

***Kearney, Nebraska
August 24, 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 August 24, 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, Tami James Moore and Jonathan Nikkila. Absent: None. Council Member Bruce Lear arrived at 5:42 p.m. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works; Luke Dutcher, Assistant Public Works Director; Bryan Waugh, Chief of Police and Shawna Erbsen, Administrative Services Director, were also present. Members of the media present included: Mike Konz with the Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

Two Boy Scouts from Troop 158 and one Cub Scout from Pack 135 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS/RECOGNITION

Mayor Clouse and Council Members recognized longtime Civil Service Member, Barry Sherman. Mayor Clouse stated that Mr. Sherman has been on the Civil Service Commission since 1979. Mayor Clouse and Council Members presented Mr. Sherman with a plaque and expressed appreciation, on behalf of the citizens of Kearney, for all that he has done in his 42 years of service.

Shawna Erbsen, Administrative Services Director and Civil Service Commission Secretary stated 42 years was an amazing amount of time to serve on the Board and noted that Mr. Sherman served selflessly and cares very deeply for the City, the Kearney Police Department and the Kearney Volunteer Fire Department. Mr. Sherman commented how fortunate and blessed people are in Kearney Nebraska as you look around at what is happening in the State and country and commended the City Manager, Mayor and City Council Members on all of the work they do. Ms. Erbsen commented that Mr. Sherman has been a part of the process of hiring and promoting every Police Officer and Fire Engineer currently working for the City of Kearney.

Bryan Waugh, Chief of Police stated that Mr. Sherman has had a great impact on his life and thanked him for everything he has done for the Kearney Police Department.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

PROPOSED ACQUISITION FOR A PERMANENT WATER TRAIL RIGHT-OF-WAY EASEMENT

Public Hearings 1, 2, 3, 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the on the proposed acquisition for a Permanent Water Trail Right-of-Way Easement granted by Hamilton Investments, Limited Partnership, for a tract of land being part of Lot 1 and Lot 2, Spady's Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2021-145.

Michael Tye, City Attorney presented this matter to the Council. Mr. Tye noted anytime the City acquires an interest in property a public hearing is required. The parcels described in Public Hearings 1 through 5 pertain to temporary, partial and permanent easements along the Whitewater Trail. The City met with all adjacent property owners: Hamilton Investments (Midway Auto Group); Paul and Tamara Jackson; Kearney Lodging LLC; Kearney Cinema 8 and Paul and Linda Younes whom have all granted, free of charge, easements in order for the Whitewater project to move forward.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2021-145 approving the proposed acquisition for a Permanent Water Trail Right-of-Way Easement granted by Hamilton Investments, Limited Partnership, for a tract of land being part of Lot 1 and Lot 2, Spady's Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2021-145

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

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

WHEREAS, Hamilton Investments, Limited Partners, have granted to the City of Kearney, Nebraska Permanent Water Trail Right-of-Way as follows:

PERMANENT WATER TRAIL RIGHT-OF-WAY

Part of Lot 1 and Lot 2, Spady's Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at the Northwest corner of Lot 2, Spady's Addition; thence S 80°00'50" E on the North line of Spady's Addition and all bearings contained herein are relative thereto, a distance of 77.84 feet; thence S 84°52'14" E continuing on said North line a distance of 51.09 feet; thence S 74°31'07" E continuing on said North line a distance of 143.25 feet; thence N 88°20'40" E continuing on said North line a distance of 39.19 feet; thence N 60°05'45" E continuing on said North line a distance of 69.45 feet; thence N 73°14'53" E continuing on said North line a distance of 71.10 feet; thence N 84°24'42" E a distance of 101.67 feet; thence S 05°35'18" E a distance of 30.22 feet; thence S 84°24'33" W a distance of 99.43 feet; thence S 84°01'51" W a distance of 72.00 feet; thence S 68°02'48" W a distance of 109.25 feet; thence S 88°16'44" W a distance of 126.40 feet; thence N 58°39'31" W a distance of 78.37 feet; thence N 89°50'57" W a distance of 103.95 to the West line of said Lot 2; thence N 11°15'55" E on the West line said Lot 2 a distance of 39.17 feet to the Point of Beginning, containing 16866 square feet, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Water Trail Right-of-Way granted by Hamilton Investments, Limited Partners, to the City of Kearney be and is hereby approved and accepted.

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

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

PROPOSED ACQUISITION FOR A TEMPORARY CONSTRUCTION WATER TRAIL RIGHT-OF-WAY EASEMENT

Public Hearings 1, 2, 3, 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition for a Temporary Construction Water Trail Right-of-Way Easement granted by Paul Jackson and Tamara Jackson, husband and wife, for a tract of land being part of Government Lot 1 and accretions of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2021-146.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2021-146 approving the proposed acquisition for a Temporary Construction Water Trail Right-of-Way Easement granted by Paul Jackson and Tamara Jackson, husband and wife, for a tract of land being part of Government Lot 1 and accretions of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2021-146

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

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for Temporary Construction Water Trail Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Paul S. Jackson and Tamara V. Jackson, have granted to the City of Kearney, Nebraska Temporary Construction Water Trail Easement as follows:

TEMPORARY CONSTRUCTION WATER TRAIL EASEMENT

Part of Government Lot 1 and accretions of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at the Southeast corner of Lot 3, Jackson Riverside Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 01°21'41" W on the Southerly extension of the East line of said Lot 1, and all bearings contained herein are relative thereto, a distance of 34.72 feet to the centerline of the North Channel of the Platte River; thence S 60°04'42" W on said centerline a distance of 40.63 feet; thence S 74°26'31" W continuing on said centerline a distance of 79.61 feet; thence S 84°24'42" W a distance of 52.54 feet to the Southerly extension of the West line of said Lot 3; thence N 01°50'44" E on said Southerly extension of West line of Lot 3 a distance of 37.63 feet to the Southwest corner of said Lot 3; thence S 86°19'18" E on the North line of said Lot 3 a distance of 34.73 feet; N 71°15'21" E continuing on said South line a distance of 71.70 feet; thence N 69°24'07" E on said South line a distance of 65.50 feet to the Point of Beginning, containing 6,070 square feet, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Temporary Construction Water Trail Easement granted by Paul S. Jackson and Tamara V. Jackson, to the City of Kearney be and is hereby approved and accepted.

