

*Kearney, Nebraska  
June 22, 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 June 22, 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; Tony Jelinek, Director of Utilities; Andrew Harter, Director of Public Works; Dennis Byrne, Police Lieutenant; and Scott Hayden, Director of Park and Recreation, were also present.

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

## **I. ROUTINE BUSINESS**

### **INVOCATION/MOMENT OF SILENCE**

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

### **PLEDGE OF ALLEGIANCE**

Mayor Clouse and Council members led the audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

Mayor Clouse announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted on the wall of the Council Chambers.

### **ORAL COMMUNICATIONS**

There were no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### **III. PUBLIC HEARINGS**

#### **REZONE PROPERTY LOCATED SOUTH OF 39TH STREET, EAST OF AVENUE W, NORTH OF GRAND AVENUE**

Moved by Nikkila seconded by Moore to remove Public Hearings 1, 2, 3 and 4 from the table. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Danny Starostka for Starostka Group Unlimited to rezone from District AG, Agricultural District and District R-1, Urban Residential Single-Family District (Low Density) to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) and consider Ordinance No. 8496.

Jacob Reiter with Olsson presented this matter to the Council. Mr. Reiter explained where the property is located in correlation to prior properties that have been platted and noted the it is currently zoned AG. The rezoning request will match the prior four (4) Additions previously platted. Mr. Reiter stated Block One (1) of the proposed Millennial Estates Fifth Addition has been designated for a future City park. Additionally, as part of the proposed plat, Avenue X will be installed to Grand Avenue and 31st Street Drive will be extended to Avenue X. Mr. Reiter explained the Infrastructure Plan regarding water and sewer connections for the proposed eleven (11) lots in the new Addition. Drainage of the area will mainly flow easterly onto Avenue X with some drainage flowing west into existing infrastructure; the storm sewer will also be extended towards the future park. Mr. Reiter noted Avenue X will be installed, meeting City street standards; however, 35th Street Drive will be built at a 32-foot width instead of 35-foot which is included as one of the deviations requested. Parking on 35th Street Drive for the future park will be on the south side of the street with the majority of the north side of the street designated as a no parking zone. The proposed Millennial Estates Fifth Addition will include a total of eleven (11) lots, three (3) of which will be duplex lots and one (1) 2.77 acre lot to be dedicated to the City for the future park.

Council Member Jonathan Nikkila questioned how the size of the designated lot for the future park compares to other smaller City parks? Scott Hayden, Park and Recreation Director stated the future park will be comparable to the park located in Eastbrooke Addition.

Council Member Randy Buschkoetter questioned if flooding in the area has gotten better as development of the area has progressed? Eric Hellriegel, Assistant City Manager stated the infrastructure installed with each Addition helps with the drainage of the area. A regional detention cell on the northeast portion of the development contains the majority of the storm water.

Jordan Starostka with Starostka Group Unlimited stated they have been discussing this

for a long time and are excited to put the green space out there.

Council Member Buschkoetter asked how many more Additions there will be? Mr. Starostka stated they are currently considering expansion on the north side of East 39th Street.

Council Member Tami Moore questioned Mr. Starostka on whether they have seen a change in the market? Mr. Starostka stated they have and noted he feels lumber prices seem to be coming down so that will help with stabilization in the market.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the application submitted by Danny Starostka for Starostka Group Unlimited and introduced Ordinance No. 8496 to rezone from District AG, Agricultural District and District R-1, Urban Residential Single-Family District (Low Density) to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8496. 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, Moore, Buschkoetter, Lear. 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. 8496 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8496 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8496 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.

**FINAL PLAT AND SUBDIVISION AGREEMENT FOR MILLENNIAL ESTATES FIFTH ADDITION**

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Danny Starostka for Starostka Group Unlimited for the Final Plat and Subdivision Agreement for Millennial

Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) and consider Resolution No. 2021-92.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2021-92 approving the application submitted by Danny Starostka for Starostka Group Unlimited for the Final Plat and Subdivision Agreement for Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

### **RESOLUTION NO. 2021-92**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Commencing at North Quarter corner of Section 31, Township 9 North, Range 15 West; thence on an assumed bearing of N 89°39'25" E, along the North line of the Northeast Quarter, a distance of 1200.25 feet; thence S 00°21'03" E a distance of 40.17 feet to a point on the South Right-of-Way line of 39th Street, said point also being on the East Right-of-Way line of Avenue X; thence continuing S 00°21'03" E, along said East Right-of-Way line, a distance of 886.88 feet to the Southwest corner of Lot 1, Block 4, Millennial Estates Second Addition and also being the point of beginning; thence N 89°38'57" E, along the South line of said Lot 1, Block 4, a distance of 109.32 feet; thence S 00°21'04" E a distance of 50.78 feet; thence S 43°13'02" E a distance of 310.03 feet to a point on the Northwesterly Right-of-Way line of Grand Avenue; thence S 46°06'12" W, along said Northwesterly Right-of-Way line, a distance of 761.67 feet to the intersection of said Northwesterly Right-of-Way line of Grand Avenue and the North Right-of-Way line of 34th Street and also being the Southeast corner of Outlot A, Block 2, Millennial Estates Addition; thence N 00°14'04" W, along the East line of said Millennial Estates Addition, a distance of 60.75 feet; thence N 00°21'03" W, along said East line, a distance of 382.00 feet to a point on the South Right-of-Way line of 35th Street Drive; thence N 03°57'04" W a distance of 60.12 feet to a point on the North Right-of-Way line of 35th Street Drive, also being the Southeast corner of Lot 1, Block 3, said Millennial Estates Addition; thence N 00°21'03" W, along the East line of said Millennial Estates Addition, a distance of 115.00 feet to the Northeast corner of said Lot 1, Block 3 and also being a point on the South line of Millennial Estates Second Addition; thence N 89°38'57" E, along said South line, a distance of 106.50 feet to a point being the Southeast corner, Lot 14, Block 2, said Millennial Estates Second Addition; thence N 00°21'03" W, along the East line of said Lot 14, Block 2, a distance of 115.00 feet to a point on the South Right-of-Way line of 36th Street; thence N 89°38'57" E, along said South Right-of-Way line, a distance of 129.00

feet to a point on the East Right-of-Way line of Avenue X; thence N 00°21'03" W, along said East Right-of-Way line, a distance of 70.00 feet to the point of beginning, said tract contains a calculated area of 236,078.43 square feet or 5.419 acres more or less of which 0.538 acres is new dedicated Road Right-of-Way, all located in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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 22ND DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

