl May \$210.00 smcs; Easy Picker Golf \$151.55 smcs; Ebay \$144.40 co; Eirich, D \$371.86 smcs; Elf Enterprises \$774.00 smcs; Elliott Equipment \$355.28 smcs; Endress Hauser \$1,279.97 smcs; Engineering Tech \$3,180.00 co; Enterprise \$312.98 smcs; ESChat \$932.28 smcs; Etsy \$145.98 smcs; Expedia \$606.59 smcs; Expression Wear \$709.00 smcs; Eyemed \$4,526.73 smcs; Facebook \$592.68 smcs; Family Fresh \$154.70 smcs; Farmers Union \$76.00 smcs; Fastenal \$60.53 smcs; Five Below \$5.94 smcs; Fleming's Auto \$25.51 smcs; Flint Hills Fire \$2,880.00 smcs; FLT Geosystems \$167.52 smcs; Forensics Source \$153.49 smcs; Friesen Chevrolet \$1,230.18 smcs; Frontier \$2,855.41 smcs; Full Circle Services \$423.50 smcs; Full Compass \$579.32 smcs; Fyre Modern Grill \$27.26 smcs; Fyr-Tek \$167.73 smcs; Gale \$617.43 smcs; Galison.com \$146.86 smcs; Galls \$185.05 ps; Garrett Tires \$30,052.83 smcs; Gear for Sports \$57.85 smcs; Gerdes, J \$245.00 smcs; Getsling.com \$211.71 smcs; Glass Doctor \$61.06 smcs; Glendale Parade \$25.95 smcs; Global Industrial \$9.43 smcs; GMStek \$776.94 smcs; Good Sportsman \$69.42 smcs; Goodwin Tucker \$375.00 smcs; Gorilla Lift \$169.00 smcs; Graham Tire \$4,791.47 smcs; Grainger \$1,410.46 smcs; Grayson, K \$5.83 smcs; Great Plains Comm. \$1,674.00 smcs; Gustafson, I \$15.35 smcs; Hach \$916.40 smcs; Hall Weapon \$1,496.85 smcs; Hampton Inn \$158.58 smcs; Harbor Freight \$754.05 smcs; HFS \$166.16 smcs; HGI Hotel \$119.84 smcs; Hi-Line Motors \$22,850.00 co; Hobby Lobby \$430.27 smcs; Holdrege Well Service \$838.46 smcs; Holiday Inn \$115.35 smcs; Holmes Plumbing \$788.69 smcs; Holtz Industries \$324.81 smcs; Holy Smoke BBQ \$22.92 smcs; Home Depot \$3,671.37 smcs; Hometown Leasing \$547.09 smcs; Hooker Bros. \$714.45 smcs; Hosick, D \$94.50 smcs; HRB Enterprises \$363.18 co; Hub Int'l \$6,999.92 smcs; Hunter Industries \$327.00 smcs; Hy-Vee \$650.66 smcs; Identifire \$29.98 smcs; Imperial Supplies \$240.38 smcs; Inland Truck Parts \$458.79 smcs; Inst. of Police Tech \$795.00 smcs; Integrated Security \$6,988.00 smcs; Interstate Battery \$532.40 smcs; Invoicehome.com \$5.28 smcs; Iprint Technologies \$1,657.00 smcs; IRS \$213,345.08 ps; Itprotv \$1,886.00 smcs; ITR Concession \$11.00 smcs; Jack Lederman \$161.37 smcs; Jack Stack Plaza \$40.00 smcs; Jack's Uniforms \$243.78 smcs; Jackson Services \$507.19 smcs; Jimmy Johns \$91.54 smcs; Johnsen Corrosion \$2,806.00 smcs; Johnson Landscape \$24.97 smcs; Johnstone Supply \$79.68 smcs; K&J Elite Sports Turf \$92,352.50 smcs; Kart-Man \$1,486.74 smcs; KY Animal Shelter \$15,218.93 smcs; KY Area Builders \$800.00 smcs; KY Concrete \$24,556.85 smcs,co; KY Crete & Block \$2,506.82 smcs,co; KY Equipment \$76.13 smcs; KY Public Schools \$2,040.00 smcs; KY Warehouse \$1,461.67 smcs; KY Winlectric \$46,339.32 smcs,co; KY Winnelson \$1,675.31 smcs; Kelly Supply \$1,743.42 smcs; KGFW \$436.00 smcs; Kiesler \$1,816.00 smcs; Kings III Emergency \$1,170.00 smcs; Klintworth, A \$220.00 smcs; Kohtz, R \$200.00 smcs; Kolorcans \$293.39 co; Konica Minolta \$553.76 smcs; Kotalik, R \$0.76 smcs; Ktown \$566.50 smcs; Ktown Cakery \$80.00 smcs; Kwik Kar Capital \$10.00 smcs; Landmark Implement \$1,848.49 smcs; League NE Municipalities \$876.00 smcs; Lindner, L \$502.50 smcs; LMN Graphics \$970.00 smcs; Lockmobile \$32.86 smcs; Lodge at Deadwood \$1,066.72 smcs; Los Tule \$20.00 smcs; Love Signs \$30,086.00 co; Luke, D \$94.50 smcs; Lulzbot \$899.04 smcs; Macqueen \$2,017.14 smcs; Magic Cleaning

