

*Kearney, Nebraska
July 27, 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 July 27, 2021 in the Council Chambers at City Hall. Present were: Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: Stanley A. Clouse, President of the Council. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Andy Harter, Director of Public Works; Jason Koettters, Police Lieutenant; Brenda Jensen, Development Services Director and Jade Brown, Recreation Superintendent were also present. Members of the media present included: Mike Konz with the Kearney Hub. Several members and supporters of the Play to Play committee were in attendance.

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

Vice-President Buschkoetter and Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

None.

IV. CONSENT AGENDA

Moved by Nikkila seconded by Moore that Subsections 1 through 12 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

1. Approve Minutes of Special Joint Meeting held July 8, 2021 and Minutes of Regular Meeting held July 13, 2021.

2. Approve the following Claims:

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

1000bulbs.com \$88.18 smcs; Accucut \$80.28 smcs; Ace Irrigation \$1,095.05 smcs,co; Acushnet \$2,167.28 smcs; Adobe \$29.99 smcs; Agri Coop \$356.89 smcs; Airnav \$505.00 smcs; All Makes Auto \$3,915.60 smcs; All Star Tennis \$510.40 smcs; Amazon \$17,107.87 smcs; American \$436.29 smcs; American Legion \$251.75 smcs; American Red Cross \$96.00 smcs; Apple Market \$39.73 smcs; Aramark Uniform \$479.94 smcs; Archway \$87.89 smcs; Arrow Seed \$1,059.00 smcs; Ask Supply \$2,182.01 smcs; Aurora Coop \$58.88 smcs; Authorize.net \$10.00 smcs; Auto Value \$333.43 smcs; Baker & Taylor \$4,700.86 smcs; Ballast Shop \$99.20 smcs; Bamford \$2,235.98 smcs; Barco Municipal \$398.94 smcs; Beacon Athletics \$1,433.00 smcs; Bichlmeier,E \$60.07 smcs; Blackstone \$192.49 smcs; Blank Shirts \$50.38 smcs; Blick Art \$538.40 smcs; Blue To Gold \$399.00 smcs; Bluebeam \$698.00 smcs; BlueCross BlueShield \$78,198.95 smcs; Bosselman \$62,980.75 smcs; Broadfoot's \$3,962.00 smcs; Buff City Soap \$30.00 smcs; Buffalo Co Sheriff \$667.75 smcs; Buffalo Outdoor Power \$1,889.47 smcs,co; Builders \$430.29 smcs,co; C&I Equipment \$432.60 smcs; Cab Store \$107.87 smcs; Cal/Amp \$2,774.49 co; Carolina Software \$650.00 co; Carquest \$293.86 smcs; Casey's \$57.86 smcs; Cash Wa \$4,627.50 smcs; Celebrite \$1,950.00 smcs; Cenex \$601.74 smcs; Center Point Large Print \$75.31 smcs; Central District Health \$3,223.00 smcs; Central Hydraulic \$91.05 smcs; Central NE Bobcat \$534.71 smcs; Central Wire \$4,749.70 smcs; Century Lumber \$26.09 smcs; Chemsearch \$307.00 smcs; Cheshire Inn \$2,269.38 smcs; Chesterman \$3,105.25 smcs; Cintas \$243.68 smcs; City of Ky \$11,458.82 smcs,ps; CNA Surety \$40.00 smcs; Colling, Lee \$31.00 smcs; Compufox \$346.37 co; Consolidated Mgmt. \$26.22 smcs; Construction Rental \$3,269.46 smcs,co; Control Yours \$100.00 smcs; Copycat \$716.45 smcs; Core & Main \$7,597.00 smcs; Cornhusker Cleaning \$507.81 smcs; Country Partners \$21,340.99 smcs; Crafty Dog \$30.00 smcs; Credit Mgmt. \$99.33 ps; Crouch Recreation \$59,950.00 smcs; Crown Awards \$522.11 smcs; Culligan \$5,492.34 smcs; Cummins \$545.96 smcs; Cunnigham's \$25.00 smcs; Cutting Edge \$192.50 smcs; D & D Industries \$1,875.00 smcs; Dan Roeder Concrete \$576,426.60 co; Dan's Plumbing \$247.00 smcs; Davis Equipment \$1,947.01 smcs; Dawson Public Power \$50,488.79 smcs; Daylight Donuts \$155.63 smcs; Dell \$9,008.04

