

Kearney, Nebraska
March 23, 2021
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 March 23, 2021 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Mike Young, Police Captain and Brenda Jensen, Development Services Director were also present. Members of the media present included: Mike Konz, Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

Two Boy Scouts from Troop 158 led the Council members and 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

VACATE AND REZONE PROPERTY LOCATED AT 3215 GLOBAL DRIVE PLACE

Public Hearings 1, 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the applications submitted by Miller & Associates for the City of Kearney and Compute North NE05, LLC to 1) vacate Lot 2, Tech One Second Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8472 and 2) rezone from District M-1, Limited Industrial District and District BP/PD, Business Park/Planned Development Overlay District to District BP, Business Park District for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3215 Global Drive Place) and consider Ordinance No. 8473.

Craig Bennett with Miller and Associates presented this matter to the Council. Mr. Bennett demonstrated the location of the property and noted the area discussed this evening includes both platted (requesting to be vacated) and unplatted land. Mr. Bennett explained the request for the vacation, rezoning and change to the Land Use Map. There is currently water infrastructure extended to the property; however, sanitary sewer is not available but current building plans would not require it. Stormwater will utilize an existing ditch east of the property that will drain to an existing outfall channel that ultimately drains into the Wood River. Mr. Bennett discussed the 100 and 500 year or 1% and .2% chance of annual flood and noted there is no 100 year or 1% chance of annual flood located on the property. Mr. Bennett reviewed the Infrastructure Feasibility and Development Plan for the current Phase 2 Expansion and noted it is similar to the layout that was previously done on Phase 1; specifically noting that the data huts will continue to the south with a similar road pattern. The electrical service will come from the east. The newly created Lot One, Tech One Third Subdivision will contain 11 acres.

Mayor Clouse stated that the mobile substation located to the north, has been energized and is now serving the additional load; construction will start on the larger substation to the east as soon as weather permits.

Council Member Randy Buschkoetter questioned if there was a timeframe for completion of the new substation. Mayor Clouse stated it should be completed sometime in the Fall and further commented once the new substation is completed the current mobile, temporary substation will be removed and that location will be restored to native grasses

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the applications submitted by Miller & Associates for the City of Kearney and Compute North NE05, LLC and introduced Ordinance No. 8472 vacating Lot 2, Tech One Second Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and Ordinance No. 8473

rezoning from District M-1, Limited Industrial District and District BP/PD, Business Park/Planned Development Overlay District to District BP, Business Park District for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3215 Global Drive Place) 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 ordinances on their first reading and then upon their final passage. Council Member Moore seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8472 and 8473. President of the Council asked for discussion or if anyone in the audience was interested in the ordinances. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 8472 and 8473 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinances were read by number.

Moved by Moore seconded by Lear that Ordinance Nos. 8472 and 8473 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinances, Ordinance Nos. 8472 and 8473 are declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

AMENDMENT TO LAND USE MAP FOR PROPERTY LOCATED AT 3215 GLOBAL DRIVE PLACE

Public Hearings 1, 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for the City of Kearney and Compute North NE05, LLC for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Business Park and Light Industrial to Business Park for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3215 Global Drive Place) and consider Resolution No. 2021-37.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2021-37 approving an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Business Park and Light Industrial to Business Park for property described as a tract of land being part of the Northeast Quarter of the

Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3215 Global Drive Place). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: Motion carried.

RESOLUTION NO. 2021-37

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at an aluminum cap at the Northwest corner of the Northwest Quarter of Section 29; thence S 89°26'00" E on the North line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 2307.58 feet to the Northwest corner of a tract of land Deeded to Nebraska Public Power District in a Warranty Deed recorded in Deed Book 204, Page 308 in the Buffalo County Register of Deeds Office; thence S 00°34'16" W on the West line of said tract of land Deeded to Nebraska Public Power District a distance of 432.78 feet to a 5/8" Rebar w/cap at the Southwest corner of said tract of land Deeded to Nebraska Public Power District; thence S 00°04'12" W parallel with the East line of said Northwest Quarter a distance of 49.25 feet to a 5/8" rebar w/cap at the Southeast corner of Lot 1 of Tech One Second Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West, of the 6th P.M., Buffalo County, Nebraska, and the POINT OF BEGINNING; thence continuing S 00°04'12" W parallel with said East line of the Northwest Quarter a distance of 837.72 feet to a 5/8" rebar w/cap; thence S 51°37'47" W a distance of 599.66 feet to a 5/8" rebar w/cap; thence N 00°04'12" E parallel with said East line of the Northwest Quarter a distance of 1154.60 feet to a 5/8" rebar w/cap on the Southerly line of Global Drive Place as shown on said Tech One Second Subdivision; thence Northeasterly on said Southerly line and on a non-tangent curve to the Left, having a central angle of 89°30'12", a radius of 60.00 feet, an arc length of 93.73 feet, and a chord bearing of N 45°19'06" E a distance of 84.48 feet to a 5/8" rebar w/cap on the South line of said Lot 1 of Tech One Second Subdivision; thence S 89°26'00" E on said South line of Lot 1 of Tech One Second Subdivision a distance of 409.70 feet to the Point of Beginning, containing 11.00 acres, more or less, all in Buffalo County, Nebraska from Business Park and Light Industrial to Business Park, and