### **ANNEXATION OF MILLENNIAL ESTATES FIFTH ADDITION**

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Danny Starostka for Starostka Group Unlimited for the annexation of Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) and consider Resolution No. 2021-93.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2021-93 approving the application submitted by Danny Starostka for Starostka Group Unlimited for the annexation of Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

**RESOLUTION NO. 2021-93**

WHEREAS, an Application has been submitted by Danny Starostka for Starostka Group Unlimited for the inclusion of Millennial Estates Fifth Addition, an addition within the corporate boundaries of the City of Kearney said property described as A tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Commencing at North Quarter corner of Section 31, Township 9 North, Range 15 West; thence on an assumed bearing of N 89°39'25" E, along the North line of the Northeast Quarter, a distance of 1200.25 feet; thence S 00°21'03" E a distance of 40.17 feet to a point on the South Right-of-Way line of 39th Street, said point also being on the East Right-of-Way line of Avenue X; thence continuing S 00°21'03" E, along said East Right-of-Way line, a distance of 886.88 feet to the Southwest corner of Lot 1, Block 4, Millennial Estates Second Addition and also being the point of beginning; thence N 89°38'57" E, along the South line of said Lot 1, Block 4, a distance of 109.32 feet; thence S 00°21'04" E a distance of 50.78 feet; thence S 43°13'02" E a distance of 310.03 feet to a point on the Northwesterly Right-of-Way line of Grand Avenue; thence S 46°06'12" W, along said Northwesterly Right-of-Way line, a distance of 761.67 feet to the intersection of said Northwesterly Right-of-Way line of Grand Avenue and the North Right-of-Way line of 34th Street and also being the Southeast corner of Outlot A, Block 2, Millennial Estates Addition; thence N 00°14'04" W, along the East line of said Millennial Estates Addition, a distance of 60.75 feet; thence N 00°21'03" W, along said East line, a distance of 382.00 feet to a point on the South Right-of-Way line of 35th Street Drive; thence N 03°57'04" W a distance of 60.12 feet to a point on the North Right-of-Way line of 35th Street Drive, also being the Southeast corner of Lot 1, Block 3, said Millennial Estates Addition; thence N 00°21'03" W, along the East line of said Millennial Estates Addition, a distance of 115.00 feet to the Northeast corner of said Lot 1, Block 3 and also being a point on the South line of Millennial Estates Second Addition; thence N 89°38'57" E, along said South line, a distance of 106.50 feet to a point being the Southeast corner, Lot 14, Block 2, said Millennial Estates Second Addition; thence N 00°21'03" W, along the East line of said Lot 14, Block 2, a distance of 115.00 feet to a point on the South Right-of-Way line of 36th Street; thence N 89°38'57" E, along said South Right-of-Way line, a distance of 129.00 feet to a point on the East Right-of-Way line of Avenue X; thence N 00°21'03" W, along said East Right-of-Way line, a distance of 70.00 feet to the point of beginning, said tract contains a calculated area of 236,078.43 square feet or 5.419 acres more or less of which 0.538 acres is new dedicated Road Right-of-Way, all located in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on May 21, 2021 on the inclusion of Millennial Estates Fifth Addition within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on June 22, 2021 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the land to be platted as Millennial Estates Fifth Addition shall be included within the corporate limits of the City of Kearney, Buffalo County, Nebraska, that the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules and regulations of the City of Kearney.

BE IT FURTHER RESOLVED that the inclusion of Millennial Estates Fifth Addition within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 22ND DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**PLANNED DISTRICT DEVELOPMENT PLAN FOR PROPERTY LOCATED SOUTH OF 39TH STREET, EAST OF AVENUE W, NORTH OF GRAND AVENUE**

Public Hearings 1, 2, 3 and 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Danny Starostka for Starostka Group Unlimited for Planned District Development Plan Approval for the proposed construction of a subdivision on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) and consider Resolution No. 2021-94.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2021-94 approving the application submitted by Danny Starostka for Starostka Group Unlimited for Planned District Development Plan Approval for the proposed construction of a subdivision on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

**RESOLUTION NO. 2021-94**

WHEREAS, Danny Starostka for Starostka Group Unlimited have applied for Planned District Development Plan Approval for the construction of a subdivision on property to be zoned District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Commencing at North Quarter corner of Section 31, Township 9 North, Range 15 West; thence on an assumed bearing of N 89°39'25" E, along the North line of the Northeast Quarter, a distance of 1200.25

feet; thence S 00°21'03" E a distance of 40.17 feet to a point on the South Right-of-Way line of 39th Street, said point also being on the East Right-of-Way line of Avenue X; thence continuing S 00°21'03" E, along said East Right-of-Way line, a distance of 886.88 feet to the Southwest corner of Lot 1, Block 4, Millennial Estates Second Addition and also being the point of beginning; thence N 89°38'57" E, along the South line of said Lot 1, Block 4, a distance of 109.32 feet; thence S 00°21'04" E a distance of 50.78 feet; thence S 43°13'02" E a distance of 310.03 feet to a point on the Northwesterly Right-of-Way line of Grand Avenue; thence S 46°06'12" W, along said Northwesterly Right-of-Way line, a distance of 761.67 feet to the intersection of said Northwesterly Right-of-Way line of Grand Avenue and the North Right-of-Way line of 34th Street and also being the Southeast corner of Outlot A, Block 2, Millennial Estates Addition; thence N 00°14'04" W, along the East line of said Millennial Estates Addition, a distance of 60.75 feet; thence N 00°21'03" W, along said East line, a distance of 382.00 feet to a point on the South Right-of-Way line of 35th Street Drive; thence N 03°57'04" W a distance of 60.12 feet to a point on the North Right-of-Way line of 35th Street Drive, also being the Southeast corner of Lot 1, Block 3, said Millennial Estates Addition; thence N 00°21'03" W, along the East line of said Millennial Estates Addition, a distance of 115.00 feet to the Northeast corner of said Lot 1, Block 3 and also being a point on the South line of Millennial Estates Second Addition; thence N 89°38'57" E, along said South line, a distance of 106.50 feet to a point being the Southeast corner, Lot 14, Block 2, said Millennial Estates Second Addition; thence N 00°21'03" W, along the East line of said Lot 14, Block 2, a distance of 115.00 feet to a point on the South Right-of-Way line of 36th Street; thence N 89°38'57" E, along said South Right-of-Way line, a distance of 129.00 feet to a point on the East Right-of-Way line of Avenue X; thence N 00°21'03" W, along said East Right-of-Way line, a distance of 70.00 feet to the point of beginning, said tract contains a calculated area of 236,078.43 square feet or 5.419 acres more or less of which 0.538 acres is new dedicated Road Right-of-Way, all located in Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Danny Starostka for Starostka Group Unlimited for Planned District Development Plan Approval for the construction of a subdivision on property zoned District R-2PD, Urban Residential Mixed-Density/Planned Development Overlay District and described as a tract of land located in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Commencing at North Quarter corner of Section 31, Township 9 North, Range 15 West; thence on an assumed bearing of N 89°39'25" E, along the North line of the Northeast Quarter, a distance of 1200.25 feet; thence S 00°21'03" E a distance of 40.17 feet to a point on the South Right-of-Way line of 39th Street, said point also being on the East Right-of-Way line of Avenue X; thence continuing S 00°21'03" E, along said East Right-of-Way line, a distance of 886.88 feet to the Southwest corner of Lot 1, Block 4, Millennial Estates Second Addition and also being the point of beginning; thence N 89°38'57" E, along the South line of said Lot 1, Block 4, a distance of 109.32 feet; thence S 00°21'04" E a distance of 50.78 feet; thence S 43°13'02" E a distance of 310.03 feet to a point on the Northwesterly Right-of-Way line of Grand Avenue; thence S 46°06'12" W, along said Northwesterly Right-of-Way line, a distance of 761.67 feet to the intersection of said Northwesterly Right-of-Way line of Grand Avenue and the North Right-of-Way line of 34th Street and also being the Southeast corner of Outlot A, Block 2, Millennial Estates Addition; thence N 00°14'04" W, along the East line of said Millennial Estates Addition, a