\$400.00 smcs; Mara USA \$160,110.65 smcs; Marriott \$2,319.40 smcs; Matai \$545.00 smcs; Matheson Trigas \$433.81 smcs; Matt Friend Truck \$344.31 smcs; Maverik \$61.83 smcs; McCormack Distributing \$56.42 smcs; Med Tech Forensics \$100.00 smcs; Menards \$13,642.25 smcs,co; Merrill Company \$238.16 smcs; Metropolitan KC \$12.99 smcs; Michaels \$335.62 smcs; Microsoft \$66.52 smcs; Mid American Signal \$20,483.65 smcs; Midland Scientific \$340.95 smcs; Midlands Contracting \$6,384.50 smcs; Mid-State Engineering \$1,839.00 co; Midway USA \$65.94 smcs; Midwest Connect \$5,018.21 smcs; Midwest Petroleum \$1,786.92 smcs; Midwest Turf \$1,303.63 smcs; Milco Environmental \$539.47 smcs; Miletta Vista Winery \$80.00 smcs; Miller Signs \$36,512.94 co; Miller, H \$200.84 smcs; Mirror Image \$474.20 smcs; Mission Square \$7,806.77 ps; Moonlight Embroidery \$36.00 smcs; Motorola Solutions \$400.00 smcs; Mouser Electronics \$513.58 smcs; Municipal Supply \$112,030.77 smcs; Murcal \$746.27 smcs; Murphy \$75.32 smcs; My Memories \$900.29 smcs; My Pilot Store \$2,020.95 smcs; Najera, A \$94.50 smcs; Napa Auto Parts \$3,127.10 smcs; Nat'l Tactical Officers \$1,545.00 smcs; NDEE \$24,149.90 smcs; NE Child Support \$1,688.81 ps; NE Crane \$89.03 smcs; NE Dept. Motor Vehicles \$91.00 smcs; NE Dept. of Revenue \$50,893.48 smcs; NE Dept. of Vet's Affairs \$70,000.00 smcs; NE Dept. Revenue \$34,557.00 smcs; NE Library Assn. \$315.00 smcs; NE Library Commission \$3,395.90 smcs; NE Machinery \$2,434.47 smcs; NE Safety & Fire \$4,436.00 smcs; NE Secretary State \$30.00 smcs; NE Section PGA \$10.00 smcs; NE State Treasurer \$643.85 smcs; NE Truck Center \$7,104.45 smcs; NE335 \$14.98 smcs; Nebraska N*NE \$225.00 smcs; Nebraskaland Distrib. \$500.46 smcs; NELETC \$350.00 smcs; Nelson's Furniture \$963.90 smcs; Network Solutions \$263.05 smcs; Newage Products \$727.94 smcs; Nextcom \$5,114.00 co; Northern Safety \$106.56 smcs; Northwestern Energy \$1,925.05 smcs; NPPD \$110,444.08 smcs; NSA/Poan \$220.00 smcs; Off Duty Mgmt. \$533.03 smcs; Office Depot \$461.59 smcs; Office Max \$1,096.91 smcs,co; Ohio Turnpike \$14.50 smcs; Olsson Associates \$52,230.00 smcs,co; Omnify \$532.00 smcs; One Call Concepts \$601.64 smcs; Online Labels \$125.73 smcs; Open VPN \$2,520.00 smcs; O'Reilly Auto \$666.42 smcs; Ostrander, T \$150.00 smcs; Outdoor Warehouse \$803.82 smcs; Panera Bread \$185.67 smcs; Parts Warehouse \$86.41 smcs; Pavement Stencil \$1,244.39 smcs; Pens.com \$233.16 smcs; Penworthy \$168.68 smcs; Pep Co \$96.30 smcs; Perkins \$45.96 smcs; Persuader \$3,520.00 smcs; Pet Pickups \$460.49 smcs; Peterbilt \$163.98 smcs; Petsmart \$91.56 smcs; Phillips 66 \$98.20 smcs; Pioneer Athletics \$1,074.50 smcs; Pitney Bowes \$517.50 smcs; Platinum Awards \$135.75 smcs; Platte Valley Auto \$3,644.12 smcs,co; Poster My Wall \$44.90 smcs; Presto-X \$655.16 smcs; Prime Video \$10.69 smcs; Project Lifesaver \$997.14 smcs; Protein House \$25.23 smcs; Pro-Tint \$310.00 smcs; Pump & Pantry \$54.49 smcs; PVC \$824.00 smcs; PVS DX \$12,236.07 smcs; QT \$137.17 smcs; Qualified Hardware \$159.43 smcs; Quality Inn \$1,851.64 smcs; Quill \$434.90 smcs; Rasmussen Mechanical \$12,162.23 smcs; RDG Planning \$18,837.37 co; Ready Mixed Concrete \$3,344.00 co; Reams \$1,054.44 smcs; Redman's Shoes \$1,134.93 smcs; Remarkable \$75.94 smcs; Rentokil \$393.68 smcs; Resource Mgmt. \$3,014.00 smcs; Rheome Tree \$4,300.00 smcs; Rinder Printing \$980.92 smcs; Rock It Event Pros \$1,524.52 smcs; Rouse, H \$150.00 smcs; Russell's Appliance \$659.98 smcs; S&S Worldwide \$390.49 smcs; Safety Products \$22.34 smcs; Sahling Kenworth \$51.30 smcs; Sandhill Oil \$32.40 smcs; Sapp Bros. \$3,336.35 smcs; Saylor Screen Printing \$447.00 smcs,ps; Schumacher Fencing \$293.55 smcs; SDSU Ipay \$153.75 smcs; See Clear Cleaning \$1,472.50 smcs; Select Sprayers \$169.91 smcs; Sellmark \$480.00 smcs; Seneca One Stop \$49.68 smcs; Shell Oil \$40.16 smcs; Sheraton Hotel \$59.96 smcs; Sherwin Williams \$296.40 smcs; Shredding Solutions \$410.74 smcs; Sign Center \$224.11 smcs; Siteone Landscape \$1,333.62 smcs; SK8