smcs,co; Demco \$69.89 smcs; Demos,A \$3.48 smcs; Dish \$247.88 smcs; Dogs Unlimited \$109.95 smcs; Dolan Consulting \$485.00 smcs; Dollar General \$2.14 smcs; Dollar Tree \$12.84 smcs; DPC Industries \$7,735.42 smcs; E Replacement \$442.82 smcs; Eagle \$420.00 smcs; Eakes \$1,795.55 smcs; Earl May \$757.61 smcs; Echo Electric \$9.99 smcs; Ecolab \$83.06 co; Ehlich \$57.00 smcs; Elliott Equipment \$1,019.40 smcs; Embassy Suites \$684.42 smcs; EMC Insurance \$429.71 smcs; Ensley Electrical \$58,981.50 co; Expression Wear \$57.00 smcs; Extender Partners \$62.96 smcs; Eyemed \$1,286.68 smcs; Facebook \$133.06 smcs; Fairfield Inn \$96.00 smcs; Family Fresh \$15.98 smcs; Family Practice \$3,715.00 ps; Fastenal \$26.56 smcs; Fedex \$49.44 smcs; Fields,K \$93.00 smcs; Flagpoles \$393.00 smcs; Foreflight \$499.99 smcs; Fort Ky Shooting \$1,493.88 smcs; Friesen Chevrolet \$406.47 smcs; Frontier \$7,260.15 smcs; Fun Express \$249.44 smcs; Gale \$1,475.65 smcs; Galeton \$723.51 smcs; GameTime \$114.74 co; Gammon Technical \$62.13 smcs; Gardner,K \$6.69 smcs; Garrett Tires \$3,749.85 smcs; Gear for Sports \$464.22 smcs; Georgia Fountain \$424.00 smcs; Giboney,S \$324.00 smcs; Glendale Parade \$85.00 smcs; Global ARFF \$3,967.18 smcs; Godaddy.com \$147.56 smcs; Golf Course Supt. \$400.00 smcs; Gopher Sport \$299.76 smcs; Government Finance \$535.00 smcs; Grainger \$1,227.77 smcs; Great Plains & Safety \$200.00 smcs; Haas, Emily \$60.00 smcs; Hall Co. Hero Flight Assn. \$50,000.00 smcs; Halo Branded Solutions \$56.34 smcs; Hawley,J \$56.92 smcs; High Seed Gear \$450.56 smcs; Hilti \$1,619.43 co; Historical Info Gatherers \$1,500.00 smcs; Hobby-Lobby \$323.58 smcs; Hockmeier,J \$75.00 smcs; Holiday Inn Express \$328.89 smcs; Holmes Plumbing \$1,914.82 smcs,co; Home Depot \$1,972.09 smcs; Hometown Leasing \$159.08 smcs; Hy-Vee \$46.13 smcs; ICMA Retirement \$44,120.96 ps; Int'l Society Arboriculture \$120.00 smcs; IRS \$212,824.11 ps; Island Supply \$104.40 smcs; Jack Lederman \$316.29 smcs,co; Jack's Small Engines \$50.87 smcs; JCB Delivery \$23.00 smcs; Johnson Controls \$400.34 smcs; Johnson Landscape \$691.88 smcs; Johnson Service \$12,900.00 smcs; Johnstone Supply \$800.91 smcs; Kalb,M \$13.14 smcs; Kaw Valley \$205.21 smcs; Ky Ace \$1,481.63 smcs; Ky Chamber Comm. \$1,800.00 smcs; Ky Concrete \$27,964.08 smcs,co; Ky Crete & Block \$563.27 smcs; Ky Hub \$332.12 smcs; Ky Power Sports \$1,147.55 smcs,co; Ky Quality Sew \$416.93 smcs,co; Ky Tire \$175.10 smcs; Ky Towing \$225.00 smcs,co; Ky Winlectric \$17,423.42 smcs; Ky Winnelson \$370.44 smcs; Kelly Supply \$1,645.66 smcs; Kings III Emergency \$480.06 smcs; Koln TV \$590.00 smcs; Konica Minolta \$1,177.17 smcs; Kotschwar,T \$31.00 smcs; Kully Supply \$314.70 smcs; Kyoto \$25.00 smcs; La Police Gear \$76.98 smcs; Landmark Implement \$2,490.58 smcs; Lee NE Media \$1,391.81 smcs; Lion Group \$257.12 smcs; Little Caesars \$38.84 smcs; Lockmobile \$42.12 smcs; Logan Contractors \$2,929.20 co; Los Magueyes \$25.00 smcs; Lowes \$266.43 smcs; Luther,D \$8.46 smcs; Macqueen \$870.76 smcs; Maize Ky \$42.79 smcs; Marlow White \$96.00 smcs; Mason,L \$91.97 smcs; Master's True Value \$690.93 smcs; MATAI \$45.00 smcs; Matheson \$14.50 smcs; Mavik Marine \$151.41 smcs; McDonald Uniforms \$404.99 smcs; MDC Quarterly \$21.40 smcs; Mefferd,E \$844.00 smcs; Menards \$9,131.94 smcs,co; Merrill \$346.38 smcs; MIC Loup \$167.54 smcs; Microsoft \$9.61 smcs; Mid American Signal \$225.00 smcs; Midland Scientific \$685.15 smcs; Mid-NE Garage Doors \$200.00 smcs; Mid-Plains Equipment \$237.35 smcs; Midwest Connect \$1,047.40 smcs; Midwest Turf \$1,598.66 smcs; Milco Environmental \$7,209.48 smcs; Miller & Associates \$4,965.13 co; Miller Signs \$45.00 smcs; Moonlight Embroidery \$2,039.27 smcs,co; Municipal Supply \$11,377.34 smcs; Murphy Tractor \$2,188.74 smcs; MyRec \$4,695.00 smcs; Nat'l Registry EMT \$85.00 smcs; NCH Software \$36.33 co; NE Child Support Pmt \$1,517.12 ps; NE Crane \$50.70 smcs; NE Dept. Revenue \$74,278.58 smcs; NE Dept. Environmental \$21,071.33 smcs;