distance of 60.75 feet; thence N 00°21'03" W, along said East line, a distance of 382.00 feet to a point on the South Right-of-Way line of 35th Street Drive; thence N 03°57'04" W a distance of 60.12 feet to a point on the North Right-of-Way line of 35th Street Drive, also being the Southeast corner of Lot 1, Block 3, said Millennial Estates Addition; thence N 00°21'03" W, along the East line of said Millennial Estates Addition, a distance of 115.00 feet to the Northeast corner of said Lot 1, Block 3 and also being a point on the South line of Millennial Estates Second Addition; thence N 89°38'57" E, along said South line, a distance of 106.50 feet to a point being the Southeast corner, Lot 14, Block 2, said Millennial Estates Second Addition; thence N 00°21'03" W, along the East line of said Lot 14, Block 2, a distance of 115.00 feet to a point on the South Right-of-Way line of 36th Street; thence N 89°38'57" E, along said South Right-of-Way line, a distance of 129.00 feet to a point on the East Right-of-Way line of Avenue X; thence N 00°21'03" W, along said East Right-of-Way line, a distance of 70.00 feet to the point of beginning, said tract contains a calculated area of 236,078.43 square feet or 5.419 acres more or less of which 0.538 acres is new dedicated Road Right-of-Way, all located in Buffalo County, Nebraska (South of 39th Street, East of Avenue W, North of Grand Avenue) be approved subject to the following deviations:

1. Site area of 5,980-square feet for four (4) single-family residential lots and 5,959-square feet for one (1) single-family residential lot.
2. 52-foot lot width (five lots).
3. 5-foot side yard setback (nine residential lots).
4. 32-foot urban local street width (35th Street Drive) with an 18-foot minimum cartway 100% of the time, a minimum of four (4) on-premise parking spaces with two (2) tandem parking lanes per single-family residential lot, and the use of cluster mailboxes.
5. No Parking Signage as shown in the PC submittal.
6. One (1) sanitary and water connection per R-2 lots being noted as single-family on the final plat to inform future owners of the limitation.