Factory \$135.98 smcs; Skyline Publishing \$300.00 smcs; SLA Corp. \$767.76 smcs; Smart Markings \$2,906.28 smcs; Snap-On Tools \$750.00 smcs; SOS Portable Toilets \$234.00 smcs; Spectrum \$889.19 smcs; Springhill Suites \$784.41 smcs; Starbucks \$68.46 smcs; Steinbrink Landscaping \$40.48 smcs; Stewart, N \$245.00 smcs; Stick Ink \$141.74 smcs; Stock Seed Farms \$868.31 smcs; Street Car Grille \$19.80 smcs; Streicher's \$1,447.85 smcs; Strong, J \$1,984.00 smcs; Stutsman \$2,196.00 smcs; Subway \$1.60 smcs; Sunoco \$46.49 smcs; Supply House \$296.29 smcs; T&T Mobile Washing \$275.00 smcs; Target \$588.64 smcs; Tim Davidson Plumbing \$350.31 smcs; TK Elevator \$513.94 smcs; T-Mobile \$135.40 smcs; Todco \$18,488.70 smcs; Todd Valley Farms \$4,570.00 smcs; Tommy's Express \$170.00 smcs; Tractor Supply \$657.46 smcs; Traffic Guard \$1,022.00 smcs; Traffic Safety \$311.52 smcs; Transunion \$121.80 smcs; Trittech Forensics \$413.00 smcs; True Value \$1,793.94 smcs; Turner Body Shop \$125.00 smcs; UI \$976.00 co; Uline \$2,793.44 smcs; Unifirst Corp. \$118.10 smcs; Union Bank & Trust \$113,838.14 ps; Unique Mgmt. \$209.70 smcs; UPS Store \$520.61 smcs; USA Blue book \$2,139.24 smcs; USPS \$502.59 smcs; UVT \$36.00 smcs; Verizon \$13,906.80 smcs,co; Vestis Services \$650.13 smcs; Village Services \$258.79 smcs; Village Uniform \$162.08 smcs; Waldinger Corp. \$520.00 smcs; Walgreens \$31.91 smcs; Wal-mart \$1,265.29 smcs; Walsh, C \$186.87 smcs; Ward Laboratories \$470.40 smcs; Waytek \$1,914.07 smcs; Western NRG \$225.00 smcs; Whoa & Go \$34.48 smcs; Wilcac Life \$5.00 ps; WPCI \$740.57 ps; Young, M \$80.00 smcs; Youtube \$426.80 smcs; Zabel, A \$150.00 smcs; Zero Waste \$1,331.93 smcs; Zimco Supply \$1,102.75 smcs; Zimmerman Printing \$210.45 smcs; Zoom \$149.97 smcs; Zoro Tools \$563.73 smcs; Payroll Ending 10/05/2024 -- \$673,586.77. 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 12, 2024 at 5:30 p.m. as the date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2024-147 approving Change Order No. 1 showing a decrease in the amount of \$4,680.00, Application and Certificate for Payment No. 1-Final in the amount of \$351,375.00 and accept the Certificate of Substantial Completion submitted by Gary Smith Construction Co. Inc. and approved by Luke Dutcher, City Engineer for 2024 Part 2 Improvements; Mill & Asphalt Overlay.