NE Golf Assn. \$440.00 smcs; NE Public Health \$58.00 smcs; NE Safety & Fire \$210.00 smcs; NE Softball Assn. \$1,910.00 smcs; NE Truck Center \$2,815.46 smcs; Nebraskaland Distrib. \$1,181.00 smcs; Nelson,N \$60.00 smcs; Newegg \$33.16 co; NI SFM Boiler/Elevator \$522.00 smcs; Nielsen Contracting \$58,202.18 co; NLBA \$200.00 smcs; Northern Safety \$145.20 smcs; Northern Tool \$815.45 smcs; Northgate Vet Clinic \$241.00 smcs; Northwestern Energy \$3,973.82 smcs; NRG Media \$500.00 smcs; NTOA \$695.00 smcs; Nutrien Ag \$182.87 smcs; NWEA \$690.00 smcs; OCLC \$779.76 smcs; Office Depot \$295.38 smcs,co; Office Max \$935.23 smcs; Officenet \$165.83 smcs; Olsson \$10,956.90 co; O'Reilly Automotive \$745.39 smcs; O-Ring Store \$38.99 smcs; Orscheln \$953.43 smcs; Packer Brothers \$780.31 smcs; Paddle Wheeler \$1,163.91 smcs; Paramount \$36.58 smcs; Penworthy \$679.67 smcs; Pep Co \$150.00 smcs; Pet Pick Ups \$605.40 smcs; Petsmart \$206.99 smcs; Ping \$391.06 smcs; Platinum Awards \$47.70 co; Platt Electric \$1,238.55 smcs; Platte River Harley \$1,100.15 smcs; Platte Valley Auto \$1,001.60 smcs; Platte Valley Comm. \$85.18 smcs; Plumbing Supply \$114.21 smcs; Police Reco \$1,264.98 smcs; Poster My Wall \$32.94 smcs; Pot O' Gold \$77.00 smcs; Prairie Meadows Race \$732.48 smcs; Presto-X \$350.00 smcs; Pump & Pantry \$71.08 smcs; QA Balance \$125.00 smcs; Quill \$519.90 smcs; Race Ready \$156.21 smcs; Rasmussen Mechanical \$8,027.58 smcs; Raze Eyewear \$323.62 smcs; RDG Planning & Design \$8,475.00 smcs; Ready Mixed Concrete \$4,861.50 co; Reams \$1,276.26 smcs; Redbox \$1.39 smcs; Reinke's Heating \$292.38 smcs; Resource Mgmt. \$1,326.80 smcs; Reverse Osmosis \$110.22 smcs; Relectro \$173.70 smcs; Rinder Printing \$642.08 smcs; Rivera Jr,R \$60.00 smcs; Rockmount Research \$178.71 smcs; Rouse,H \$31.00 smcs; Russells Appliance \$100.00 smcs; Rylind Manufacturing \$786.00 smcs; S & B Heating \$85.00 smcs; S&S Worldwide \$132.04 smcs; Safelite \$961.92 smcs; Sahling Kenworth \$1,254.97 smcs; Sams Club \$213.98 smcs; Sandry Fire \$387.90 smcs; Sanitation Products \$326.75 smcs; Scantling,E \$25.00 smcs; Schaff,D \$27.48 smcs; Schindler Elevator \$19,979.16 smcs; Schwan's \$2,542.32 smcs; Select Sprayers \$51.28 smcs; Sequel Book \$800.00 smcs; Setcom \$959.07 smcs; Sherwin Williams \$1,304.41 smcs; Shop Toro \$70.69 smcs; Shredding Solutions \$126.75 smcs; Sign Center \$1,517.24 smcs,co; Signlt \$341.00 smcs; Siteone Landscape \$223.11 smcs; Skywest \$42,584.11 smcs; SLA Corp \$187.37 smcs; Smidt, Stan \$337.68 smcs; Sobieszky,B \$34.68 smcs; SOS Portable Toilets \$365.00 smcs; Southern Glaziers Wine \$560.44 smcs; Spectrum \$1,068.30 smcs; Sporting Edge \$248.78 smcs; Spotify \$9.99 smcs; SS/SMC \$286.00 smcs; Steinbrinks \$3,155.03 smcs; Stitch 3 \$12.30 smcs; Street Cop \$897.00 smcs; Stutsman \$2,745.00 smcs; Sumuri \$900.00 smcs; Sunbelt \$62.62 smcs; Sunset Law Enforcement \$1,657.01 smcs; Super Shine \$80.00 smcs; Superior Signals \$136.62 smcs; Target \$477.60 smcs; Teachers Pay Teachers \$16.06 smcs; Tech Soup \$820.00 co; Texoma Golf \$594.27 smcs; Therapy In a Bin \$89.50 smcs; Tielke's Sandwiches \$336.03 smcs; Titan Machinery \$415.90 smcs; TK Elevator \$2,729.20 smcs; Tractor-Supply \$1,307.45 smcs; Trade Well Pallets \$1,960.00 smcs; Transunion \$130.20 smcs; Tri Co Glass \$25.40 smcs; Triple Crown Products \$454.25 smcs; Trittech Forensics \$219.40 smcs; Turner Body Shop \$200.00 smcs; Tyler Technologies \$6,695.48 co; Uline \$777.68 smcs,co; Union Bank & Trust \$96,450.44 ps; Unique Mgmt. \$71.60 smcs; Union Pacific Railroad \$2,851.51 er; United \$70.00 smcs; United States Treasury \$1,159.76 smcs; United Way \$15,000.00 smcs; UPS \$128.13 smcs; USA Blue Book \$455.82 smcs; USA Comm. \$475.24 smcs; USGA \$150.00 smcs; USPS \$570.00 smcs; Van Diest \$8,609.12 smcs; Vermeer High Plains \$6,262.69 smcs; Vertiv Services \$2,029.60 smcs; Video Kingdom \$89.99 smcs; Village Services \$259.17 smcs; VVS \$25.05 smcs; VW Golf \$1,137.72 smcs; Walgreen \$153.75 smcs,co; Wal-mart \$4,648.34 smcs; Wastecorp