PASSED AND APPROVED THIS 22ND DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
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 15 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held June 8, 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 \$94.99 smcs; 5gstore \$390.00 smcs; 5s Store \$557.03 smcs; Accelacare Occupational \$25.00 ps; Ace Irrigation \$733.18 smcs; Acushent \$2,166.56 smcs; Adobe \$928.54 smcs; Advance Auto Parts \$15.29 smcs; Agri Coop \$2,344.98 smcs; Alfred Benesch \$94,837.30 co; All Makes Auto \$2,733.26 smcs; Ally B Design \$50.00 smcs; Amazon \$8,125.81 smcs,co; American Legion \$171.99 smcs; American Red Cross \$1,972.36 smcs; Anderson Brothers \$1,806.83 smcs; Apple \$0.99 smcs; Aramark Uniform \$309.39 smcs; Arrowhead Scientific \$146.10 smcs; Ask Supply \$2,271.14 smcs; Aurora Coop \$889.25 smcs; Aussie Hydraulics \$224.55 smcs; Authorize.net \$30.00 smcs; Auto Value \$370.88 smcs; B&H Photo \$289.95 co; B2 Environmental \$250.00 co; Baker & Taylor \$4,810.79 smcs; Bamford \$475.00 smcs; Barco Municipal \$327.00 smcs; Beacon Athletics \$172.84 smcs; Blackstone \$226.21 smcs; Blessing \$62,159.26 co; Bluecross Blueshield \$208,733.98 smcs; Booher,V \$10.84 smcs; Bosselman \$70,561.24 smcs; BP Lincoln Farm \$19.12 smcs; Broadfoot's \$5,390.00 smcs; Brown Construction \$1,132,982.58 co; Brown Transfer \$131.50 smcs; BSN Sport \$1,926.11 smcs; Buffalo Co. Attorney \$18,750.00 smcs; Buffalo Co. Treasurer \$93.80 smcs,co; Buffalo Outdoor Power \$713.20 smcs; Builders \$1,561.05 smcs,co; Camblin,K \$18.66 smcs; Camera Doctor \$32.00 smcs; Canva \$119.40 smcs; Carquest \$181.93 smcs; Casey's \$55.86 smcs; Cash Wa \$7,259.68 smcs; CDW \$1,604.65 smcs; Central Hydraulic \$397.62 ps; Central NE Bobcat \$748.14 smcs; Central NE Rehab \$150.00 smcs; Central States Wire \$364.50 smcs; Chemsearch \$307.00 smcs; Chesterman \$5,913.25 smcs; Cintas \$274.00 smcs; City of Ky \$18,618.56 smcs,ps; Consolidated Mgmt. \$26.22 smcs; Constant Contact \$377.00 smcs; Construction Rental \$1,534.84 smcs,co; Control Yours \$300.00 smcs; Copycat \$465.09 smcs; Core & Main \$13,892.71 smcs; Country Sampler \$25.00 smcs; Credit Mgmt. \$99.33 ps; Culligan \$210.50 smcs; Custom Products \$163.40 smcs; Cutter & Buck \$150.20 smcs; Cutting Edge Cleaning \$105.00 smcs; Cypress Info. Services \$926.10 smcs; Dan's Plumbing \$245.13 smcs; Dawson Public Power \$26,466.58 smcs; Daylight Donuts \$158.74 smcs; Dehner Company \$1,060.00 smcs; Dejonge,M \$17.38 smcs; Dell \$2,016.82 smcs; Depository Trust \$647,638.75 ds; Digicert \$690.20 smcs; Dillon's Fuel \$31.26 smcs; Dish \$128.06 smcs; DKC Digi Key \$125.75 smcs; Dollar Tree \$9.28 smcs; DSM Safety \$358.95 smcs; Duane Advertising \$470.33 smcs; E470 Express Tolls \$4.65 smcs; Eagle Distributing \$2,418.45 smcs; Eakes \$9,534.90 smcs; Earl May \$2,354.78 smcs; Ebsco Publishing \$4,132.00 smcs; Echo Electric \$47.08 smcs; Ehrlich \$57.00 smcs; Elliott Equipment \$3,216.53 smcs; Emblem Authority \$772.50 smcs; EMC Insurance \$2,566.58 smcs; Entenmann-Rovin \$248.50 smcs; Environmental Resource \$1,552.63 smcs; Eustis Body Shop \$100.00 smcs; Exhaust Pros \$40.00 smcs; Expression Wear \$414.00 smcs; Eyemed \$1,314.00 smcs; EZ Turf \$54.47 co; Facebook \$508.07 smcs; Fastenal \$437.35 smcs; Fedex \$121.63 smcs; Fiddelke Heating \$175.00 smcs; Fischer,H \$60.00 smcs; Fox Rent a Car \$768.91 smcs; Friesen Chevrolet \$141.25 smcs; Frontier \$229.97 smcs; Fruge,J \$60.00 smcs; Full Source \$167.94 smcs; Fun Express \$121.85 smcs; Gale/Cengage \$213.91 smcs; Galls \$534.39 smcs; Galvan,G \$12.23 smcs; GameTime \$91.31 smcs; Garrett Tires \$5,610.06 smcs; Global Industrial \$618.05 smcs; Go To Meeting \$2,606.52 smcs; Goodwin,G \$5.84 smcs; Gotschall,M \$36.44 smcs; Grainger \$3,754.41 smcs; Grey House Publishing \$312.00 smcs; Gronewoller,B \$31.00 smcs; Halsted,K \$3.87 smcs; Hampton Inns \$2,047.64 smcs; Heartland Motor \$1,000.00 smcs; Hertz \$673.33 smcs; Hobby Lobby \$634.12 smcs; Holmes Plumbing \$1,163.24 smcs; Home Depot \$1,148.17

smcs; Hotel United Hotels \$514.05 smcs; Huber,T \$43.83 smcs; Hy-Vee \$18.98 smcs; ICMA \$6,194.98 smcs; ID Wholesale \$556.19 smcs; Idemia Identity \$14,073.00 smcs; Inland Truck Parts \$1,647.58 smcs; Integrated Security \$400.00 smcs; Int'l Code Council \$33.71 smcs; IRS \$181,970.44 smcs; Jack Lederman \$3,752.94 smcs,co; Jack's Uniforms \$33,786.89 smcs,co; Jackson Services \$294.42 smcs; JCB Delivery \$89.00 smcs; Jimmy Johns \$268.40 smcs; Jmac Supply \$284.56 smcs; Johnson Brothers of NE \$726.00 smcs; Johnstone Supply \$810.01 smcs; Ky Ace \$195.77 smcs; Ky Animal Shelter \$10,300.00 smcs; Ky Chamber Comm. \$150.00 smcs; Ky Concrete \$14,938.44 smcs,co; Ky Crete & Block \$1,174.19 smcs; Ky Hub \$3,910.63 smcs; Ky Power Sports \$1,039.35 smcs; Ky Tire \$2,066.08 smcs; Ky Towing \$85.00 smcs; Ky Winlectric \$5,819.53 smcs,co; Ky Winnelson \$1,619.11 smcs; Kelly Supply \$625.40 smcs; Kocian,H \$37.36 smcs; Konica Minolta \$1,180.64 smcs; K-Town Cakes \$40.15 smcs; Landmark Implement \$4,015.80 smcs; Lawson Products \$956.85 smcs; Lego Brand \$64.19 smcs; Leopold Painting \$1,500.00 co; Lifeguard Store \$1,175.96 smcs; Lion Country \$119.90 smcs; Lockmobile \$43.68 smcs; Longleaf Services \$141.01 smcs; Loper Athletic Club-F-ball \$1,365.00 smcs; Loper Athletic Club-S-ball \$767.25 smcs; Lovesac Company \$695.50 smcs; Lundeen-Isaacson \$4,569.00 smcs; Macqueen Equipment \$37.67 smcs; Magic Cleaning \$1,090.00 smcs; Magnet Forensics \$3,199.00 smcs; Magnolia Journal \$32.10 smcs; Masters True Value \$9,127.63 smcs,co; MATAI \$270.00 smcs; Matt Friend Truck \$1,552.50 co; Maul,E 100.00 smcs; McGee,A \$15.76 smcs; Menards \$3,885.06 smcs,co; Merrill Company \$1,181.06 smcs; Messicks \$21.57 smcs; Metcalf,B \$32.56 smcs; Mid American Signal \$950.00 smcs; Midland Scientific \$70.26 smcs; Midlands Contracting \$126,058.37 co; Mid-NE Garage Doors \$200.00 smcs; Midway \$330.27 smcs; Midwest Assn. \$926.70 smcs; Midwest Connect \$21.24 smcs; Midwest Turf \$1,713.61 smcs; Miller & Associates \$4,757.50 smcs; Mirror Image \$310.72 smcs; Mity Lite \$9,735.54 co; Modern Cleaners \$44.80 ps; Moonlight Embroidery \$2,426.25 smcs; Municipal Emergency \$1,873.34 smcs; Municipal Supply \$17,434.04 smcs; Murillo, Leo \$7.49 smcs; Namebadge.com \$21.38 smcs; Napa Store \$7.48 smcs; National Audio \$41.64 smcs; Nat'l Council \$145.00 smcs; Nature Watch \$153.46 smcs; NE Child Support \$1,517.12 smcs; NE Dept Environment \$150.00 smcs; NE Libraries \$109.71 smcs; NE Library Commission \$2,593.00 smcs; NE Machinery \$425.71 smcs; NE Truck Center \$1,880.63 smcs; Nebraskaland Distributing \$1,114.40 smcs; Nebraskarur \$550.00 smcs; Nevco Sports \$1,019.00 smcs; Newell,B \$1,260.25 smcs; NFPA \$175.00 smcs; NI NDA App \$50.00 smcs; Nielsen Contracting \$197,299.40 co; Northwestern Energy \$2,783.63 smcs; No-Spill Systems \$347.65 smcs; NRG Media \$100.00 smcs; NTOA \$139.00 smcs; Nutrien Ag \$927.68 smcs; OCLC \$764.46 smcs; Office Depot \$891.17 smcs; O'Reilly Auto \$1,371.39 smcs; Original Watermen \$67.08 smcs; Orscheln \$1,097.96 smcs,co; Paramount \$36.58 smcs; Park Ink \$1,305.30 smcs; Paulsen \$736,150.23 co; Pep Co \$150.00 smcs; Pet Pick Ups \$889.25 smcs; Petsmart \$325.68 smcs; Photo Card \$85.76 smcs; Ping \$808.12 smcs; Pitney Bowes \$1,060.00 smcs; Platinum Awards \$132.56 smcs,co; Platte Valley Auto Mart \$1,944.77 smcs; Platte Valley Comm. \$210.05 smcs; Pot O' Gold \$77.00 smcs; PowerTech \$500.00 smcs; Projector Super Store \$268.99 co; PSS/CSS Presentation \$14.61 smcs; Public Agency \$1,338.75 smcs; Quill \$2,095.93 smcs; Quinn,B \$12.80 smcs; Quizizz \$468.00 smcs; Raising Canes \$146.96 smcs; Ravenna Sanitation \$49.00 smcs; Ready Mixed Concrete \$5,459.50 co; Reams \$2,704.75 smcs; Redbox \$1.93 smcs; Redman's \$518.54 smcs; Reilly,M \$35.50 smcs; Rentokil \$481.00 smcs; Resource Management \$4,780.80 smcs; Ridgecrest \$161.50 smcs; Ring Yearly \$30.00 smcs; Ross,J \$40.32 smcs; S2O Designs \$7,350.00 smcs; Safe Slide \$107,288.53 co; Sahling Kenworth \$69.28 smcs; Salina