WHEREAS, the said application for change in the Comprehensive Land Use Plan has been approved by the City Planning Commission, after a public hearing properly published and held, and

WHEREAS, the City Council has held a public hearing upon the said revision and voted in favor of a motion to approve the change in the Land Use Plan as requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Business Park and Light Industrial to Business Park the use classification for a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at an aluminum cap at the Northwest corner of the

Northwest Quarter of Section 29; thence S 89°26'00" E on the North line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 2307.58 feet to the Northwest corner of a tract of land Deeded to Nebraska Public Power District in a Warranty Deed recorded in Deed Book 204, Page 308 in the Buffalo County Register of Deeds Office; thence S 00°34'16" W on the West line of said tract of land Deeded to Nebraska Public Power District a distance of 432.78 feet to a 5/8" Rebar w/cap at the Southwest corner of said tract of land Deeded to Nebraska Public Power District; thence S 00°04'12" W parallel with the East line of said Northwest Quarter a distance of 49.25 feet to a 5/8" rebar w/cap at the Southeast corner of Lot 1 of Tech One Second Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West, of the 6th P.M., Buffalo County, Nebraska, and the POINT OF BEGINNING; thence continuing S 00°04'12" W parallel with said East line of the Northwest Quarter a distance of 837.72 feet to a 5/8" rebar w/cap; thence S 51°37'47" W a distance of 599.66 feet to a 5/8" rebar w/cap; thence N 00°04'12" E parallel with said East line of the Northwest Quarter a distance of 1154.60 feet to a 5/8" rebar w/cap on the Southerly line of Global Drive Place as shown on said Tech One Second Subdivision; thence Northeasterly on said Southerly line and on a non-tangent curve to the Left, having a central angle of 89°30'12", a radius of 60.00 feet, an arc length of 93.73 feet, and a chord bearing of N 45°19'06" E a distance of 84.48 feet to a 5/8" rebar w/cap on the South line of said Lot 1 of Tech One Second Subdivision; thence S 89°26'00" E on said South line of Lot 1 of Tech One Second Subdivision a distance of 409.70 feet to the Point of Beginning, containing 11.00 acres, more or less, all in Buffalo County, Nebraska.

PASSED AND APPROVED THIS 23RD DAY OF MARCH, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

FINAL PLAT AND SUBDIVISION AGREEMENT FOR TECH ONE THIRD SUBDIVISION

Public Hearings 1, 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for the City of Kearney and Compute North NE05, LLC for the Final Plat and Subdivision Agreement for Tech One Third Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3215 Global Drive Place) and consider Resolution No. 2021-38.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2021-38 approving the Final Plat and Subdivision Agreement for Tech One Third

Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (3215 Global Drive Place). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2021-38

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Tech One Third Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska for a tract of land being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at an aluminum cap at the Northwest corner of the Northwest Quarter of Section 29; thence S 89°26'00" E on the North line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 2307.58 feet to the Northwest corner of a tract of land Deeded to Nebraska Public Power District in a Warranty Deed recorded in Deed Book 204, Page 308 in the Buffalo County Register of Deeds Office; thence S 00°34'16" W on the West line of said tract of land Deeded to Nebraska Public Power District a distance of 432.78 feet to a 5/8" Rebar w/cap at the Southwest corner of said tract of land Deeded to Nebraska Public Power District; thence S 00°04'12" W parallel with the East line of said Northwest Quarter a distance of 49.25 feet to a 5/8" rebar w/cap at the Southeast corner of Lot 1 of Tech One Second Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West, of the 6th P.M., Buffalo County, Nebraska, and the POINT OF BEGINNING; thence continuing S 00°04'12" W parallel with said East line of the Northwest Quarter a distance of 837.72 feet to a 5/8" rebar w/cap; thence S 51°37'47" W a distance of 599.66 feet to a 5/8" rebar w/cap; thence N 00°04'12" E parallel with said East line of the Northwest Quarter a distance of 1154.60 feet to a 5/8" rebar w/cap on the Southerly line of Global Drive Place as shown on said Tech One Second Subdivision; thence Northeasterly on said Southerly line and on a non-tangent curve to the Left, having a central angle of 89°30'12", a radius of 60.00 feet, an arc length of 93.73 feet, and a chord bearing of N 45°19'06" E a distance of 84.48 feet to a 5/8" rebar w/cap on the South line of said Lot 1 of Tech One Second Subdivision; thence S 89°26'00" E on said South line of Lot 1 of Tech One Second Subdivision a distance of 409.70 feet to the Point of Beginning, containing 11.00 acres, more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the 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 23RD DAY OF MARCH, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

CODE AMENDMENTS TO CHAPTER 56 "PUBLIC IMPROVEMENTS AND INFRASTRUCTURE"