Pumps \$319.18 smcs; Waugh,B \$294.87 smcs; Waytek \$505.76 smcs; Web Network Solutions \$126.97 ps; Whalen,S \$440.00 smcs; Wilco Life \$10.00 ps; WPCI \$385.50 smcs; Zaruba,A \$41.00 smcs; Payroll Ending 07/17/21 -- \$590,156.93. 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 August 10, 2021 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the application submitted by Shannon Schmidt to extend Conditional Use Permit No. 2013-03 to operate a day care center located at 506 East 26th Street for a period of five years.
5. Adopt Resolution No. 2021-124 granting an Access and Utility Easement between the City of Kearney and Dawson Public Power District to construct an electric line in the area located along the western right-of-way of Sartoria Road within the Northwest Well Field property.

RESOLUTION NO. 2021-124

WHEREAS, Dawson Public Power District (DPPD) has requested an easement from the City of Kearney for the purposes of constructing a transmission line on property described as a 20-foot wide Utility Easement of the West 20-feet of the East 35-feet of the Northwest Quarter of Section 23, Township 9 North, Range 17 West of the 6th P.M., Buffalo County, Nebraska and is located along the western Right-of-Way of Sartoria Road within the Northwest Well Field property; and

WHEREAS, the easement is for the purpose of placing an electric transmission line in right-of-way owned by the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Vice-President be and is hereby authorized and directed to execute the Access and Utility Easement on behalf of the City of Kearney. The Easement, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF JULY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

6. Approve the recommendation from the Development Services Division on the annual renewal of East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue and L & M Mobile Home Park, 1110 Central Avenue manufactured home court licenses until May 31, 2022.
7. Adopt Resolution No. 2021-125 appointing citizens to serve on the Airport Advisory Board, Board of Adjustment, Civil Service Commission, Community Redevelopment Authority, Downtown Improvement Board, Golf Advisory Board, Kearney Housing Agency, Advisory Board of Park and Recreation Commissioners, Planning Commission and Senior Services Advisory Board.

RESOLUTION NO. 2021-125

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

WHEREAS, vacancies currently exist on certain Boards/Commissions.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the following persons, as proposed by the Mayor and City Manager of the City of Kearney, Nebraska, are hereby appointed to the designated Boards/Commissions for the term indicated:

AIRPORT ADVISORY BOARD

William (Chuck) Ogle reappointed to July 31, 2026

BOARD OF ADJUSTMENT

Brian Moore reappointed to July 31, 2023

Chris Roehrich reappointed to July 31, 2023

CIVIL SERVICE COMMISSION

Chris Loofe appointed to succeed Barry Sherman to July 31, 2027

COMMUNITY REDEVELOPMENT AUTHORITY

Jon Abegglen reappointed to July 31, 2026

DOWNTOWN IMPROVEMENT BOARD

Joe Johnson reappointed to July 31, 2026

KEARNEY HOUSING AGENCY

Nikki Hall reappointed to July 31, 2026

ADVISORY BOARD OF PARK AND RECREATION COMMISSIONERS

Kim Smith reappointed to July 31, 2026

PLANNING COMMISSION

Stan Dart reappointed to July 31, 2024

Jeremy Feusner reappointed to July 31, 2024

Monte Dakan reappointed to July 31, 2024

SENIOR SERVICES ADVISORY BOARD

Deanna Jesse reappointed to July 31, 2024

Betty Jo Shaw reappointed to July 31, 2024

Connie Wagner appointed to succeed Betty Jo Armagost to July 31, 2024

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

PASSED AND APPROVED THIS 27TH DAY OF JULY, 2021.

ATTEST:
LAUREN BRANDT

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

CITY CLERK

8. Adopt Resolution No. 2021-126 approving the revised Kearney Public Library Policy Manual as recommended by the Library Advisory Board.

RESOLUTION NO. 2021-126

WHEREAS, the “Policy Manual for the Kearney Public Library” of the Kearney Public Library was adopted on September 12, 2006 by Resolution No. 2006-156; and

WHEREAS, in 2008 the Library Advisory Board determined it was necessary to revamp the entire policy and brought forward a new policy which was adopted by the City Council by Resolution No. 2008-57 on April 8, 2008; and

WHEREAS, on April 10, 2012, April 13, 2015, May 23, 2017, October 8, 2019 and again on July 28, 2020 the Council approved the revised policy by Resolution Nos. 2012-59, 2015-74, 2017-85, 2019-186 and 2020-112 respectively; and

WHEREAS, the Library Advisory Board has made some changes and is recommending the City Council approve the changes and adopt the revised policy.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the recommendation from the Library Advisory Board, on adopting a revised Kearney Public Library Policy Manual, a copy marked as Exhibit “A”, attached hereto and made a part hereof, be and is hereby adopted.

BE IT FURTHER RESOLVED that the revised policy adopted in 2020 by Resolution No. 2020-112 be and is hereby repealed in its entirety.

PASSED AND APPROVED THIS 27TH DAY OF JULY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

9. Adopt Resolution No. 2021-127 approving Application and Certificate for Payment No. 2 in the amount of \$105,219.00 submitted by RMV Construction and approved by Miller & Associates for the Wastewater Treatment Plant Phase II; Vehicle Storage Building.