Blueprint \$152.12 smcs; Sanchez,G \$22.76 smcs; School District #7 \$605.00 smcs; Scott,G \$9.27 smcs; See Clear Cleaning \$2,050.00 smcs; Shell \$50.48 smcs; Sherwin Williams \$296.96 smcs; Shredding Solutions \$45.00 smcs; SignIT \$36.00 smcs; Silverstone Group \$6,405.92 smcs; SLA Corp \$338.18 smcs; Snap-On Tools \$1,498.02 smcs; Spectrum \$1,037.42 smcs; Sporting Edge \$360.00 smcs; Staybridge Suites \$770.01 smcs; Steinbrink \$4,695.79 smcs,co; Straight Line Striping \$26,210.95 smcs; Stutsman \$2,745.00 smcs; Superior Signals \$1,019.75 smcs; Target Solutions \$6,362.82 smcs; Texoma Golf \$181.47 smcs; Thread \$40.46 smcs; Thrifty Car Rental \$65.10 smcs; Tielke's Sandwiches \$179.27 smcs; Toro Company \$101.04 smcs; Totally Promotional \$377.71 smcs; Tractor-Supply \$956.92 smcs,co; Trade Well Pallet \$1,960.00 smcs; Transunion \$111.30 smcs; Tri Co Glass \$40.25 smcs; Tri-Cities Group \$223.17 smcs; Tru Green \$526.00 smcs; Turner Body Shop \$200.00 smcs; Twin City Hardware \$288.86 smcs; Ubiquiti \$148.74 co; Uline \$3,193.35 smcs,co; Union Bank & Trust \$1,128,795.41 smcs; Unique Management \$44.75 smcs; United \$377.70 smcs; UPS \$153.12 smcs; USA Communications \$813.47 smcs; USDA \$40.00 smcs; USPS \$312.05 smcs; Valley Vending \$142.50 smcs; Van Diest \$1,049.06 smcs; Village Services \$203.58 smcs; Vista Print \$37.55 smcs; Wagoner,A \$36.80 smcs; Walgreens \$4.91 smcs; Wal-Mart \$2,892.94 smcs; Walters Electric \$4,500.00 co; Waytek \$531.89 smcs; Web Network \$126.97 smcs; Wilco Life \$10.00 smcs; Wilkins Hinrichs Stober \$10,800.00 co; WPCI \$778.00 ps; Yanda's \$35.00 smcs; Zoom \$160.39 smcs; Zoro Tools \$289.95 smcs; Payroll Ending 06/05/21 -- \$ 575,027.81 and 06/19/21 -- \$594,225.47. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$\_\_\_\_\_ to the City of Kearney.

- 3.** Receive recommendations of Planning Commission and set July 13, 2021 at 5:30 p.m. as date and time for hearing on those applications where applicable.
- 4.** Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Andrew Guenther submitted by STL of Nebraska, Inc dba Target Store T-0857 located at 4800 3rd Avenue in connection with their Class DK-077550 liquor license.
- 5.** Authorize the disposing of five (5) items including a car, refuse trucks, shed and pick up as surplus items that are no longer useful to the City and authorize the City Manager to sell or disposal of such items by any method which is most advantageous to the City.
- 6.** Accept the bid received for the sale of property being Lot 1, Lake Villa Estates 3rd Addition and award the bid to Daniel Roeder in the amount of \$28,234.00.
- 7.** Accept the bid received for the sale of property being Lot 2, Lake Villa Estates 3rd Addition and award the bid to Daniel Roeder in the amount of \$28,234.00.
- 8.** Accept the bid received for the sale of property being Lot 3, Lake Villa Estates 3rd Addition and award the bid to Daniel Roeder in the amount of \$28,234.00.
- 9.** Accept the bid received for the sale of property being Lot 4, Lake Villa Estates 3rd Addition and award the bid to Dan Roeder in the amount of \$28,234.00.

**10. POSTPONED SINCE JUNE 8, 2021.** Adopt Resolution No. 2021-102 approving the Developer Constructed Infrastructure Agreement for Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska between the City of Kearney and Danny Starostka, President of Starostka Group Unlimited, Inc., a Nebraska Corporation for the construction of paving, water main, sanitary sewer main and storm sewer main improvements to serve Millennial Estates Fifth Addition.