Mayor Clouse opened the public hearing on the proposed amendments to the following chapters/sections of the City Code as follows: (a) Section 56-101 "Purpose" of Chapter 56 "Public Improvements and Infrastructure" to amend the reference of storm water to stormwater; (b) Section 56-102 "Water" of Chapter 56 "Public Improvements and Infrastructure" to amend the references of City Engineer to Director of Public Works or his/her duly appointed representative; (c) Section 56-103 "Sanitary Sewers" of Chapter 56 "Public Improvements and Infrastructure" to amend the references of City Engineer to Director of Public Works or his/her duly appointed representative; (d) Section 56-104 "Storm Water Management" of Chapter 56 "Public Improvements and Infrastructure" to amend the reference of storm water to stormwater, including the section title and to amend the references of City Engineer to Director of Public Works or his/her duly appointed representative and to amend from thirty (30) days of the date of notice to five (5) days of the date of notice for when maintenance is required for a given stormwater facility, following written notice from the City to property owners responsible for said maintenance; (e) Section 56-106 "Parks Reservations" of Chapter 56 "Public Improvements and Infrastructure" to amend the reference of storm water to stormwater; (f) Section 56-109 "Timing and Conveyance" of Chapter 56 "Public Improvements and Infrastructure" to amend the references of City Engineer to Director of Public Works or his/her duly appointed representative; and (g) Section 56-112 "Easements" of Chapter 56 "Public Improvements and Infrastructure" to amend the reference of storm water to stormwater and consider Ordinance No. 8474.

Lauren Brandt, City Clerk presented this matter to the Council. Ms. Brandt stated these Code amendments were also heard at Planning Commission due to Chapter 56 being part of the ULDO. The amendments to Chapter 56 are clean up items that include references to stormwater and amends references of City Engineer to Director of Public Works or his/her duly appointed representative. Two (2) Planning Commission members had concerns regarding the removal of references to City Engineer; however, it was noted that requirements for projects requiring an Engineer are not being changed as the City has engineering agreements in place; the amendment simply addresses a title change. The final amendment is regarding the notice timeframe requirement when maintenance is required for a given stormwater facility. In order for the ULDO to be consistent with the City's existing notice procedure for nuisance abatements the timeframe was amended from thirty (30) days to five (5) days.

Council Member Jonathan Nikkila questioned why two (2) members of Planning Commission did not approve of the amendments? Ms. Brandt stated she was unsure of why one (1) of the members voted nay; however, the other Planning Commission member expressed concerns on potential State Statute references to a City Engineer. He was concerned with the City becoming liable if the City removed the title of City Engineer in City Code.

Mayor Clouse commented that the reference to City Engineer is a position which the City no longer has. Council Member Buschkoetter stated the clean-up of the Chapter appoints a designee.

Michael Tye, City Attorney stated the City has engineer contracts with various engineering firms that provide those services. Mr. Tye stated stormwater cells have already been engineered by the Developer and noted there are numerous engineering services provided throughout the development process. Additionally, the City has engineers that function on behalf of the City on a project basis. The amendment is addressing the City not having a City Engineer position in the pay plan so the title is not needed and is designating the Director of Public Works or his/her designee to function in that capacity to deal with stormwater issues. The City of Kearney has engineered stamped plans for projects that require them and for the stormwater cells; the engineering services where an engineer has committed to the design and signed off on the plans provide protection for the City.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the proposed amendments and introduced Ordinance No. 8474 amending the following chapters/sections of the City Code as follows: (a) Section 56-101 "Purpose" of Chapter 56 "Public Improvements and Infrastructure" to amend the reference of storm water to stormwater; (b) Section 56-102 "Water" of Chapter 56 "Public Improvements and Infrastructure" to amend the references of City Engineer to Director of Public Works or his/her duly appointed representative; (c) Section 56-103 "Sanitary Sewers" of Chapter 56 "Public Improvements and Infrastructure" to amend the references of City Engineer to Director of Public Works or his/her duly appointed representative; (d) Section 56-104 "Storm Water Management" of Chapter 56 "Public Improvements and Infrastructure" to amend the reference of storm water to stormwater, including the section title and to amend the references of City Engineer to Director of Public Works or his/her duly appointed representative and to amend from thirty (30) days of the date of notice to five (5) days of the date of notice for when maintenance is required for a given stormwater facility, following written notice from the City to property owners responsible for said maintenance; (e) Section 56-106 "Parks Reservations" of Chapter 56 "Public Improvements and Infrastructure" to amend the reference of storm water to stormwater; (f) Section 56-109 "Timing and Conveyance" of Chapter 56 "Public Improvements and Infrastructure" to amend the references of City Engineer to Director of Public Works or his/her duly appointed representative; and (g) Section 56-112 "Easements" of Chapter 56 "Public Improvements and Infrastructure" to amend the reference of storm water to stormwater 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 Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 8474. 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, Nikkila, Lear, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8474 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lear, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance No. 8474 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8474 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

IV. CONSENT AGENDA

Mayor Clouse stated as Consent Agenda Item Nos.10 and 11 pertain to items associated with Nebraska Public Power District, he would be abstaining from any action due to a conflict of interest.