RESOLUTION NO. 2024-147

WHEREAS, Gary Smith Construction Co. Inc. has performed services in connection with 2024 Part 2 Improvements; Mill & Asphalt Overlay, and the City's engineer, Luke Dutcher, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$4,680.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Gary Smith Construction Co. Inc. and Luke Dutcher, have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$351,375.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 365,055.00
Change Order No. 1 (10/22/2024)	- <u>4,680.00</u>
Contract Sum To Date	351,375.00
Gross Amount Due	351,375.00
Retainage (0%)	- <u>0.00</u>
Amount Due to Date	351,375.00
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$ 351,375.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of September 7, 2024, as shown by Exhibit “C” attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit “A”, Application and Certificate for Payment No. 1-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 22ND DAY OF OCTOBER, 2024.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

5. Consider the Use and Operations Agreement between the City of Kearney and SkyWest Airlines providing scheduled air service and adopt Resolution No. 2024-148.

RESOLUTION NO. 2024-148

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement on behalf of the City of Kearney, Nebraska, with SkyWest Airlines for a portion of the terminal building as set forth in the Agreement, located at the Kearney Regional Airport providing scheduled air service. A copy of the Agreement, marked as Exhibit “A”, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 22ND DAY OF OCTOBER, 2024.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

6. Adopt Resolution No. 2024-149 approving the Developer Constructed Infrastructure Agreement for Spruce Hollow West Second between the City of Kearney and Ben Hirschfeld, President of DT Development, Inc., a Nebraska Corporation for the construction of public improvements: paving and storm sewer infrastructure to serve

Spruce Hollow West Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and a strip of land 80.00 feet wide being part of the Southeast Quarter of the Southwest Quarter, and part of Broweleit Subdivision, a subdivision being part of the Southeast Quarter of the Southwest Quarter of Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Country Club Lane Easement).