**RESOLUTION NO. 2021-102**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska" between the City of Kearney and Danny Starostka, President of Starostka Group Unlimited, Inc., a Nebraska Corporation, for the construction of paving, water main, sanitary sewer main and storm sewer main improvements to serve Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 22ND DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**11.** Adopt Resolution No. 2021-107 approving the Developer Constructed Infrastructure Agreement for Butler Addition, an addition to the City of Kearney, Buffalo County, Nebraska between the City of Kearney and Chris Gay, CFO of Butler Machinery Company, Inc. a North Dakota Corporation for the construction of paving, water main, sanitary sewer main and storm sewer improvements to serve Butler Addition.

**RESOLUTION NO. 2021-107**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Butler Addition, an addition to the City of Kearney, Buffalo County, Nebraska" between the City of Kearney and Chris Gay, CFO of Butler Machinery Company, Inc. a North Dakota Corporation for the construction of paving, water main, sanitary sewer main and storm sewer main improvements to serve Butler Addition, an addition to the City of Kearney, Buffalo County, Nebraska and a proposed 66.00 foot wide Permanent Right of Way & Utility Easement described as a tract of land being part of the East Half of the Northeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., 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 22ND DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**12.** Approve the application submitted by Daniel Buller from Crossroad Center (formerly Jerry Bumgardners from Crossroads Center Rescue Mission), to extend Conditional Use Permit No. 2011-05 to operate a homeless shelter located at 1404 East 39th Street for a period of five years.

**13.** Adopt Resolution No. 2021-108 approving Application and Certificate for Payment No. 6 in the amount of \$1,132,982.58 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.

**RESOLUTION NO. 2021-108**

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. 6 in the amount of \$1,132,982.58 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 7,250,100.00
Change Order Nos. 1 & 2 (4/27/2021)	+ <u>7,506.22</u>
Contract Sum To Date	7,257,606.22
Gross Amount Due	2,290,575.13
Retainage (5%)	- <u>114,528.76</u>
Amount Due to Date	2,176,046.37
Less Previous Certificates for Payment	- <u>1,043,063.79</u>
Current Payment Due	\$ 1,132,982.58

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 6, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**14.** Accept the bids received for the Landfill Bypass Road Improvements and adopt Resolution No. 2021-109 awarding the bid to Tri-City Concrete, LLC the amount of \$82,625.00.

**RESOLUTION NO. 2021-109**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on June 15, 2021 at 2:00 p.m. for the Landfill Bypass Road Improvements; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$96,985.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Tri City Concrete LLC of Kearney, Nebraska in the amount of \$82,625.00 be accepted as the lowest responsible bid for the Landfill Bypass Road Improvements.

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 Tri City Concrete LLC be and is the lowest responsible bidder for the Landfill Bypass Road Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Tri City Concrete LLC in the amount of \$82,625.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$96,985.00 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 JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

15. Adopt Resolution No. 2021-110 approving Application and Certificate for Payment No. 1 in the amount of \$205,242.30 submitted by RMV Construction and approved by Miller & Associates for the Wastewater Treatment Plant Phase II; Vehicle Storage Building.

**RESOLUTION NO. 2021-110**

WHEREAS, RMV Construction of Kearney, Nebraska has performed services in connection with the Wastewater Treatment Plant Phase II; Vehicle Storage Building, and the City’s engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$205,242.30 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 1,516,900.00</u>
Contract Sum To Date	1,516,900.00
Gross Amount Due	228,047.00
Retainage (0%)	- 22,804.70
Amount Due to Date	<u>205,242.30</u>
Less Previous Certificates for Payment	- 0.00
Current Payment Due	\$ 205,242.30

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

PASSED AND APPROVED THIS 22ND DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 8499 SELLING LOT 1, LAKE VILLA ESTATES 3RD ADDITION**

Council Member Lear introduced Ordinance No. 8499 selling Lot 1, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska to Daniel Roeder, 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. 8499. 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. 8499 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. 8499 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. 8499 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. 8500 SELLING LOT 2, LAKE VILLA ESTATES 3RD ADDITION**

Council Member Lear introduced Ordinance No. 8500 selling Lot 2, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska to Daniel Roeder, 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. 8500. 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. 8500 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. 8500 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. 8500 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. 8501 SELLING LOT 3, LAKE VILLA ESTATES 3RD ADDITION**

Council Member Lear introduced Ordinance No. 8501 selling Lot 3, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska to Daniel Roeder, 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. 8501. 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. 8501 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. 8501 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. 8501 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. 8502 SELLING LOT 4, LAKE VILLA ESTATES 3RD ADDITION**

Council Member Lear introduced Ordinance No. 8502 selling Lot 4, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska to Daniel Roeder, 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. 8502. 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. 8502 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. 8502 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. 8502 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**

### **ORDINANCE NO. GRANTING A NON-EXCLUSIVE FRANCHISE TO ALLO COMMUNICATIONS**

Regular Agenda Items 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened for discussion granting a non-exclusive franchise to ALLO Kearney, LLC, a Nebraska Limited Liability Company to construct, install, operate, maintain or otherwise locate cable and telecommunication facilities in public ways within the City of Kearney and to consider Ordinance No. 8498.

Michael Tye, City Attorney presented this matter to the Council. This matter involves a franchise agreement allowing ALLO Communications to provide cable telecommunication and internet services in the City of Kearney. Mr. Tye stated the ALLO Communications franchise agreement is similar to the previously approved and simplified franchise agreement with Charter/Spectrum and noted it is non-exclusive. The franchise fee is 5% of gross revenue which is consistent with the City's other franchise agreements.

Mayor Clouse questioned how many telecommunication franchise agreements the City currently has? Mr. Tye stated he thought approximately four (4) or five (5).

Doc Winger with ALLO Communications stated they are excited to be coming to Kearney and noted they will be building an entirely new utility in the City limits of Kearney. Once it is built it will be a 100% fiber network and ALLO will offer the Triple Play to all citizens, businesses and government entities in Kearney. Triple Play includes traditional video in the form of cable tv, traditional voice and internet. ALLO offers basic internet

speed at 500 megabits per second, a gig to residential customers and unlimited to businesses. Mr. Winger noted ALLO is currently beta testing software and once the fiber network is installed in Kearney they will be offering a ten (10) gig network for residential customers for both upload and download.