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

1. Approve Minutes of Regular Meeting held March 9, 2021.

2. Approve the following Claims:

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

5.11-\$127.98-smcs; 1000bulbs.com-\$641.94-smcs; 5Gstore-\$1,974.04-co; 911 Custom-\$1,583.00-smcs; ABPA-\$75.00-smcs; Accent Sales-\$468.21-smcs; Acushnet-\$7,415.25-smcs; Adobe-\$671.86-smcs; Advance Auto Parts-\$26.73-smcs; AKRS Equipment-\$43,283.64-co; Alert 3-\$850.00-smcs; Alfred Benesch-\$58,919.61-co; All Hands Fire-\$816.00-smcs; All Makes Auto-\$2,494.31-smcs; Allied Electronics-\$343.74-smcs; Ally B Design-\$95.00-smcs; Alpsteg,C-\$46.67-smcs; Amazon-\$19,841.07-smcs,co; American-\$480.80-smcs; American Red Cross-\$972.00-smcs; Apple-\$0.99-smcs; Appliance Parts-\$41.65-smcs; Aramark Uniform-\$195.78-smcs; Ask Suppy-\$8.04-smcs; Atlantic-\$59.99-smcs; Audubon DTP-\$20.00-smcs; Aurora Coop-\$1,115.84-smcs;

Auto Value-\$1,515.59-smcs,co; B&H Photo-\$1,242.04-smcs; Baker & Taylor-\$3,929.32-smcs; Bamford-\$250.00-smcs; Barco Municipal -\$385.60-smcs; Baristas Daily Grind-\$5.00-smcs; Barney Insurance-\$100.00-smcs; Battery Guy-\$599.75-smcs; Beacon Athletics-\$1,298.04-smcs; Bear Frame-\$202.26-smcs; Berke,N-\$100.00-smcs; Big Apple Fun Center-\$50.00-smcs; Blackstone Publishing-\$588.93-smcs; Blue to Gold-\$318.00-smcs; Bluecross Blueshield-\$140,083.17-smcs; Bolte, Cody-\$223.00-smcs; Bosselman-\$26,818.82-smcs; Broadfoot Sand-\$5,131.46-smcs; Brown Construction-\$38,200.45-co; Buff City Soap-\$2,194.31-smcs; Buffalo Co. Attorney-\$18,750.00-smcs; Buffalo Co. Treasurer-\$14.86-smcs; Buffalo Outdoor Power-\$5,591.26-co,smcs; Builders-\$2,330.37-smcs,co; Bulk Apothecary-\$40.45-smcs; Cabela's-\$181.89-co; Carquest-\$862.56-smcs; Carrot Top -\$299.61-smcs; Casey's-\$37.65-smcs; Cash-Wa-\$1,456.17-smcs; CDW Govt.-\$410.42-smcs; Cenex-\$48.02-smcs; Center Point-\$75.96-smcs; Central Comm. College-\$49.00-smcs; Central Hydraulic-\$1,986.98-smcs; Central NE Bobcat-\$3,809.29-smcs; Central NE Rehab-\$90.00-ps; Chemsearch-\$307.00-smcs; Chesterman-\$814.75-smcs; Christensen, Eric-\$100.00-smcs; Cintas-\$295.04-smcs; City of Ky-\$13,477.76-smcs,co,ps; Cold Spring-\$420.00-smcs; Commonwealth Electric-\$67.18-smcs; Conservation Mart-\$296.24-smcs; Construction Rental-\$840.82-smcs; Control Yours-\$200.00-smcs; Copycat Printing-\$115.45-smcs; Core & Main-\$376.49-smcs; Credit Mgmt. Services-\$93.14-ps; Criminal Addiction-\$1,100.00-smcs; Culligan-\$452.76-smcs; Cunninham's Journal-\$61.94-smcs; Dawson Public Power-\$21,723.97-smcs; Daylight Donuts-\$62.26-smcs; Del City-\$63.22-smcs; Dell-\$9,585.51-smcs,co; Dennis,N-\$223.00-smcs; Digipalooza-\$39.00-smcs; Dish-\$128.06-smcs; Ditch Witch-\$108.38-smcs; Dmilaco Sports-\$170.00-smcs; Dolan Consulting-\$95.00-smcs; Dollar Tree-\$22.47-smcs; Dowhy Towing-\$1,770.75-smcs; DPC Industries-\$18,441.48-smcs; Dr. Brad Rodgers-\$353.00-ps; Eagle Distributing-\$1,477.50-smcs; Eakes Office Plus-\$396.05-smcs; Ebay-\$174.65-smcs; Echo Electric-\$251.14-smcs; Ecolab-\$83.06-smcs; Ehrlich-\$114.00-smcs; Eileen's -\$45.00-smcs; Electric Pump-\$15,045.77-smcs; Elliott Equipment-\$440,745.06-smcs,co; Emblem Authority-\$1,043.50-smcs; EMC Insurance-\$3,534.82-smcs; Entenmann-Rovin-\$129.25-smcs; Envirotech-\$5,087.26-smcs; Eurofins-\$840.00-smcs; Evident-\$659.83-smcs; Expression Wear-\$625.00-smcs,ps; Eyemed-\$1,270.56-smcs; F.D. Leatherworks-\$196.00-smcs; Facebook-\$117.30-smcs; Family Practice-\$117.68-ps; Farmers Union-\$759.60-smcs; Fastenal-\$375.37-smcs,ps; FDpins-\$25.71-ps; Fiddelke-\$750.80-smcs; Find it Parts-\$143.13-smcs; First Tactical-\$519.96-smcs; Flag Co.-\$71.40-smcs; Friesen Chevrolet-\$1,082.87-smcs; Frontier-\$7,183.14-smcs; Full Source-\$1,010.76-smcs; Gale/Cengage-\$272.06-smcs; Galeton -\$693.96-smcs; Galls-\$583.08-smcs,ps; Game & Parks Mailroom-\$15.00-smcs; GameTime-\$128.86-co; Gammon Technical -\$96.19-smcs; Garrett Tires & Treads-\$1,644.30-smcs; Gene Steffy Chrysler-\$29,052.00-co; Gerdes,J-\$223.00-smcs; Graham Tire-\$773.70-smcs; Grainger-\$4,322.28-smcs; Grand Kubota-\$153.29-smcs; Granicus-\$6,009.45-smcs; Grey House Publishing-\$588.00-smcs; Hawthorne Jewelry-\$1,178.33-ps; Hilltop 4 -\$50.00-smcs; Hिरeright-\$17.32-smcs; Hobby Lobby-\$919.54-smcs; Holmes Plumbing-\$206.33-smcs; Home Depot Pro-\$1,442.18-smcs; Horizon-\$120.15-smcs; Hort,K-\$31.00-smcs; Hy-Vee-\$32.17-smcs; IACP-\$190.00-smcs; ICMA-\$7,318.48-ps; lmyfonetech-\$29.95-co; Integrated Security-\$876.00-smcs; Int'l Code Council-\$609.60-smcs; IRS-\$186,711.89-ps; Jack Lederman-\$1,060.93-smcs; Jack's Uniforms-\$1,138.68-smcs; Jackson Services-\$324.12-smcs; JCB Delivery-\$35.00-smcs; JCPenney-\$62.48-smcs; Jmac Supply-\$284.56-smcs; Johnstone Supply-\$551.35-smcs; Ky Ace-\$1,076.59-smcs,co; Ky Area Builders-\$370.00-smcs; Ky Chamber Comm.-\$200.00-smcs; Ky Concrete-\$500.33-smcs; Ky Hub-\$2,255.07-smcs; Ky Power Sports-