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

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

PROPOSED ACQUISITION FOR A TEMPORARY CONSTRUCTION WATER TRAIL RIGHT-OF-WAY EASEMENT

Public Hearings 1, 2, 3, 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition for a Temporary Construction Water Trail Right-of-Way Easement granted by Kearney Lodging, LLC, a Colorado Limited Liability Company, for a tract of land being part of Government Lot 1 and accretions of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and part of Lot 1, Ramada Inn Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2021-147.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2021-147 approving the proposed acquisition for a Temporary Construction Water Trail Right-of-Way Easement granted by Kearney Lodging, LLC, a Colorado Limited Liability Company, for a tract of land being part of Government Lot 1 and accretions of Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and part of Lot 1, Ramada Inn Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2021-147

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

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for Temporary Construction Water Trail Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Kearney Lodging, LLC, a Colorado Limited Liability Company, have granted to the City of Kearney, Nebraska Temporary Construction Water Trail Easement as follows:

TEMPORARY CONSTRUCTION WATER TRAIL EASEMENT

Part of Government Lot 1 and accretions of Section 12, Township 8 North, Range 16 West of the 6th P.M. and part of Lot 1, Ramada Inn Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at the Southwest corner of Lot 1, Ramada Inn Addition; thence S 84°30'13" E and all bearings contained herein are relative thereto, a distance of 232.71 feet; thence N 88°41'38" E a distance of 177.95 feet; thence N 81°41'19" E a distance of 104.11 feet to the Southeast corner of said Lot 1; thence on the Southerly extension of the East line of said Lot 1 a distance of 37.63 feet to the centerline of the North Channel of the Platte River; thence S 84°24'42" W on the said centerline a distance of 69.17 feet; thence S 73°14'53" W continuing on said centerline a distance of 71.10 feet; thence S 60°05'45" W on said centerline a distance of 69.45 feet; thence S 88°20'40" W on said centerline a distance of 39.19 feet; thence N 74°31'07" W on said centerline a distance of 143.25 feet; thence N 84° 52'14" W on said centerline a distance of 51.09 feet; thence N 80°00'50" W on said centerline a distance of 91.73 feet to the Southerly extension of the West line of said Lot 1; thence N 05°21'22" E on said Southerly extension of the West line of Lot 1 a distance of 45.27 feet to the Point of Beginning, containing 28,493 square feet, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Temporary Construction Water Trail Easement granted by Kearney Lodging, LLC, a Colorado Limited Liability Company, to the City of Kearney be and is hereby approved and accepted.

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

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

PROPOSED ACQUISITION FOR A TEMPORARY CONSTRUCTION AND A PERMANENT WATER TRAIL RIGHT-OF-WAY EASEMENT

Public Hearings 1, 2, 3, 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition for a Temporary Construction and a Permanent Water Trail Right-of-Way Easement granted by Kearney Cinema, LLC, a Nebraska Limited Liability Company, for a tract of land being part of Lot 1, Ess of Kay Addition, an addition to the City of Kearney, Buffalo County, Nebraska and part of Government Lot 4 and accretions in Section 11, Township 8 North, Range 16 West

of the 6th P.M., Buffalo County, Nebraska and part of Lot 1, Ess of Kay Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2021-148.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2021-148 approving the proposed acquisition for a Temporary Construction and a Permanent Water Trail Right-of-Way Easement granted by Kearney Cinema, LLC, a Nebraska Limited Liability Company, for a tract of land being part of Lot 1, Ess of Kay Addition, an addition to the City of Kearney, Buffalo County, Nebraska and part of Government Lot 4 and accretions in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and part of Lot 1, Ess of Kay Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2021-148

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

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Temporary Construction Water Trail Easement and a Permanent Water Trail Easement and voted in favor to proceed with the acquisitions; and

WHEREAS, Kearney Cinema, LLC, a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska a Temporary Construction Water Trail Easement and a Permanent Water Trail Easement as follows:

TEMPORARY CONSTRUCTION WATER TRAIL EASEMENT

Easement 1:

Part of Lot 1, Ess of Kay Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at the Southeast corner of said Lot 1, Ess of Kay Addition; thence S 76°12'54" W on the South line of said Lot 1, and all bearings contained herein are relative thereto, a distance of 198.47 feet; thence S 76°26'36" W continuing on said South line a distance of 125.93 feet; thence N 00°43'52" E a distance of 105.43 feet; thence S 88°40'19" E a distance of 314.42 feet to the East line of said Lot 1, Ess of Kay Addition; thence S 01°21'31" W on said East line of Lot 1 a distance of 21.33 feet to the Point of Beginning, containing 19,965 square feet, more or less, all in Buffalo County, Nebraska.

Easement 2:

Part of Lot 1, Ess of Kay Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: Commencing at the Southeast corner of said Lot 1, Ess of Kay Addition; thence S 76°12'54" W on the South line of said Lot 1, and all bearings contained herein are relative thereto, a distance of 198.47 feet; thence S 76°26'36" W continuing on said South line a distance of 143.39 feet; thence S 70°50'41" W continuing on said South line a distance of 9.84 feet to the POINT OF

BEGINNING; thence continuing on said South line S 70°50'41" W a distance of 76.44 feet; N 66°16'32" W a distance of 35.60 feet; thence N 32°41'58" E a distance of 148.21 feet; S 88°40'19" E a distance of 26.18 feet; thence S 00°43'52" W a distance of 113.36 feet to the Point of Beginning, containing 8,514 square feet, more or less, all in Buffalo County, Nebraska.