RESOLUTION NO. 2024-149

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for "Developer Constructed Infrastructure Agreement For Spruce Hollow West Second" between the City of Kearney and Ben Hirschfeld, President of DT Development Inc., a Nebraska Corporation for the construction of paving and storm sewer infrastructure for Spruce Hollow West Second, an addition to Buffalo County, Nebraska AND Country Club Lane Easement for a strip of land 80.00 feet wide being part of the Southeast Quarter of the Southwest Quarter, and part of Broweleit Subdivision, a subdivision being part of the Southeast Quarter of the Southwest Quarter of Section 22, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Right-of-Way & Utility Easement purposes. Said 80.00 feet wide Right-of-Way & Utility Easement to be 40.00 feet on each side of the following described centerline: Commencing at the Southeast Corner of the Southwest Quarter of Section 22; thence S 89°53'00" W on the South line of said Southwest Quarter, and all bearings contained herein are relative thereto, a distance of 617.97 feet; thence N 00°11'30" E a distance of 50.00 feet to the North line of 56th Street as dedicated in said Broweleit Subdivision, and the POINT OF BEGINNING; thence continuing N 00°11'30" E a distance of 340.86 feet; thence Northerly on a tangent curve to the left having a central angle of 29°13'56", a radius of 500.00 feet, an arc length of 255.10 feet, and a chord bearing of N 14°25'29" W a distance of 252.34 feet; thence N 29°02'27" W a distance of 230.17 feet; thence Northerly on a tangent curve to the right having a central angle of 16°19'28", a radius of 200.00 feet, an arc length of 56.98 feet, and a chord bearing of N 20°52'43" W a distance of 56.79 feet; thence N 12°42'59" W a distance of 158.62 feet to the South line of 58th Street as dedicated in Spruce Hollow West Second, a subdivision being part of the Southwest Quarter of Section 22, Township 9 North, Range 16 West of the Sixth P.M., Buffalo County, Nebraska and the Point of Termination. The side lines of said 80.00 feet wide Right-of-Way & Utility Easement to be lengthened or shortened to form a continuous strip. Said 80.00 feet wide Right-of-Way & Utility Easement contains 1.91 acres, more or less 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 22ND DAY OF OCTOBER, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

- 7. Adopt Resolution No. 2024-150 amending the City of Kearney, Nebraska Firefighters' Pension Plan due to the passage of LB 686 by the Nebraska Legislature earlier this year pertaining to changes to the Cities of the First-Class Firefighters Retirement Act (State Statutes 16-1020 through 16-2025).

RESOLUTION NO. 2024-150

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

- 1. Adoption of Amendment and Restatement of the City of Kearney, Nebraska Firefighters' Pension Plan: NOW, BE IT RESOLVED, that the City shall amend and it hereby does adopt, effective as of the date set forth below, the Second Amendment to the City of Kearney, Nebraska Firefighters' Pension Plan (the "Plan") in the form of the Second Amendment attached hereto and by this reference fully incorporated herein. The purpose of said Amendment is to adopt certain changes enacted under the Cities of the First Class Firefighters Retirement Act, and to adopt such other changes required by applicable law or as otherwise determined to be necessary and appropriate by the City.
- 2. Authorizations: NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and other appropriate elected officials and officers of the City of Kearney shall be, and they hereby are, authorized to do all things necessary to carry out and accomplish the foregoing Resolution, including the execution of any document or amendment which may be necessary or appropriate to amend and administer the Plan, including such actions as may be necessary or appropriate to achieve and maintain qualification of the Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended, as such sections apply to government plans.

PASSED AND APPROVED THIS 22ND DAY OF OCTOBER, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

- 8. Approve the purchase of a 2025 Western Star 47X with the Henderson 5-Yard Dump Body, Henke Snow Plow, and Plow Hitch combination, in the amount of \$217,747.00 submitted by Truck Center Companies under the Nebraska State Bid Purchasing Contract program to be used in the Utilities Department.
- 9. Approve the purchase of a John Deere 644 P Wheel Loader, in the amount of \$385,000.00 submitted by Murphy Tractor & Equipment under the Sourcewell Contract 011723-JDC Purchasing Contract program to be used at the Landfill.
- 10. Adopt Resolution No. 2024-151 approving the Towing Agreement between the City of Kearney and Donkey Towing & Transfer LLC.