\$85.95-smcs; Ky Towing & Repair-\$690.00-smcs; Ky Warehouse-\$793.82-smcs; Ky Winlectric-\$16,949.26-smcs,co; Ky Winnelson-\$721.71-smcs; Kelly Supply-\$368.21-smcs; Kimball Midwest-\$380.22-smcs; Kings III Emergency-\$480.06-smcs; Kirby Built-\$171.46-smcs; Koettters,J-\$223.00 -smcs; Konica Minolta-\$367.80 -smcs; KSO CPAs-\$27,850.00-smcs; Landmark Implement-\$1,330.52-smcs; Lawson Products-\$76.04 -smcs; LCL Truck Equipment-\$1,680.08-smcs; Lighting Direct-\$62.05-smcs; Lockmobile-\$24.50-smcs; Longleaf Services-\$319.19-smcs; L-Tron-\$329.00-smcs; Mac Tools-\$19.37-smcs; Macqueen Equipment-\$7,400.17-smcs; Magic Cleaning-\$1,560.00-smcs; Marlatt Machine-\$1,169.28-smcs; Masek Golf Car-\$1,058.00-smcs; Masters True Value-\$453.58-smcs; Matheson Tri-Gas-\$649.13-smcs; Maul,E-\$175.00-smcs; McElhinney,G-\$48.17-smcs; Mead Lumber-\$917.20-co; Menards-\$5,059.09-smcs,ps; Mid American Signal-\$3,217.51-smcs; Midland Scientific-\$622.23-smcs; Mid-NE Garage Doors-\$465.00-smcs; Midway-\$86.86-smcs; Midwest Connect-\$240.46-smcs; Midwest Petroleum-\$2,003.00-smcs; Midwest Turf-\$1,664.01-smcs; Midwest Turf & Irrigation-\$360.80-smcs; Miller Signs-\$250.00-smcs; Miracle Recreation Equip.-\$12,900.60-co; Mirror Image-\$100.00-smcs; Mitchell 1-\$1,015.29-smcs; Moonlight Embroidery-\$748.20-smcs; Municipal Services-\$30,341.31-smcs,co; Municipal Supply-\$7,203.56-smcs; Murphy Tractor-\$2,040.94-smcs; Myslik-\$5,450.00-smcs; Nat'l Information-\$80.00-smcs; Nat'l Registry EMT-\$85.00-smcs; NE Child Support-\$1,517.12-ps; NE Crane-\$214.32-smcs; NE Dept of Labor-\$6.38-ps; NE Dept of Revenue-\$41,460.66-smcs; NE Library Assoc.-\$215.00-smcs; NE Machinery-\$1,038.84-smcs; NE Peterbilt-\$1,070.45-smcs; NE Salt & Grain-\$15,277.60-smcs; NE Statewide-\$130.00-smcs; NE Truck Center-\$8,155.61-smcs; Nebraskaland Distributing-\$1,919.85-smcs; Netgate-\$815.15-co; Network Solutions-\$108.95-smcs; NISFM Boiler-\$180.00-smcs; North Central Air-\$899.00-smcs; Northern Safety-\$116.16-smcs; Northwestern Energy-\$9,795.38-smcs; OCLC-\$764.46-smcs; Odeys-\$1,789.69-smcs; Office Depot-\$28.62-smcs; Office Max-\$1,170.04-smcs; Officenet-\$81.24-smcs; One Call Concepts-\$123.32-smcs; O'Reilly Auto-\$1,388.51-smcs; Orkin-\$48.15-smcs; Orscheln-\$366.63-smcs; Oudekerk,S-\$636.00-smcs; Overdrive-\$27,200.00-smcs; Panera Bread-\$83.89-smcs; Papa John's-\$155.57-smcs; Paramount-\$67.84-smcs; Pdqcom-\$481.50-smcs; Peerless Machine-\$7,696.60-smcs; Penworthy-\$327.60-smcs; Pep Co.-\$150.00-smcs; Perkins-\$531.38-smcs; Pioneer Manufacturing-\$484.00-smcs; Pitney Bowes-\$60.00-smcs; Platte Valley Auto-\$1,661.85-smcs; Platte Valley Comm.-\$1,008.44-smcs; Police Technical-\$750.00-smcs; Pot O'Gold-\$77.00-smcs; Presto-X-\$531.00-smcs; Qualified Hardware-\$77.00-smcs; Quill-\$871.25-smcs; Rasmussen Mechanical-\$818.50-smcs; Ravenna Sanitation-\$23.25-smcs; Rayallen.com-\$864.97-smcs; Ready Mixed Concrete-\$378.00-smcs; Redbox-\$1.61-smcs; Redman's Shoes-\$140.00-co; Reinke's -\$95.00-smcs; Resco-\$12,000.00-smcs; Reverse Osmosis-\$168.97-smcs; Russell's Appliance-\$348.00-smcs; Safety Products-\$63.15-smcs; Sahling Kenworth-\$167.87-smcs; San Pedro-\$77.80-smcs; Sapp Brothers-\$21,410.59-smcs; Saylor Screenprinting-\$751.00-smcs; School Distric #7-\$3,235.00-smcs; School Outfitters-\$337.04-smcs; Schumacher Bros-\$488.00-smcs; See Clear Cleaning-\$2,655.50-smcs; Select Sprayers-\$322.51-smcs; Sequel Book-\$300.00-smcs; Sherwin Williams-\$259.78-smcs; Shredding Solutions-\$45.00-smcs; Siteone Landscape Supply-\$2,896.35-smcs; SLA Corp.-\$169.09-smcs; Smallcakes-\$19.30-smcs; Spectrum-\$1,030.41-smcs; Thurston Heating-\$586.60-smcs; Titan Machinery-\$1,376.35-smcs; Tractor Supply-\$891.73-smcs; Transunion-\$112.20-smcs; Traveler's Insurance-\$227,755.91-smcs; Trittechfore-\$169.00-smcs; Uline-\$557.04-smcs; Union Bank-\$98,329.28-ps; Unique-\$89.50-smcs; UPS -\$188.61-smcs; USA Communications-\$284.70 -smcs; USPS-\$479.00-smcs; Van Wall Equipment-