ALLO is a Nebraska based company that is headquartered in Imperial, Nebraska. Mr. Winger stated that ALLO's largest market is Lincoln and noted that Lincoln is the fourth fastest city in the United States for internet following three (3) other Google fiber cities. ALLO Communications is listed in the top ten (10) fastest internet providers in the United States according to PC Magazine. The Kearney network will be the same network that is in Lincoln.

Mayor Clouse asked if ALLO is preparing to move forward with the build out? Mr. Winger stated ALLO will build out the entire City but will not start immediately. Before starting, ALLO will be working on a pole attachment agreement with NPPD which will include a permitting process. ALLO will either utilize current poles that can handle their load, or go underground where poles cannot handle the load. Additionally, ALLO will provide an updated plan to the City of Kearney and NPPD showing where their network will be on poles and where it will be located underground; making sure to note where City utilities are located underground. ALLO Communications will have a local office in Kearney. Mr. Winger noted significant notice will be given to neighborhoods before they begin installation. Because it is the installation of a new utility, there will be disruptions throughout the City; ALLO will be working with the Public Works Department as the need for closing streets arises.

Mayor Clouse asked what the percentage of aerial compared to underground locations is for Kearney. Mr. Winger did not have exact figures but stated the majority will be aerial when looking at their map.

Council Member Nikkila questioned if NPPD is aware ALLO Communications is coming to Kearney? Mr. Winger stated they have been in contact with NPPD and are aware of ALLO coming to Kearney.

Council Member Clouse introduced Ordinance No. 8498 granting a non-exclusive franchise to ALLO Communications to construct, install, operate, maintain or otherwise locate cable and telecommunication facilities in public ways within the City of Kearney, 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 suspend the rules for Ordinance No. 8498. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. 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. 8498 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance No. 8498 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8498 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.

**APPROVE A CABLE AND TELECOMMUNICATION FRANCHISE AGREEMENT TO ALLO**

Regular Agenda Items 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened for discussion Resolution No. 2021-111 approving a Cable and Telecommunication Franchise Agreement to ALLO Communications to construct, install, operate, maintain or otherwise locate cable and telecommunication facilities in public ways within the City of Kearney.

Moved by Moore seconded by Lear to approve Resolution No. 2021-111 approving a Cable and Telecommunication Franchise Agreement to ALLO Communications to construct, install, operate, maintain or otherwise locate cable and telecommunication facilities in public ways within the City of Kearney. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

**RESOLUTION NO. 2021-111**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Cable and Telecommunication Franchise Agreement between the City of Kearney, Nebraska and ALLO Kearney, LLC, a Nebraska Limited Liability Company, authorizing ALLO Kearney, LLC, to construct, operate and maintain a Cable and Telecommunication System within the City pursuant to the Cable Ordinances, to include the use of Public Ways and Easements within the City of Kearney. A copy of the Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 22ND DAY OF JUNE, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**ORDINANCE NO. 8503 AMENDING SECTION 3-1304 "ALCOHOLIC BEVERAGES; HOURS OF OPERATION" AND SECTION 3-1306 "ALCOHOLIC BEVERAGES; HOURS OF SALE; NEW YEAR'S EVE AND ST. PATRICK'S DAY" OF ARTICLE 13 "ALCOHOL BEVERAGES" OF CHAPTER 3 "BUSINESS REGULATIONS"**

Mayor Clouse opened for discussion amending Section 3-1304 "Alcoholic Beverages; Hours of Operation" of Article 13 "Alcohol Beverages" of Chapter 3 "Business

Regulations” of the City Code to delete sub items B and C regarding the sale of alcoholic beverages, including beer and wine, being sold at retail and dispensed between the hours of 1:00 a.m. and 11:00 a.m. on Sunday and the sale of alcoholic beverages, including beer and wine, being sold at retail and dispensed from 11:00 a.m. until 12:00 a.m. (midnight) on Sunday; and to delete in its entirety Section 3-1306 “Alcoholic Beverages; Hours of Sale; New Year’s Eve and St. Patrick’s Day” of Article 13 “Alcohol Beverages” of Chapter 3 “Business Regulations” and to consider Ordinance No. 8503.

Lauren Brandt, City Clerk presented this matter to the Council. At the request of Council Member Nikkila, the proposed amendments will repeal the current Sunday hours for the sale and dispensing of alcohol, including the sale of beer and wine, which were 11:00 a.m. to 1:00 a.m. and change them to match Monday through Saturday hours for the sale and dispensing of alcohol; 7:00 a.m. to 1:00 a.m. Additionally, Section 3-1306 pertaining to “Alcohol Sales; Hours of Sale” on New Year’s Eve and St. Patrick’s Day would be deleted in its entirety.

Council Member Nikkila stated he felt this section of Code is something from the past that no longer needs to be part of Code. He felt the hours should be standard Monday through Sunday which will make Code simpler, clearer and more convenient for citizens wanting to purchase alcohol early for their various events.

Council Member Buschkoetter agreed with Council Member Nikkila and noted this will help businesses by adding serving hours for potential events in their establishments.

Mayor Clouse stated he had spoken with the Kearney Police Department and they had no issues and noted having consistent selling hours every day of the week would make things easier as well.

Council Member Lear introduced Ordinance No. 8503 amending Section 3-1304 “Alcoholic Beverages; Hours of Operation” of Article 13 “Alcohol Beverages” of Chapter 3 “Business Regulations” of the City Code to delete sub items B and C regarding the sale of alcoholic beverages, including beer and wine, being sold at retail and dispensed between the hours of 1:00 a.m. and 11:00 a.m. on Sunday and the sale of alcoholic beverages, including beer and wine, being sold at retail and dispensed from 11:00 a.m. until 12:00 a.m. (midnight) on Sunday; and to delete in its entirety Section 3-1306 “Alcoholic Beverages; Hours of Sale; New Year’s Eve and St. Patrick’s Day” of Article 13 “Alcohol Beverages” of Chapter 3 “Business Regulations”, 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. 8503. 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, Moore, Buschkoetter, Lear. 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. 8503 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was

read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8503 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8503 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.

### **OPEN ACCOUNT CLAIM**

Moved by Nikkila seconded by Moore that the Open Account Claim in the amount of \$98,037.83 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse abstained. Motion carried.

### **STAFF PRESENTATION ON THE 2021 PROJECT OVERVIEW**

Mayor Clouse opened Regular Agenda Item 5 for Council to receive the presentation from City staff on the 2021-2022 Project Overview. This presentation was for informational purposes only.