PERMANENT WATER TRAIL EASEMENT

Part of Government Lot 4 and accretions in Section 11, Township 8 North, Range 16 West of the 6th P.M., and part of Lot 1, Ess of Kay Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at the Southeast corner of Lot 1, Ess of Kay Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 01°21'31" W on the Southerly extension of the East line of said Lot 1, and all bearings contained herein are relative thereto, a distance of 39.90 feet to the centerline of the North Channel of the Platte River; thence S 74°31'24" W on said centerline a distance of 53.02 feet; thence S 61°11'54" W continuing on said centerline a distance of 58.97 feet; thence S 52°20'45" W continuing of said centerline a distance of 74.07 feet; thence S 70°14'34" W continuing of said centerline a distance of 66.54 feet; thence N 80°24'53" W continuing of said centerline a distance of 139.09 feet; thence N 70°10'00" W continuing on said centerline a distance of 61.48 feet; thence N 32°41'58" E a distance of 31.73 feet to the South line of said Lot 1, Ess of Kay Addition; thence S 66°16'32" E on said South line a distance of 35.60 feet; thence N 70°50'41" E continuing on said South line a distance of 76.44 feet; thence N 00°43'52" E a distance of 113.36 feet; thence S 88°40'19" E a distance of 26.18 feet; thence S 00°43'52" W a distance of 105.43 feet to said South line of Lot 1; thence N 76°26'36" E on said South line a distance of 125.93 feet; thence N 76°12'54" E a distance of 198.47 feet to the Point of Beginning, containing 32,857 square feet, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Temporary Construction Water Trail Easement and the Permanent Water Trail Easement granted by Kearney Cinema, LLC, a Nebraska Limited Liability Company, to the City of Kearney be and are hereby approved and accepted.

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

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

PROPOSED ACQUISITION FOR A TEMPORARY CONSTRUCTION EASEMENT

Public Hearings 1, 2, 3, 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition for a Temporary Construction Easement granted by Paul Younes and Linda Younes, husband and wife for a tract of land being Lot 2, Block 2, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2021-149.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2021-149 approving the proposed acquisition for a Temporary Construction Easement granted by Paul Younes and Linda Younes, husband and wife for a tract of land being Lot 2, Block 2, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2021-149

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

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for Temporary Construction Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Paul Younes and Linda Younes, husband and wife, have granted to the City of Kearney, Nebraska Temporary Construction Easement as follows:

TEMPORARY CONSTRUCTION EASEMENT

Lot 2, Block 2, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, containing 52,630 square feet, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Temporary Construction Easement granted by Paul Younes and Linda Younes, husband and wife, to the City of Kearney be and is hereby approved and accepted.

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

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

PROPOSED ACQUISITION FOR A PERMANENT SANITARY SEWER LINE EASEMENT

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent Sanitary Sewer Line Easement granted by Paul Jackson and Tamara Jackson, husband and wife for a tract of land being the East 25.0 feet of Lot 1 and the East 25.0 feet of Lot 3, both in Jackson Riverside Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2021-150.

Tony Jelinek, Director of Utilities presented this matter to the Council. Mr. Jelinek stated the acquisition of this easement from Paul and Tamara Jackson pertains to a Developer Constructed Infrastructure Agreement associated with the development of Jackson Riverside Addition. The easement houses the utilities for the Addition.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2021-150 approving the proposed acquisition for a Permanent Sanitary Sewer Line Easement granted by Paul Jackson and Tamara Jackson, husband and wife for a tract of land being the East 25.0 feet of Lot 1 and the East 25.0 feet of Lot 3, both in Jackson Riverside Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2021-150

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

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

WHEREAS, Paul S. Jackson and Tamara V. Jackson, husband and wife, have granted to the City of Kearney, Nebraska a Permanent Sanitary Sewer Easement as follows:

PERMANENT SANITARY SEWER EASEMENT

The East 25.0 feet of Lot One (1), Jackson Riverside Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

The East 25.0 feet of Lot Three (3), Jackson Riverside Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Sanitary Sewer Easement granted by Paul S. Jackson and Tamara V. Jackson, husband and wife, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution,

circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Lear seconded by Buschkoetter that Subsections 1 through 14 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 August 10, 2021.

2. Approve the following Claims:

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

5Gstore.com \$866.92 co; ABC Drug \$5.34 smcs; Accucut \$318.32 smcs; Ace Irrigation \$233.50 smcs; ACFE \$294.00 smcs; Adobe \$29.99 smcs; Alfred Benesch \$66,396.58 co; All Makes \$594.70 smcs; All Makes Supply \$3,038.65 smcs; Amazon \$13,344.64 smcs,co; American \$438.29 smcs; American Institute CPA \$295.00 smcs; American Red Cross \$128.00 smcs; Andrews Electric \$780.80 smcs; Animoto \$264.00 smcs; Apple Market \$39.43 smcs; Apple \$107.91 smcs; Aramark Uniform \$461.23 smcs; Arrowhead Scientific \$538.73 smcs; Ask Supply \$2,419.09 smcs; Aurora Coop \$29.60 smcs; Author Klovegreen \$43.63 smcs; Authorize.net \$10.00 smcs; Auto Value \$548.79 smcs; Avfuel \$21,661.51 smcs; Avis.com \$212.80 smcs; B&H Photo \$2,126.65 co; Baker & Taylor \$2,902.04 smcs; Battery Junction \$56.18 smcs; Benson Tree Service \$1,720.00 smcs; Blackstone \$431.22 smcs; Blessing \$1,920.50 smcs; Bluebeam \$349.00 smcs; Bluecross Blueshield \$81,762.81 smcs; Board Public Accountant \$175.00 smcs; Boogaarts \$23.94 smcs; Bosselman \$37,387.08 smcs; Bottom,C \$21.24 smcs; Boyer,T \$16.13 smcs; Bpad Group \$500.00 smcs; Brady Worldwide \$32.15 smcs; Broadfoot's \$8,560.75 smcs; Brodart Supplies \$44.94 smcs; Brown Construction \$424,327.63 co; Bruce Furniture \$1,955.97 smcs; Buffalo Outdoor Power \$497.60 smcs; Builders \$2,295.23 smcs; Carid.com \$266.58 smcs; Carquest \$402.53 smcs; Casey's \$114.32 smcs; Cash-Wa \$3,712.98 smcs; CDW \$1,294.76 co; Cenex \$667.10 smcs; Central Hydraulic \$28.25 smcs; Central NE Bobcat \$100.00 smcs; Central NE Rehab \$214.01 ps; Chemsearch \$1,732.99 smcs; Chesterman \$2,796.82 smcs; Cintax \$319.00 smcs; City of Ky \$17,172.67 smcs; City of Ky \$12,626.89 co,ps; Comfort Inn \$288.10 smcs; Commercial Recreation \$558.66 smcs; Construction Rental \$2,621.29 smcs,co; Control Yours \$200.00 smcs; Copycat \$1,764.99 smcs; Core & Main \$3,959.02 smcs; Crane River