\$844.14-smcs; VanHorn,R-\$510.00-smcs; Velo News-\$69.95-smcs; Vessco-\$390.88-smcs; Village Payment-\$147.99-smcs; Village Uniform-\$209.00-smcs; Volvo Trucks-\$130.82-smcs; Wal-mart-\$1,083.78-smcs; Walters Electric-\$1,109.49-smcs; Watchguard Video-\$201.43-smcs; Wave Senior Learning-\$30.00-smcs; Wayfair-\$149.80-smcs; Waytek-\$676.47-smcs; Weldon,C-\$223.00-smcs; Wilco Life-\$10.00-ps; Winter Equipment-\$2,569.95-smcs; Wooldand Country Lodge-\$411.24-smcs; WPCI-\$371.50-ps; WT Cox-\$157.25-smcs; Yant Equipment-\$930.34-smcs; Zips Truck -\$286.50-smcs; Zoro Tools-\$360.44-smcs; Payroll Ending 03/19/2021 -- \$536,956.33. 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 April 13, 2021 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Accept the bids received for the Yanney Park – 8th Street Pedestrian Bridge in the amount of \$232,600 and adopt Resolution No. 2021-39 awarding the bid to Simon Contractors.

RESOLUTION NO. 2021-39

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on March 16, 2021 at 2:00 p.m. for the Yanney Park – 8th Street Pedestrian Bridge; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$250,500.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Simon Contractors of North Platte, Nebraska in the amount of \$232,600.00 be accepted as the lowest responsible bid for Yanney Park – 8th Street Pedestrian Bridge.