RESOLUTION NO. 2024-151

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the City Manager is authorized and directed to execute the Towing Agreement on behalf of the City of Kearney, Nebraska with Donkey Towing & Transfer LLC, for towing services within the City of Kearney. The Towing Agreement, marked as Exhibit “A”, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 22ND DAY OF OCTOBER, 2024.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

- 11. Approve the purchase of a Caterpillar 938 Series Wheel Loader, in the amount of \$288,800.00 submitted by Caterpillar Inc. through Nebraska Machinery under the Sourcewell Contract 060311-CAT Purchasing Contract program to be used in the Public Works Department.
- 12. Approve the purchase of a 2024 Ford F-150, in the amount of \$48,708.00 submitted by Anderson Ford Lincoln under the Nebraska State Bid Purchasing Contract program to be used in the Public Works Department.
- 13. Adopt Resolution No. 2024-152 approving the Application and Certificate for Payment No. 26 in the amount of \$665,602.63 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

RESOLUTION NO. 2024-152

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. 26 in the amount of \$665,602.63 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
Change Order No. 3 (08-13-2024)	+ 156,336.00
Change Order No. 4 (09-10-2024)	<u>+ 97,906.93</u>
Contract Sum To Date	35,493,750.93
Gross Amount Due	34,319,227.29
Retainage	<u>- 1,719,152.82</u>
Amount Due to Date	32,600,074.47
Less Previous Certificates for Payment	<u>- 31,934,471.84</u>
Current Payment Due	<u>\$ 665,602.63</u>
Balance to finish, including retainage	\$ 2,893,676.46

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. 26 in the amount of \$665,602.63, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF OCTOBER, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

- 14. Accept the bids received for the 2024 Part 5 Improvements; 29th Avenue & West La Platte Road and adopt Resolution No. 2024-153 awarding the bid to Nielsen Contracting, LLC in the amount of \$490,279.50.

RESOLUTION NO. 2024-153

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on October 15, 2024 at 2:00 p.m. for 2024 Part 5 Improvements; 29th Avenue & West LaPlatte Road; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$521,286.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Nielsen Contracting, LLC of Kearney, Nebraska in the amount of \$490,279.50 be accepted as the lowest responsible bid for 2024 Part 5 Improvements; 29th Avenue & West LaPlatte Road.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer’s recommendation is hereby accepted, that Nielsen Contracting, LLC be and is the lowest responsible bidder for the 2024 Part 5 Improvements; 29th Avenue & West LaPlatte Road to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Nielsen Contracting, LLC in the amount of \$490,279.50 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$521,286.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 22ND DAY OF OCTOBER, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

PRESENTATION BY THE KEARNEY VISITORS BUREAU

Mayor Clouse opened Regular Agenda Item 1 for Council to receive the presentation from the Kearney Visitors Bureau. This presentation was for informational purposes only.

Roger Janosch, Director of Kearney Visitor's Bureau presented this matter to the Council. Mr. Janosch discussed rebranding the name of the organization to Visit Kearney and provided historical information regarding the beginning of Kearney's Visitor Bureau. Mr. Janosch highlighted Kearney's events throughout the year and noted Kearney will soon have approximately 2,000 sleeping room available to travelers and conference attendees. Mr. Janosch noted during the flood, Kearney out performed Hall and Lincoln counties and further stated the Visitors Bureau is a strong financial supporter of the Kearney SportsPlex. Meetings and conventions are the cornerstone of the hospitality business in Kearney due to exceptional customer service; however, Kearney also offers numerous top sports venues in addition to hosting several NSAA sponsored events. Mr. Janosch stated the Visitor's Bureau is working on updating their Visit Kearney pamphlets that are presented with the Kearney SportsPlex pamphlet which are used to attract potential tournament organizers and user groups highlighting what Kearney and the SportsPlex has to offer. The Kearney Visitor's Bureau plans to move in to their new facility in November or December with construction being complete by the first two weeks in January.

OPEN ACCOUNT CLAIM

Moved by Lear seconded by Buschkoetter that the Open Account Claims in the amount of \$268.70 payable to Tami James Moore; \$330,000.00 payable to University of Nebraska Kearney; and \$90.00 payable to UNK Emarket \$90.00 be allowed. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Moore abstained. Motion carried.

VII. REPORTS

Brenda Jensen, City Manager provided an update on the transition to SkyWest scheduled to begin November 1st.

VIII. ADJOURN

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

ATTEST:

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

**PEGGY EYNETICH
CITY CLERK**