Theater \$433.35 smcs; Credit Mgmt. \$101.08 ps; Crown Awards \$221.19 smcs; Culligan \$119.00 smcs; Cummins \$582.36 smcs; Cutting Edge Cleaning \$192.50 smcs; Dan's Plumbing \$443.86 smcs; Dawson Public Power \$48,006.43 smcs; Daylight Donuts \$288.43 co; Dell \$20,499.13 smcs,co; Depository Trust \$1,270,015.24 ds; Deterdings \$1,052.53 smcs; Digidert \$60.20 smcs; Dish \$128.06 smcs; Displays 2 go \$211.17 smcs; Dmilaco \$141.77 smcs; Dollar General \$40.56 smcs; Double J Plumbing \$366.76 smcs; Downey,P \$23.09 smcs; DPC Industries \$14,828.36 smcs; E Replacement Parts \$86.98 smcs; Eagle Distributing \$2,387.50 smcs; Eakes \$1,645.45 smcs; Earl May \$79.10 smcs; Easy Picker Golf \$761.46 smcs; Echo Electric \$341.04 smcs; Ecolab \$83.06 smcs; Ehrlich \$60.00 smcs; Elk-O \$6,210.00 smcs; Elliott Equipment \$12,052.86 smcs; Ellis Wheeler \$216.00 smcs; EMC Insurance \$135.97 smcs; Enterprise \$637.25 smcs; Erickson,C \$100.00 smcs; Expedia \$153.47 smcs; Extender Partners \$109.94 smcs; Eyemed \$1,342.64 smcs; Facebook \$98.41 smcs; Fairfield Inn \$1,723.80 smcs; Family Fresh \$10.06 smcs; Fastenal \$446.06 smcs; FBI Nat'l Academy \$1,350.00 smcs; Felsburg Holt & Ullevig \$4,857.62 smcs; Filemaker \$577.80 co; Flightaware \$1,000.00 smcs; Franssen,N \$10.29 smcs; Friesen Chevrolet \$369.66 smcs; Frontier \$11,382.01 smcs; Frostbeard Studio \$211.30 smcs; Fulfab \$769.69 smcs; Full Source \$56.11 smcs; Gale \$369.71 smcs; Galls \$2,261.94 smcs; GameTime \$250.39 co; Gammon Technical \$1,027.16 smcs; Garrett Tires \$13,176.34 smcs; GD Concrete \$30,032.00 co; Good Evans \$25.00 smcs; Goodwin Tucker \$308.50 smcs; Govt. Finance Officers \$150.00 smcs; Graham Tire \$172.90 smcs; Grainger \$1,229.61 smcs,co; Greater NE Cities \$1,000.00 smcs; Hach \$794.25 smcs; Heartland Clerk's Assoc. \$20.00 smcs; Hobby Lobby \$582.71 smcs; Holiday Inn Express \$1,188.00 smcs; Holmes Plumbing \$732.78 smcs; Hometown Leasing \$522.04 smcs; Hooker Bros. \$274.80 smcs; Hooton,T \$9.45 smcs; Houchen Bindery \$43.50 smcs; Hunter Central \$109.00 smcs; Hy-vee \$104.41 smcs; I Flight Planner \$149.99 smcs; ICMA \$6,431.96 ps; Indelco Plastics \$213.02 smcs; Integrated Security \$404.00 smcs; IRS \$185,661.50 ps; J&A Traffic Products \$990.00 smcs; Jack Lederman \$3,403.98 smcs; Jacks Small Engines \$109.71 smcs; Jackson Services \$353.18 smcs; JCB Delivery \$180.00 smcs; Jimmy Johns \$249.33 smcs; Johnson Brothers of NE \$672.00 smcs; Johnstone Supply \$223.04 smcs; Jones & Frank \$193.49 smcs; Jones,K \$350.00 smcs; Just Bats \$100.00 smcs; Kanopy \$1,530.00 smcs; Kaw Valley \$200.88 smcs; Ky Ace \$549.63 smcs,co; Ky Animal Shelter \$10,300.00 smcs; Ky Comm. Found. \$350,000.00 co; Ky Concrete \$11,192.38 smcs,co; Ky Crete & Block \$87.04 smcs; Ky Family YMCA \$85.00 smcs; Ky Noon Rotary \$140.00 smcs; Ky Power Sports \$1,156.60 smcs; Ky Towing \$717.50 smcs; Ky Visitors \$162,302.24 smcs; Ky Winlectric \$675.76 smcs; Ky Winnelson \$117.60 smcs; Kelly Supply \$1,730.28 smcs; Kimball Midwest \$198.72 smcs; Kirkham Michael \$4,000.00 smcs; KOLN \$1,100.00 smcs; Konica Minolta \$156.18 smcs; Kowalek,G \$270.25 smcs; Kugler, Zac \$39.88 smcs; Landmark Implement \$1,042.95 smcs; Lawson Products \$655.23 smcs; LCL Truck \$53.13 smcs; Lee Media \$1,000.54 smcs; Lienemann,C \$52.00 smcs; Lincoln Chamber Comm. \$75.00 smcs; Lindner,L \$175.00 smcs; Lindner,S \$256.13 smcs; Little Caesars \$103.58 smcs; Lockmobile \$36.19 smcs; Longleaf Services \$290.82 smcs; L-Tron \$756.00 co; Lulzbot \$269.94 smcs; Macqueen Equipment \$173,652.68 smcs,co; Maglite \$168.81 smcs; Magnum Electronics \$2,632.00 smcs; Malleck,J \$114.23 smcs; Mallory Safety \$147.20 smcs; Marlatt Machine \$479.38 smcs; Masters True value \$1,208.08 smcs; Matheson \$16.07 smcs; Maverick Books \$1,193.35 smcs; Maxwell Medals \$1,865.20 smcs; Mefferd,E \$746.00 smcs; Menards \$4,163.45 smcs; Merrill Company \$430.83 smcs; Merryman Performing \$329.00 smcs; Messicks \$706.17 smcs; Michaels \$229.74 smcs; Mid-American Signal \$354.00 smcs; Midland Scientific \$442.85 smcs;