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 Simon Contractors be and is the lowest responsible bidder for the Yanney Park – 8th Street Pedestrian Bridge to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Simon Contractors in the amount of \$232,600.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$250,500.00 be and is hereby accepted.

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

PASSED AND APPROVED THIS 23RD DAY OF MARCH, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

5. Accept the bids received for the purchase of a hook lift truck used in the Utilities Department and award the bid to Nebraska Truck Center in the amount of \$159,500.00.

6. Adopt Resolution No. 2021-40 approving the Developer Constructed Infrastructure Agreement for William Estates between the City of Kearney and William Diessner, President of B & G Investments, LLC, a Nebraska Limited Liability Company for the construction of a water main and sanitary sewer main to serve William Estates, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2021-40

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled “Developer Constructed Infrastructure Agreement for William Estates” between the City of Kearney and William Diessner, President of B & G Investments, LLC, a Nebraska Limited Liability Company, for the construction of a water main and a sanitary sewer main for William Estates, 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 23RD DAY OF MARCH, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2021-41 approving the Agreement between the City of Kearney and KSO CPAs + Advisors for auditing services.

RESOLUTION NO. 2021-41

WHEREAS, Requests for Proposals were received and opened on May 30, 2003 for auditing services for the City of Kearney, Nebraska and the City of Kearney Community Redevelopment Authority; and

WHEREAS, the City received one proposal from McDermott & Miller, P.C. (now KSO CPAs + Advisors) and City Administration reviewed the proposal and recommended the proposal offered by McDermott & Miller, P.C. of Kearney Nebraska, be accepted; and

WHEREAS, the recommendation from City Administration was accepted and approved on June 24, 2003 by the Kearney City Council; and

WHEREAS, on August 14, 2006 the City received a proposal from McDermott & Miller, P.C. to extend the existing agreement an additional three years; and

WHEREAS, on March 3, 2009 the City received a proposal from McDermott & Miller, P.C. to extend the existing agreement an additional three (3) years; and

WHEREAS, on January 25, 2012 the City received a proposal from McDermott & Miller, P.C. to extend the existing agreement an additional three (3) years;

WHEREAS, on January 9, 2015 the City received a proposal from McDermott & Miller, P.C. to extend the existing agreement an additional three (3) years; and

WHEREAS, on February 28, 2018 the City received a proposal from KSO CPAs + Advisors (formerly McDermott & Miller, P.C.) to extend the existing agreement an additional three (3) years; and

WHEREAS, on March 16, 2021 the City received a proposal from KSO CPAs + Advisors to extend the existing agreement an additional three (3) years.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the recommendation from City Administration is hereby accepted and approved, that KSO CPAs + Advisors of Kearney, Nebraska, be accepted for auditing services for the City of Kearney, Nebraska, and the City of Kearney Community Redevelopment Authority for the three-year period beginning with the fiscal year ending on September 30, 2021, to be performed in accordance with the Proposal for Professional Audit Services, a copy of which marked "Exhibit A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF MARCH, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Adopt Resolution No. 2021-42 approving Application for Payment No. 3 in the amount of \$38,200.45 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.

RESOLUTION NO. 2021-42

WHEREAS, Brown Construction of Kearney, Nebraska has performed services in connection with the construction of the Community Tennis Facility, and the City's engineer, RDG Planning & Design, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$38,200.45 as shown on Exhibit "A" attached hereto and made a part hereof by reference

and as follows:

Original Contract Sum	\$ 7,250,100.00
Contract Sum To Date	<u>7,250,100.00</u>
Gross Amount Due	301,851.10
Retainage (5%)	- <u>15,092.56</u>
Amount Due to Date	286,758.55
Less Previous Certificates for Payment	- <u>248,558.10</u>
Current Payment Due	\$ 38,200.45

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

PASSED AND APPROVED THIS 23RD DAY OF MARCH, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Approve the Plans and Specifications for the Airport Improvement Program Project No. 3-31-0045-034 in connection with the Parking Lot Expansion project at the Kearney Regional Airport and set the bid opening date for April 20, 2021 at 2:00 p.m.

10. Adopt Resolution No. 2021-43 approving and authorizing the City Manager to execute the Recreational Use Agreement between the City of Kearney and Nebraska Public Power District (NPPD) to provide for the operation and maintenance of the existing hike-bike trail which uses certain portions of NPPD’s Canal and the existing Cottonmill Bridge and for the construction, operation and maintenance of the new bridge to be linked to the hike and bike trail across from NPPD’s Canal property located near 8th Street and agreement.

RESOLUTION NO. 2021-43

WHEREAS, the City of Kearney and Nebraska Public Power District (NPPD) desire to enter into a Recreational Use Agreement which will provide for the operation and maintenance of the existing hike-bike trail and the existing bridge known as ‘Cottonmill Bridge’ and for the construction, operation and maintenance of the ‘New Bridge’ to be located near 8th Street.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Recreational Use Agreement, marked as Exhibit A, attached hereto and made a part hereof by reference, be and is hereby approved.