RESOLUTION NO. 2021-127

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. 2 in the amount of \$105,219.00 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	344,957.00
Retainage (10%)	- 34,495.70
Amount Due to Date	310,461.30
Less Previous Certificates for Payment	- 205,242.30
Current Payment Due	<u>\$ 105,219.00</u>

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 2, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF JULY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

10. Adopt Resolution No. 2021-128 approving Change Order No. 1 showing a decrease in the amount of \$2,815.00, Application and Certificate for Payment No. 4-Final in the amount of \$33,553.00 and accept the Certificate of Substantial Completion submitted by Midlands Contracting Inc. and approved by Miller & Associates for the 2021 Part 3 Improvements; 56th Street/Cherry Avenue Sanitary Sewer Infrastructure in connection with Sanitary Sewer Connection District No. 2020-1.

RESOLUTION NO. 2021-128

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with 2021 Part 3 Improvements; 56th Street/Cherry Avenue Sanitary Sewer Infrastructure in connection with Sanitary Sewer Connection District No. 2020-1, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$2,815.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting, Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$33,553.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 561,015.00
Change Order No. 1 (7/27/21)	- \$2,815.00
Contract Sum To Date	<u>\$558,200.00</u>
Gross Amount Due	558,200.00
Retainage (0%)	- 00.00
Amount Due to Date	<u>558,200.00</u>
Less Previous Certificates for Payment	<u>524,647.00</u>
Current Payment Due	\$ 33,553.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of June 30, 2021, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 4-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF JULY, 2021.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

RANDY BUSCHKOETTER
 VICE-PRESIDENT OF THE COUNCIL

11. Adopt Resolution No. 2021-129 approving Change Order No. 1 showing a decrease in the amount of \$3,003.00, Application and Certificate for Payment No. 4-Final in the amount of \$17,548.85 and accept the Certificate of Substantial Completion submitted by Midlands Contracting, Inc. and approved by Miller & Associates for 2020 Part 6 Improvements for 22nd Avenue and 6th Street in connection with Water District Nos. 2020-592 and 2020-593 and Sanitary Sewer Improvement District No. 2020-528 (Bid A, Water/Sewer).

RESOLUTION NO. 2021-129

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with 2020 Part 6 Improvements for 22nd Avenue and 6th Street in connection with Water District Nos. 2020-592 and 2020-593 and Sanitary Sewer Improvement District No. 2020-528 (Bid A, Water/Sewer), and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$3,003.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting, Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$17,548.85 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 331,180.00
Change Order No. 1 (7/27/21)	- 3,003.00
Contract Sum To Date	328,177.00
Gross Amount Due	328,177.00
Retainage (0%)	- 00.00
Amount Due to Date	328,177.00
Less Previous Certificates for Payment	<u>310,628.15</u>
Current Payment Due	\$ 17,548.85

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of June 30, 2021, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 4-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF JULY, 2021.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

RANDY BUSCHKOETTER
 VICE-PRESIDENT OF THE COUNCIL

12. Adopt Resolution No. 2021-130 approving the amendment of the Employment Agreement between the City of Kearney and City Manager Michael Morgan.

RESOLUTION NO. 2021-130

BE IT FURTHER RESOLVED that the Vice-President of the Council be and is hereby authorized and directed to execute the amended City Manager Employment Agreement.
PASSED AND APPROVED THIS 27TH DAY OF JULY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA**PRESENTATION ON INDOOR SPORTS FACILITY NEEDS**

Vice President Buschkoetter opened Regular Agenda Item 1 for Council to receive the presentation on indoor sports facility needs. This item was for informational purposes only.

Jon Garner with the Place to Play Committee presented this matter to the Council. Mr. Garner noted hinderances in Kearney regarding youth and adult sports programs, some of which include: lack of access to venues at appropriate times for youth and adult practice and games and income gaps. Most clubs and complexes in the eastern part of the state are privately owned and are ran as a business and therefore charge money to participate in the club. These clubs do not offer fair and open play to everyone, but are instead filled with participants who can pay to be on a team in order to keep the facility open. Mr. Garner stated the goal of the Place to Play Committee is to request the City open a facility that is open and accessible for play for all age groups.