Mid-NE Garage Doors \$150.00 smcs; Midwest Connect \$934.49 smcs; Midwest Petroleum \$834.30 smcs; Midwest Restaurant \$453.90 smcs; Midwest Turf \$2,313.80 smcs; Miller & Associates \$8,588.25 co; Miller Signs \$45.00 smcs; Mirror Image \$301.66 smcs; Modern Cleaners \$20.85 smcs; Moonlight Horseshoeing \$35.00 smcs; Motion Picture Ecommerce \$253.18 smcs; Municipal Pipe \$5,436.38 smcs; Municipal Supply \$1,126.21 smcs; Municode \$1,295.00 smcs; Murphy Tractor-Powerplan \$2,113.12 smcs; Mytee Products \$54.44 smcs; Nat'l Main Street Center \$295.00 smcs; Nat'l Registry EMT \$85.00 smcs; NE Arboretum \$65.00 smcs; NE Child Support \$1,517.12 ps; NE Floodplain \$235.00 smcs; NE Golf Assn. \$163.00 smcs; NE Hoist & Crane \$150.00 smcs; NE Machinery \$1,739.43 smcs; NE Peterbilt \$1,521.19 smcs; NE Truck Center \$4,418.00 smcs; Nebraskaland Distributors \$1,907.10 smcs; New Holland \$67.58 smcs; Newegg \$73.80 co; Newsbank \$3,097.00 smcs; Newton,G \$179.27 smcs; NFPA \$569.80 smcs; NI NDA Device \$60.50 smcs; NLETC \$72.00 smcs; Northern Safety \$185.40 smcs; Northern Tool \$87.55 smcs; Northwestern Energy \$2,183.62 smcs; Nutrien Ag \$288.75 smcs; Office Supplies \$76.84 smcs; Officemax \$939.03 smcs; Officenet \$272.06 smcs; O'Reilly Auto \$2,861.69 smcs; Orkin \$96.30 smcs; Orscheln \$594.48 smcs; OTC Brands \$136.59 smcs; Outdoor Recreation \$1,325.00 co; Paddle King \$1,335.00 co; Paper Mart \$44.42 smcs; Paramount \$31.26 smcs; Patzel,M \$14.65 smcs; Paulsen \$495,734.53 co; Pep Co. \$150.00 smcs; Pepperball \$2,153.29 smcs; Performance Engineering \$526.59 co; Petsmart \$117.68 smcs; PGA \$1,072.00 smcs; Ping \$163.99 smcs; Pitney Bowes \$56.52 smcs; Pizza Hut \$45.90 smcs; Platinum Awards \$18.00 smcs; Platte Valley Auto \$344.59 smcs; Platte Valley Comm. \$941.70 smcs; Point Emblems \$3,030.00 smcs; Poster My Wall \$4.99 smcs; Pot O' Gold \$77.00 smcs; Power DMS \$7,688.50 smcs; Precision Rifle \$675.00 smcs; Presto-X \$264.00 smcs; Prime Communications \$17,698.35 smcs; ProQuest \$466.17 smcs; Pro-Tint \$250.00 smcs; Public Agency Training \$1,190.00 smcs; Pukka \$1,514.64 smcs; Pump & Pantry \$15.66 smcs; Purdy,M \$6.21 smcs; Quill \$1,526.86 smcs; Rasmussen Mechanical \$1,703.50 co; RDG Planning & Design \$25,425.00 co; Ready Mixed Concrete \$1,703.50 co; Reams \$7,534.43 smcs; Redbox \$1.44 smcs; Rees,K \$120.00 smcs; Refior,C \$55.20 smcs; Reinke's \$149.14 smcs; Republic National Distrib. \$1,188.50 smcs; Rollnrack \$149.00 smcs; Roundhouse Bunker \$736.33 smcs; Royle,J \$18.66 smcs; S2O Design & Engineering \$300.00 co; Safelite Fulfillment \$527.98 smcs; Safety Products \$334.01 smcs; Sahling Kenworth \$460.54 smcs; Sams Club \$48.38 smcs; Scheels \$85.51 smcs; Schwan's \$2,813.25 smcs; Schwarz,J \$175.00 smcs; See Clear Cleaning \$2,050.00 smcs; Sherwin Williams \$374.58 smcs; Shiers,K \$747.00 smcs; Shredding Solutions \$100.65 smcs; Sign Center \$123.18 smcs; Silverstone Group \$6,405.92 smcs; Siteone Landscape \$955.26 smcs; Solid Waste Assn. \$223.00 smcs; Southern Glaziers \$1,460.08 smcs; Spectrum \$1,169.66 smcs; Speedee Mart \$13.14 smcs; Spiehs,D \$14.57 smcs; Sprinkler Warehouse \$614.40 smcs; Stenson,S \$42.99 smcs; Steinbrink Landscaping \$568.07 smcs; Stitch 3 \$126.00 ps; Streakwave Wireless \$1,247.51 co; Stutsman \$3,843.00 smcs; Super Shine Auto \$44.94 smcs; Superior Signals \$677.25 smcs; Supply House \$224.69 smcs; Target \$315.04 smcs; Therm O Web \$95.65 smcs; Titan Machinery \$98.75 smcs; TK Elevator \$480.82 smcs; Tractor Supply \$1,048.25 smcs; Trade Well Pallet \$600.00 co; Traffic Safety \$451.55 smcs; Transunion \$110.30 smcs; Tri Co Glass \$514.40 smcs; TTB Enterprise \$119.84 co; Turner Body Shop \$500.00 smcs; Twin City Hardware \$1,635.17 co; UAC \$1,259.95 smcs; Union Bank & Trust \$90,960.25 smcs,ps; Unique \$26.85 smcs; United \$28.00 smcs; UPS \$96.40 smcs; USA Comm. \$475.24 smcs; USPS \$168.20 smcs; Van Wall \$1,575.02 smcs; Verizon \$50.00 smcs; Vessco \$11,805.17 smcs; Victor Outdoor \$8,050.00 smcs; Village Services \$407.16 smcs; Virtra