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized and directed to execute the Recreational Use Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 23RD DAY OF MARCH, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2021-44 approving and authorizing the City Manager to execute the Water Delivery Agreement between the City of Kearney and Nebraska Public Power District to deliver water to the Rolling Hills Reservoir via the Kearney Canal.

RESOLUTION NO. 2021-44

WHEREAS, the City of Kearney and Nebraska Public Power District (NPPD) desire to enter into a Water Delivery Agreement specifying the delivery of water to the Rolling Hills Reservoir via the Kearney Canal and the conditions thereof.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Water Delivery Agreement, marked as Exhibit A, attached hereto and made a part hereof by reference, be and is hereby approved.

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized and directed to execute the Water Delivery Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 23RD DAY OF MARCH, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. Adopt Resolution No. 2021-45 approving the request by Kearney Gaming, LLC to provide keno-type lottery operation at Billy Jack’s Pizza Pub located at 810 3rd Avenue.

RESOLUTION NO. 2021-45

WHEREAS, the City of Kearney entered into a Lottery Operator Agreement on August 14, 2001 with Kearney Gaming, LLC to operate a keno-type lottery on behalf of the City; and

WHEREAS, Section 4.A. LOTTERY FACILITIES of the Lottery Operator Agreement requires Kearney Gaming, LLC to receive approval of the City Council prior to operating a keno-type lottery from any location within the City of Kearney: and

WHEREAS, Kearney gaming, LLC has requested that 810 South 3rd Avenue, Kearney Nebraska (Billy Jack’s Pizza Pub, Inc.) be approved as a location to operate a keno-type lottery on behalf of the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that 810 South 3rd Avenue, Kearney Nebraska (Billy Jack’s Pizza Pub, Inc.) is hereby approved as a location for Kearney Gaming, LLC to operate a keno-type lottery on behalf of the City of Kearney.

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict herewith are hereby repealed.

PASSED AND APPROVED THIS 23RD DAY OF MARCH, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Adopt Resolution No. 2021-46 approving the Purchase Agreement between Floyd Beins and the City of Kearney for the purchase of a tract of land located in the Southwest Quarter of the Northwest Quarter AND a tract of land in the Northwest Quarter, all in Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska being located at 4755, 4759, 4805 N Avenue.

RESOLUTION NO. 2021-46

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the “Purchase Agreement between Floyd R. Beins and the City of Kearney” for the purchase of real property which is legally described as:

A .49-acre tract of land in the Southwest Quarter of the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more commonly referred to as 4759 N Avenue, Kearney, Nebraska;

AND

A 1.30-acre tract of land in the Northwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more commonly referred to as 4755 & 4805 N Avenue, Kearney, 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 23RD DAY OF MARCH, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

14. Approve the agreement with the City of Kearney and Tri-City Auction Center to provide auctioneering services for property to be sold at police auction by the Kearney Police Department and adopt Resolution No. 2021-47.

RESOLUTION NO. 2021-47

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement for Auction Services between the City of Kearney and Tri-City Auction Center for the purpose of providing auctioneering services for property to be sold at police auction by the Kearney Police Department be and is hereby approved. The Agreement, marked as Exhibit 'A', is hereby attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Agreement for Auction Services on behalf of the City of Kearney.

PASSED AND APPROVED THIS 23RD DAY OF MARCH, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

15. Approve the Plans and Specifications for the continuation of Phase II Enhancements of the Kearney Water Trail known as Kearney Whitewater Park and set the bid opening date for May 4, 2021 at 2:00 p.m.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8475 AMENDING CHAPTER 8 "POLICE"

Council Member Lear introduced Ordinance No. 8475 amending Section 8-507 "Sale of Vehicle" of Article 5 "Abandoned Vehicles" of Chapter 8 "Police" of the City Code to amend the language authorizing the sale of vehicles by the City Manager or designee and to add the authorization for the Police Department to sell such vehicle at public sale or by use of an online auction website and give proper notice being printed once in the appropriate newspaper of general circulation within the City at least ten (10) days prior to sale or by being posted on the City of Kearney website for a period of at least ten (10) days prior to sale, 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 Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8475. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the

City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8475 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8475 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8475 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

ORDINANCE NO. 8476 AUTHORIZING THE ISSUANCE OF COMBINED UTILITIES REVENUE BONDS, SERIES 2021

Council Member Lear introduced Ordinance No. 8476 authorizing the issuance of Combined Utilities Revenue Bonds, Series 2021, of the City of Kearney, Nebraska, in the aggregate principal amount of \$1,045,000 for the purpose of paying the cost of maintaining, extending, enlarging and improving the waterworks plant and water system and the sewage disposal plant and sanitary sewer system of the city; directing the application of the proceeds of said bonds; prescribing the form, terms and details of said bonds; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said city for the payment of said bonds and interest thereon; providing for the collection, segregation and application of the revenues of said waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system, 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 Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8476. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8476 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8476 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8476 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney

Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$88,948.23 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council Member Nikkila recognized the Kearney Whitewater Association and said congrats to City staff and the Kearney Whitewater Association who have both worked really hard to move the project forward.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:45 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**