Mr. Garner reviewed statics on the benefits of keeping youth active throughout their school age years and also noted how physical activity assists with the obesity rate as well as better mental health for all age groups. Mr. Garner further discussed the challenges in Kearney for 2021 pertaining to the number of sports associations for both youth and adult sports clubs and additionally noted these clubs have had to turn away youth and adults who want to play due to lack of space and times to play. Currently there are over 4,000 youth and adults sharing the facilities that Kearney already has. Mr. Garner reviewed additional challenges with current indoor space availability in Kearney including: limited time availability in school facilities; limited amount of time for each club's use of current facilities; limited number of age groups that can play; scheduling conflicts for gym space with other school activities (in school facilities); court size in most school gyms; limited storage in school gyms and lack of appropriate skill training available at current gyms.

Mr. Garner then reviewed what is needed with the current and growing number of youth and adult sports programs along with available open gym time for the general public

including: indoor gym space with multiple gym courts; indoor turf field for grass sports and fitness programs; indoor pickleball courts; indoor walking/jogging track for all ages; larger availability for drop-in play space for all age groups and age appropriate indoor court space with the capability of serving youth at earlier ages. Mr. Garner furthermore listed the numerous opportunities a new indoor space could provide including: promotes a healthy lifestyle; safe place for kids and adults to gather; reasonable timeframe for youth and adult programs and provides the ability to host tournaments creating increased support to local businesses from tournament participants and their families. The sports complex would create numerous growth opportunities and allows the City of Kearney to become a part of the estimated \$19 billion-dollar youth sports industry.

Mr. Garner referenced a proposed expansion to an Omaha facility that was projected to bring in approximately 30 regional and national events annually that would potentially generate approximately \$78 million dollars for the City of Omaha; Mr. Garner reiterated that this was just for an expansion to an already existing facility. Kearney is missing an opportunity to create more revenue for the City as well as an opportunity for growth. Mr. Garner thanked Council members for hearing his request to increase space for sporting events.

Vice-President Buschkoetter asked what groups had been surveyed to learn about the needs presented this evening as a lot was discussed about youth groups; however, adult groups also need space. Mr. Garner stated he spoke with a variety of adult and youth sports leagues.

Vice-President Buschkoetter questioned if the facility Mr. Garner envisioned also included space for citizens to exercise that are not a part of team or organized sports? Mr. Garner stated the facility should also include space for anyone in the community, who may or may not part of an organized sport, to drop in at any time to exercise.

Council Member Jonathan Nikkila stated he feels any type of facility should be inclusive to the entire community's needs, and wondered how the facility could incorporate all needs of the community. Mr. Garner feels if the complex is a City facility, the City would assist with managing hours of availability for everyone's needs. Mr. Garner feels the complex should not be only a competitive sports complex but a recreational complex that is available all the time for all needs.

Vice-President Buschkoetter noted that the City partners with Kearney schools for recreational activities and has also seen a lack of space for these activities. Jade Brown, Recreation Superintendent for the City of Kearney stated that the City does use school facilities for many of their recreational programs approximately 6 days a week; however, with some sports being added, like pickleball, the City is finding limitations to availability of space as well.

Council Member Bruce Lear commented that one of the reasons the City of Kearney does not have a facility like this already is due to the initial cost, along with the ongoing cost for facilities like this. He noted that the City of Kearney has the lowest property tax levies in the state and further noted over the years the City has fallen on the side of being frugal in terms of what is done with tax payer dollars. Obviously, one of the things being requested is to ask the citizens of Kearney to spend more money because a facility needs

to be accessible to a broader range, for both youth and adults, than what is seen in other communities with regard to other types of facilities, similar to the one proposed. Council Member Lear questioned what the justification for spending money for this type of facility would be to a citizen who does not have children in sports or may not be interested in physical fitness for themselves? Mr. Garner stated currently there are programs available to the City of Kearney that would assist with a majority of funding. Mr. Garner noted that LB39 allows for a sales tax turnback and that has assisted with building arenas in other communities. He also referenced the 1% Restaurant and Drinking Place Occupation Tax that will be sunseting early that assisted in building the baseball/softball complex. Mr. Garner noted there would never be an interest to raise property taxes to help fund the facility.

Michael Morgan, City Manager, stated language has changed regarding LB39 which allows for the sales tax turnback to be used for sports complexes; LB39 applies to state sales taxes only. The new facility has to be within 600 yards of a new, unopened business that will be opened relatively soon, that would generate enough state sales tax to qualify. Because the new, unopened Younes Conference Center has the potential to create \$15 million dollars in revenue and has not been opened yet, the City will complete an application to request the state sales tax turnback, to build the facility within 600 yards of this business. Part of the application process will include showing the City's intent to place a Resolution on a ballot and also demonstrate how the City will fund the other 50%. The entire application process will need to be completed before the Younes Conference Center's opens on January 4th or the facility would no longer be eligible for the state sales tax turnback. Mr. Morgan noted the new facility's operating costs would be generated from facility fees and memberships in addition to receiving funding from the Kearney Visitor Bureau and the possible extension of the restaurant occupation tax that sunsets early. Access to the facility would be via Talmadge road. The Talmadge Road extension along with water and sewer will be funded through money the City received from the federal government along with funds from the County.