\$8,902.80 smcs; VVS \$121.76 smcs; Walgreens \$213.95 smcs; Wal-mart \$1,877.21 smcs,co; Walters Electric \$3,159.96 smcs,co; Warren-T Plumbing \$515.00 smcs; Warrington,D \$225.00 smcs; Wastecorp Pumps \$640.50 smcs; We Pad It \$426.49 smcs; Werkmeister,D \$1.56 smcs; Werner,T \$20.23 smcs; Wheeler Power Sports \$84.07 smcs; Wilco Life \$10.00 ps; Wilken,E \$30.22 smcs; Wilkins Hinrichs Stober \$4,320.00 co; WPCI \$319.00 ps; Xello \$815.00 smcs; Yard Parts \$111.55 smcs; Zabel,A \$53.50 smcs; Zetx \$800.00 smcs; Payroll Ending 08/14/2021 -- \$566,345.03. 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 September 14, 2021 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2021-151 approving the final allocation of levy authority in the amount of \$146,450.00 for the Community Redevelopment Authority of the City of Kearney for fiscal year 2021-2022 and the final allocation of levy authority in the amount of \$55,870 for Offstreet Parking District No. 1 for fiscal year 2021-2022.

RESOLUTION NO. 2021-151

WHEREAS, Neb. Rev. Stat. Section 77-3443.03, (R.R.S. 1943), as amended), requires Community Redevelopment Authorities and Offstreet Parking Districts to submit a preliminary request for levy allocation, on or before August 1, to the City Council; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney submitted to the City, on July 12, 2021, a preliminary request for levy allocation in the amount of \$146,450.00; and

WHEREAS, the Downtown Improvement Board, on behalf of Offstreet Parking District No. 1, submitted to the City, on July 7, 2021, a preliminary request for levy allocation in the amount of \$55,870.00; and

WHEREAS, Neb. Rev. Stat. Section 77-3443.04, as amended, requires the City Council to adopt, by September 1, a resolution (by a majority vote of members present) which determines a final allocation of levy authority to the Community Redevelopment Authority and Offstreet Parking District No. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), as amended, that a final allocation of levy authority of \$146,450.00 is hereby approved for the Community Redevelopment Authority of the City of Kearney for 2021 and a final allocation of levy authority of \$55,870.00 is hereby approved for Offstreet Parking District No. 1 for 2021.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), that the City Clerk is ordered to forward a copy of this resolution to the chairperson of the Community Redevelopment Authority of the City of Kearney and the chairperson of the Downtown Improvement Board.

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

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect September 1, 2021, and shall be published in pamphlet form.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

5. Authorize the Mayor to execute the Proposal from Baker Tilly US, LLP dba Baker Tilly to conduct an executive recruitment services for a City Manager and approve Resolution No. 2021-152.

RESOLUTION NO. 2021-152

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the "Proposal from Baker Tilly US, LLP dba Baker Tilly for Executive Recruitment Services for a City Manager" on behalf of the City of Kearney, Nebraska, a copy of the Proposal, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution No. 2021-153 approving the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement allowing the City of Kearney to provide building inspection services to the City of Minden.

RESOLUTION NO. 2021-153

WHEREAS, on June 26, 2012 the City Council adopted Resolution No. 2012-104 approving Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement; and

WHEREAS, the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement was amended in 2013, 2014, 2016, 2017 and again in 2018; and

WHEREAS, it has been determined to be in the interest of both communities that the City of Kearney staff will provide plan review and building inspection services for up to three (3) years; and

WHEREAS, the City of Kearney and the City of Minden have agreed that Kearney continue to provide Minden with plan review and building inspection services for up to three (3) years.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement, marked as Exhibit "A", attached hereto and made a part hereof, be and is hereby approved.

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

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2021-154 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Lots 1 through 24, inclusive, Block One, Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2021-154

WHEREAS, on the 13th day of August, 2019 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2019-136 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Fountain Hills Properties, LLC, a Nebraska Limited Liability Company, by and through its members, Steven Craig and Carol Craig, being an Owner and the Developer, to construct paving, water main, sanitary sewer main, and storm sewer to serve Lots 1 through 24, inclusive, Block One, Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for paving, water main, sanitary sewer main, and storm sewer to serve the property described as Lots 1 through 24, inclusive, Block One, Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Jed Dobberstein submitted by Eagles Frat 2722 dba Eagles Frat Order 2722 located at 17 West 24th Street in connection with their Class C-011097 liquor license.

9. Adopt Resolution No. 2021-155 approving Application and Certificate for Payment No. 7 in the amount of \$430,293.95 and Application and Certificate for Payment No. 8 in the amount of \$424,327.63 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.