Michael Morgan, City Manager presented this matter to the Council. Mr. Morgan stated due to COVID he was unable to review the list of major projects for the City sooner. Mr. Morgan presented the following list to Council:

He noted the Hybrid Red Light Trail Crossings located at 11th Street, 17th Street and 30th Avenue are the best technology available to use on a roadway to manage a bike trail system. Mr. Morgan stated The Gardens at Yanney Park – Phase One is fully funded; grant applications are in the process of being completed to assist in funding with Phases Two and Three which includes additional flower beds, sculptures, additional parking, a Pavilion and extension of the Bike Trail. The Airport Taxiway Project is fully funded by the Federal Government and is approximately half way completed. The Kearney Regional Airport Terminal Parking Project will add an additional 77 to 80 free parking stalls. The Kearney Regional Airport Terminal will also be fully funded by the Federal Government and is still in the preliminary planning process. Mr. Morgan noted Kearney's enplanements will be the second highest in history this month. For the most part, these projects come out of the City's General Funds. The City's contribution to the \$47,800,000 in the projects listed below is \$11,600,000. Mr. Morgan stated 75% of funding comes from private donations, CARES money or grants.

- |  |             |
|--|-------------|
| • Railroad Quiet Zones – Central & 5th Avenue            | \$100,000   |
| • Harmon Pool Water Slide Restoration                    | \$199,439   |
| • Rolling Hills Bridge Repairs                           | \$93,000    |
| • Collins Park – Splashpad/Playground                    | \$200,000   |
| • Hybrid Red Light Trail Crossings – 11th, 17th and 30th | \$250,000   |
| • The Gardens at Yanney Park – Phase One                 | \$1,600,000 |

• Tennis Facility	\$9,000,000
• Whitewater Trail - Phase One (\$100,000)	\$630,000
• 8 <sup>th</sup> Street Pedestrian Bridge – Yanney Park (\$200,000)	\$300,000
• 31 <sup>st</sup> – Avenue D to Avenue G (Street and Water)	\$1,080,000
• Pony Express RD – 39 <sup>th</sup> Street & Seminole LN	\$335,000
• Avenue N – 28th to 39th Street	\$2,900,000
• Airport Taxiway Project	\$7,625,000
• Kearney Regional Airport Terminal Parking	\$1,300,000
• Downtown Brick Street Repairs	\$100,000
• Kenwood School Area - Traffic Signal – 15th Avenue	\$350,000
• Talmadge Street Extension to Yanney Avenue	\$5,400,000
• Kearney Regional Airport Terminal	\$8,600,000
• YMCA Parking Lot – Parking	\$250,000
• Asphalt Street Improvements – Downtown – 2 Years	\$690,000
• Harmon Park Sonatorium (\$150,000)	\$950,000
• Traffic Signal – Left Turn Lane – 56th and Avenue N	\$500,000
• 2nd Avenue Overpass	\$2,000,000
• Traffic Signal – 11th Avenue and 56th Street	\$250,000
• Millennial Park – Playground/Shelter/Splashground	\$400,000
• 11th Street – Avenue A to Avenue F	\$1,500,000
• Yanney Park – Maintenance Building & Greenhouse	\$650,000
• Cemetery North Addition – Phase One	\$250,000
• Downtown Improvements	\$400,000
• Sidewalk Replacements	\$100,000
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• Water Tower – Avenue N – booster pumps, parking, lighting	\$8,040,000
• Wastewater Treatment Plant Upgrades	\$23,000,000

Council Member Nikkila questioned how Park staff handles the additional parks as they are added? Mr. Morgan stated staffing is increased as needed as a certain number of staff are assigned to each Park exclusively, as well as adding equipment and storage for the equipment as needed.

Council Member Moore stated a lot of the projects help with the safety of citizens and are not something that is always seen but is important for citizens.

Mr. Morgan stated the City of Kearney is growing fast and noted that the unemployment rate in Kearney is 1.8%; essentially the lowest in the nation and sales tax is up 58%. He noted the only item that was not on the list that has been requested in the past was a new pool; however, because a new pool is expensive and only used a few months out of the year, the City has updated current pools and added splash pads.

Mr. Morgan further noted that Patriot Park recently held a tournament with 68 teams; there are 10 major tournaments scheduled at Patriot Park this year. Council Member Buschkoetter noted the recent tournament was a fundraiser that helps make softball more affordable to children in Kearney, allowing more kids to be able to play.

Council Member Buschkoetter agreed with Council Member Moore and further mentioned the donations received to add lights to the Hike/Bike Trail added safety to the trail.

Mayor Clouse noted several of the larger expenditure projects: funding for the Veteran's Home, funding for Cherry Avenue and funding for Patriot Park have either completely been paid for or will be very soon. Mr. Morgan agreed and added there have been major improvements and the addition of a new building at Meadowlark Golf Course and with the payments for Cherry Avenue almost completed, KENO funds will be used for Capital Improvement projects for Meadowlark Golf Course.

Council Member Lear questioned what the capacity has been running at pools and whether the pools have had to turn anyone away this summer? Scott Hayden, Park and Recreation Director stated the pools have been full but have not been at capacity to where people were turned away.

Mr. Morgan stated the City is always looking for ways to improve and help make citizens lives easier in Kearney.

Council Member Nikkila stated he appreciates City staff's ability to hear citizens suggestions and complaints and try to figure out solutions to the majority of the issues.

Mr. Morgan feels that as a community we need to have discussions on manageable growth and where we want to go as a community; what comes next and what do people want.

## **VII. REPORTS**

Mr. Morgan thanked representatives from both hospitals, Dr. Messbarger, County Board members, the Sherriff, Chief Waugh, Shawna Erbsen, Administrative Services Director for the City of Kearney and psychologists who participated in weekly COVID calls pertaining to what it meant for the City and County and the direction the City and County were going during the COVID pandemic. The group had their last meeting today; there are 30 individuals in Nebraska in the hospital related to COVID. There has been some concern with the different variants of COVID; however, Nebraska is doing well with the number of people that have been immunized. Mr. Morgan feels at some point a community conversation is needed to review the lessons learned during the COVID pandemic and review what could have been done differently.

Council Member Nikkila stated he went on a ride along with a Kearney Police Officer and also spoke with several other Officers; he shared that all of the Officers he spoke with shared their appreciation regarding the support they receive from Council Members.

Council Member Buschkoetter encouraged anyone who has not received a COVID vaccine to get one.

## **VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 6:40 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**ATTEST:**

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**LAUREN BRANDT  
CITY CLERK**

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