Mr. Morgan noted that if the State would deny the City's application for the state sales tax turnback, the project would not proceed. Going forward, Mr. Morgan stated, questions about the ballot will need to be answered first, so citizens are aware of what is occurring. The process seems to be taking place quickly; however, as noted previously, this is due to funding programs that the City can potentially qualify for and the timeframe set by the State regarding qualification and the application process.

Council Member Nikkila restated that with no new money coming from the pockets of Kearney tax payers, the City of Kearney could have this new facility. Mr. Morgan agreed and also noted that this facility would not duplicate anything that is already offered in Kearney.

Vice-President Buschkoetter stated the discussion has suggested that this project has moved quickly, but he feels there have been discussions regarding a need for this type of facility for years. He noted that Patriot Park has been a huge benefit to Kearney teams and programs as it has allowed those teams to host tournaments which helps defray costs for local youth to be a part of those teams and programs. This will also hold true for future events that take place in the new facility. Vice-President Buschkoetter feels the facility will also be a great opportunity for economic development as well.

Council Member Nikkila noted part of the reason the City's property tax remains low are the visitors who come to Kearney and spend money. He stated youth and adult sports are a competitive industry and by remaining and focusing on the status quo and not thinking about expansion and growth, Kearney will be passed up. As the eastern part of the State continues to become more heavily populated, it is important for communities in Central Nebraska, like Kearney, to mark their place on the map by providing a high quality facility and educating surrounding areas that they do not have to travel all the way east to find one. Additionally, increased casino growth is occurring all around the state and questioned whether residents would like to see Kearney's economic growth be geared more toward a facility for family and youth activities? This facility makes citizens look at what is going on in the state and requires Kearney to show leadership going forward.

Mr. Garner noted Kearney has a great opportunity being centrally located between Denver and Omaha; that allows their teams not to travel as far to events if Kearney had a facility.

Council Member Tami James Moore stated that Council is very supportive of Kearney families and the Kearney youth. She commented that it is time to get moving on this project.

Council Member Nikkila questioned if the ballot issue would include a cost projection or a maximum amount like Patriot Park had? Mr. Morgan stated there was a maximum number on the bonds for Patriot Park and there would be in this case also.

Vice-President Buschkoetter stated he thinks the facility is a great idea and something that a lot of people have been hoping for, for a long time. He further noted it seemed like now is the perfect opportunity with the funding that is available.

Council Member Nikkila stated he was thankful for all those in attendance and noted that projects like this happen because of people in the community caring about it.

Paul Younes noted the opening for the Younes Conference Center will open December 15, 2021 instead of January 4, 2022.

VII. REPORTS

Mr. Morgan stated several street projects are ongoing and also noted the poles for the hybrid beacons are on backorder for four (4) months. He noted that the Collins Park Splash Pad opened today. COVID numbers are rising and many surrounding state's hospitals are filling up.

Council Member Moore commented on this evening's Consent Agenda item regarding the Boards and Commissions that were filled again; Council greatly appreciates all the citizens that devote their time to serve on these Boards and Commissions. She hopes more citizens will consider applying to serve in the future.

Council Member Nikkila stated Council are very appreciative of Mr. Morgan and all that he has invested into the Kearney community. There are many great things citizens don't see such as the countless dollars Mr. Morgan has saved the citizens of Kearney as well

as Council Member Nikkila's observance of Mr. Morgan's interaction with City staff which has helped create a great place to work as seen through retention of employees. He said he is very grateful for Mr. Morgan.

Vice-President Buschkoetter stated it was with a heavy heart that Council accepted Mr. Morgan's retirement and noted he has been great for Kearney and has had a great eye for projects that make citizen's lives better.

VIII. ADJOURN

Moved by Lear seconded by Buschkoetter that Council adjourn at 6:41 p.m. Roll call resulted as follows: Aye: Lear, Moore, Buschkoetter, Nikkila. Nay: None. Clouse absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**