RESOLUTION NO. 2021-155

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. 7 in the amount of \$430,293.95 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	2,743,516.13
Retainage (5%)	- <u>137,175.81</u>
Amount Due to Date	2,606,340.32
Less Previous Certificates for Payment	- <u>2,176,046.37</u>
Current Payment Due	\$ 430,293.95

WHEREAS, Brown Construction and RDG Planning & Design, have filed with the City Clerk Application and Certificate for Payment No. 8 in the amount of \$424,327.63 as shown on Exhibit "B" 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	3,190,176.79
Retainage (5%)	- <u>159,508.84</u>
Amount Due to Date	3,030,667.95
Less Previous Certificates for Payment	- <u>2,606,340.32</u>
Current Payment Due	\$ 424,327.63

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. 7, as shown on Exhibit "A" and Application and Certificate for Payment No. 8, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Adopt Resolution No. 2021-156 approving T-Hangar B-08 Lease Agreement at the Kearney Regional Airport between the City of Kearney and Paul Bartels.

RESOLUTION NO. 2021-156

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the T-Hangar B-08 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Paul Bartels, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Approve the Plans and Specifications for the 2021 Cemetery North Addition; Phase I and set the bid opening date for September 21, 2021 at 2:00 p.m.

12. Adopt Resolution No. 2021-157 approving Application and Certificate for Payment No. 3 in the amount of \$233,618.40 submitted by RMV Construction and approved by Miller & Associates for the Wastewater Treatment Plant Phase II; Vehicle Storage Building.

RESOLUTION NO. 2021-157

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. 3 in the amount of \$233,618.40 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	604,533.00
Retainage (10%)	<u>- 60,453.30</u>
Amount Due to Date	544,079.70
Less Previous Certificates for Payment	<u>- 310,461.30</u>
Current Payment Due	\$ 233,618.40

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 3, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Adopt Resolution No. 2021-158 approving Application for Payment No. 2 in the amount of \$135,772.51 submitted by Blessing Construction and approved by Miller & Associates for the 2020 Part 1 Improvements for the removal and replacement of N Avenue from 28th Street to 39th Street in connection with Paving Improvement District

No. 2020-004.

RESOLUTION NO. 2021-158

WHEREAS, Blessing Construction, LLC of Kearney, Nebraska has performed services in connection with 2020 Part 1 Improvements for the removal and replacement of N Avenue from 28th Street to 39th Street in connection with Paving Improvement District No. 2020-004, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$135,772.51 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 2,666,533.00</u>
Contract Sum To Date	2,666,533.00
Gross Amount Due	219,924.19
Retainage (10%)	<u>- 21,992.42</u>
Amount Due to Date	197,931.77
Less Previous Certificates for Payment	<u>62,159.26</u>
Current Payment Due	\$ 135,772.51

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

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

14. Approve the waiver of building permit fees for remodel projects only for buildings located within the entire downtown area and extending two blocks south of the railroad tracks and adopt Resolution No. 2021-159.

RESOLUTION NO. 2021-159

WHEREAS, in efforts to incentivize building remodels within Downtown Kearney properties, City staff is requesting the ability to waive building permit fees tied to remodel projects including the electrical and plumbing permit fees associated with a remodel project, occurring in the downtown area only; and

WHEREAS, the boundary for the downtown area is described as: Beginning at the southwest corner of the intersection located at Highway 30 and 1st Avenue, thence east along the south side of Highway 30 to the east side of an alley located between A Avenue and B Avenue; thence south, along the east side of said alley to the south side of North Railroad Street; thence west from the east side of an alley located between A Avenue and B Avenue and along the south side of North Railroad Street, to the east side of A Avenue; thence south continuing along the east side of A Avenue to the south side of 18th Street; thence west from the east side of A Avenue and along the south side of 18th Street, to the west side of an alley located between 1st Avenue and Central Avenue; thence north, along the west side of said alley, to the south side of North Railroad Street; thence west, along the south side of North Railroad Street, to the west side of an alley

located between 1st Avenue and 2nd Avenue; thence north, along the west side of said alley to the north side of 22nd Street; thence east, along the north side of 22nd Street, to the west side of 1st Avenue; thence north along the west side of 1st Avenue, to the point of beginning, as shown in Exhibit A; and

WHEREAS, Downtown Kearney property owners spend significant funds to renovate their buildings; waiving the fees associated to the permits is one way the City of Kearney can help off-set the high costs of protecting these historic buildings.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, approval is granted for the waiver of building permit fee/s associated for remodel/s only, for buildings located within the downtown boundary area as shown in Exhibit A.

BE IT FURTHER RESOLVED, the downtown boundary area, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF AUGUST, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8510 TO REPEAL IN ITS ENTIRETY ARTICLE 31 "FOOD TRUCKS", SPECIFICALLY INCLUDING SECTIONS 3-3101 THROUGH 3-3105 INCLUSIVE, OF CHAPTER 3 "BUSINESS REGULATIONS"

Council Member Buschkoetter introduced Ordinance No. 8510 to repeal in its entirety Article 31 "Food Trucks", specifically including Sections 3-3101 thru 3-3105 inclusive, of Chapter 3 "Business Regulations", of the Code of 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 Clouse seconded the motion to suspend the rules for Ordinance No. 8510. 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. 8510 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 Clouse seconded by Nikkila that Ordinance No. 8510 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. 8510 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

ONE & SIX YEAR STREET IMPROVEMENT PLAN

Mayor Clouse opened for discussion the review of the One & Six Year Street Improvement Plan and set the public hearing date for September 14, 2021 to adopt the One and Six Year Street Improvement Plan.

Andy Harter, Director of Public Works presented this matter to the Council. He reviewed the summary of the One Year Plan and the Six Year Plan below:

SUMMARY OF ONE YEAR PLAN			
2022			
		<i>As of</i>	<i>08/23/21</i>
Project Name	Location	Type	Est. Total Cost
2020 Part 3	2nd Avenue Overpass	City	\$ 2,100,000.00
2021 Part 5	Talmadge Street and Yanney Avenue	City	\$ 2,900,000.00
2022 Part 1	48th Street East of Avenue N	City	\$ 323,000.00
11th St Imp	11th Street from Avenue A to Avenue F	City	\$ 1,500,000.00
31st St Imp	31st Street from Avenue G to Avenue L, 1400'	City	\$ 870,000.00
56th St Imp	56th Street & Avenue N Turning Lanes	City	\$ 975,000.00
Stoneridge Tenth Addition	Avenue K and 63rd Street	Developer	\$ 440,000.00
Butler Addition	47th Street and Chase Avenue	Developer	\$ 1,000,000.00
Millennial Estates Fourth	V Avenue & 38th Street	Developer	\$ 675,000.00
Millennial Estates Fifth	X Avenue & 35th Street Drive	Developer	\$ 350,000.00
Oak Park Second	3rd Avenue Extension	Developer	\$ 75,000.00
TOTAL			\$ 11,208,000.00

SUMMARY OF SIX YEAR PLAN			
2022-2028			
		<i>As of</i>	<i>08/18/21</i>
Project Name	Location	Type	Est. Total Cost
18th St Imp	18th Street from Central Avenue to 1st Avenue - Storm	City	\$ 670,000.00
1st Ave Imp	1st Avenue from 18th Street to South Railroad Street - Storm	City	\$ 1,532,000.00
30th Ave Imp	30th Avenue Bridge Expansion	City	\$ 2,100,000.00
39th St Imp	39th Street, from 17th Avenue to 22nd Avenue	City	\$ 1,250,000.00
A Ave Imp	Avenue A, from 31st Street to 35th Street, 1280'	City	\$ 625,000.00
30th St Imp	30th Street, from Avenue E to Avenue I, 1330'	City	\$ 630,000.00
28th St Imp	28th Street, from Avenue I to Avenue M, 1250'	City	\$ 735,000.00
16th St Imp	16th Street, from 1st Avenue to 5th Avenue, 1500'	City	\$ 805,000.00
TOTAL			\$8,347,000.00

Mayor Clouse questioned if Pony Express Road was scheduled for this year? Mr. Harter stated it is scheduled for construction this year.

Mr. Harter noted developer driven projects remain on the One Year Plan even after construction and further commented that some residential streets were added to the Six Year Plan. He highlighted bigger projects included in both Plans, which included: addition of turn lanes at 56th Street and Avenue N; 2nd Avenue Overpass; 11th Street from Avenue A to Avenue F; extension of Talmadge Street to Yanney Avenue and 39th Street from 17th Avenue to 22nd Avenue.

Council Member Jonathan Nikkila asked what is being considered for long term projects and gave examples of an additional interstate exit or north/south traffic flow through Kearney? Mr. Harter stated the City has been looking into an additional exit off of the interstate as well as watching development in Kearney to determine when to extend arterial streets for traffic flow.

Michael Morgan, City Manager stated travel north and south is mainly via 30th Avenue, 2nd Avenue and Avenue N. The City frequently reviews if these streets are being used in the most efficient way possible, in addition to searching for better traffic control systems or signal improvements, but noted only so much can be done when there is so much traffic.

Council Member Nikkala suggested the City start planning and saving for potential, future projects and perhaps develop a Ten-Year Plan in addition to the One & Six Year Plans that are required to be completed by statute.

Mr. Morgan noted in the last five years the City has spent \$32,000,000 on streets in Kearney and stated the One & Six Year Plans are geared more towards maintenance and not towards planning for the future.

Moved by Nikkila seconded by Moore to approve the review of the One & Six Year Street Improvement Plan and set the public hearing date for September 14, 2021 to adopt the One and Six Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

STAFF PRESENTATION ON THE PROPOSED TERMINAL BUILDING EXPANSION PROJECT AT THE KEARNEY REGIONAL AIRPORT

Mayor Clouse opened Regular Agenda Item 2 for Council to receive the City staff presentation on the proposed Terminal Building Expansion project at the Kearney Regional Airport. This item was for informational purposes only.

Eric Hellriegel, Assistant City Manager presented this matter to the Council. Mr. Hellriegel noted the parking spaces that have already been added as well as additional parking that is in the process of being constructed. A new beacon and security fencing have also been added. The Terminal Project is in the early, preliminary design phase at this time. He reviewed the sight plan and discussed the location of the addition in correlation to the existing 7,500 square foot terminal. Total terminal size, once the addition is completed, will be approximately 22,000 square feet. The site plan also includes renderings of aircraft movement showing the ability to accommodate SkyWest's 70 passenger airline that occasionally comes to Kearney, for future growth. Mr. Hellriegel discussed the proposed layout of the building and noted the terminal design follows FAA, TSA and SkyWest guidelines. The current plan for the first phase is construction of the new addition; once completed, remodel of the current terminal will begin. He noted outbound passengers will be routed through the new addition and inbound passengers will use the remodeled north side to improve the flow for passengers.

Mayor Clouse questioned when the project will go out for bid? Mr. Hellriegel stated it is anticipated to go out for bid in late February or March of 2022.

Council Member Randy Buschkoetter questioned if the FAA has already been informed of the upcoming expansion project? Mr. Hellriegel stated the FAA is aware due to CARES Act funding being involved with the project. Additionally, a program and forecast document was provided to the FAA for their review.

Council Member Tami Moore requested a cover over the area between the terminal and the plane be considered as that has been one of the biggest complaints she hears, especially when the weather is bad. Mr. Morgan stated that area is tight for an extension of a cover due to the location of the terminal and the wingspan of planes and their turning radius by the terminal. Mr. Hellriegel stated they have known about this concern and continue to look at ways to improve.

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Moore that the Open Account Claim in the amount of \$115,407.94 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Mayor Clouse noted there will be a Special Meeting on Monday, September 13th at 5:30 p.m. in Council Chambers for a Public Hearing on the proposed City of Kearney Budget for the 2021-2022 Fiscal Year.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:22 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**