

*Kearney, Nebraska
September 28, 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 September 28, 2021 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear and Tami James Moore. Absent: Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works; Dennis Byrne, Police Lieutenant and Brenda Jensen, Development Services Director, were also present. Members of the media present included: Mike Konz, Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

Two Boy Scouts from Troop 158 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

PROPOSED ACQUISITION OF A PERMANENT 20-FOOT WATERLINE EASEMENT

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent 20-foot Waterline Easement granted by Jeff Waggoner, President of Waggoner Investments L.L.C., a Nebraska Limited Liability Company, for a tract of land being part of Lot 5, Tract G, to the City of Kearney, located in the Southwest Quarter of Section 34, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2021-182.

Tony Jelinek, Director of Utilities presented this matter to the Council. Mr. Jelinek stated this easement was part of a Developer Infrastructure Agreement allowing a public waterline to be installed; this acquisition, by the City, is for the use and maintenance of the water system that was installed.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2021-182 approving the proposed acquisition for a Permanent 20-foot Waterline Easement granted by Jeff Waggoner, President of Waggoner Investments L.L.C., a Nebraska Limited Liability Company, for a tract of land being part of Lot 5, Tract G, to the City of Kearney, located in the Southwest Quarter of Section 34, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2021-182

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 20-foot Waterline Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Jeff Waggoner, President of Waggoner Investments L.L.C., a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska a Permanent 20-foot Waterline Easement as follows:

PERMANENT 20-FOOT WATERLINE EASEMENT

A tract of land being part of Lot 5, Tract G, to the City of Kearney, located in the Southwest Quarter of Section 34, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Water Easement purposes. Said Waterline Easement to be 20.00 feet in total width and more particularly described as follows: Referring to the Southeast corner of Lot 5, Tract G, to the City of Kearney, and assuming the South line of said Lot 5 as bearing N 89°45'31" W and all bearings contained herein are relative thereto; thence N 89°45'31" Won said South line of Lot 5 a distance of 200.30 feet to the ACTUAL POINT OF BEGINNING; thence continuing N 89°45'31" Won said South line of

Lot 5 a distance of 20.00 feet; thence N 00°11 '56" E a distance of 29.63 feet; thence N 45°11 '56" E a distance of 36.90 feet; thence N 00°11 '56" E a distance of 42.39 feet; thence N 90°00'00" E a distance of 20.00 feet; thence S 00° 11 '56" W a distance of 50.74 feet; thence S 45° 11 '56" W a distance of 36.90 feet; thence S 00° 11 '56" W a distance of 21.36 feet to the Point of Beginning, containing 0.05 acres 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 20-foot Waterline Easement granted by Jeff Waggoner, President of Waggoner Investments L.L.C., a Nebraska 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 28TH DAY OF SEPTEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

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

Mayor Clouse opened the public hearing on the proposed acquisition for a Temporary and Permanent Trail Right-of-Way Easement granted by Twin Hills, LLC, a Nebraska Limited Liability Company, specifically for a 30-foot Temporary Trail Construction Encroachment Easement described as part of Lots 1, 2, 3, and 4, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska; AND specifically for a 20-foot Permanent Trail Easement described as part of Lots 1, 2, 3, and 4, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2021-183.

Michael Tye, City Attorney presented this matter to the Council. Mr. Tye explained that City Park Staff visited with the Developer who has agreed to grant these easements for the future installation of the Hike/Bike Trail. There are no current plans to construct the Trail; however, acquiring these easements before the lots are sold will make future installation easier. This easement is being provided to the City at no cost.

Council Member Randy Buschkoetter noted the Trail is a nice amenity and stated it is nice that it is planned for as new development occurs.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2021-183 approving the proposed acquisition for a Temporary and Permanent Trail Right-of-Way Easement granted by Twin Hills, LLC, a Nebraska Limited Liability Company, specifically for a 30-foot Temporary Trail Construction Encroachment Easement

described as part of Lots 1, 2, 3, and 4, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska; AND specifically for a 20-foot Permanent Trail Easement described as part of Lots 1, 2, 3, and 4, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

RESOLUTION NO. 2021-183

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 Trail Construction Encroachment Easement and a Permanent Trail Right-of-Way Easement and voted in favor to proceed with the acquisitions; and

WHEREAS, Twin Hills, LLC, a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska a Temporary Trail Construction Encroachment Easement and a Permanent Trail Right-of-Way Easement as follows:

TEMPORARY TRAIL CONSTRUCTION ENCROACHMENT EASEMENT

A 30-foot Temporary Trail Construction Easement described as follows: Part of Lots 1, 2, 3, and 4, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Temporary Construction Easement purposes. Said 30.00 foot Easement to be 15.00 feet on each side of the following described centerline: Commencing at the Southwest corner of Lot 4, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°47'15" E on the South line of said Lot 4, and all bearings contained herein are relative thereto, a distance of 68.26 feet to the POINT OF BEGINNING; thence N 00°23' 33" E parallel with the West line of said Hillside Estates a distance of 145.98 feet; thence Northwesterly on a tangent curve to the Left having a central angle of 41°50'44", a radius of 50.00 feet, an arc length of 36.52 feet, and a chord bearing of N 20°31'49" W a distance of 35.71 feet; thence N 41°27'11" W a distance of 32.60 feet; thence Northwesterly on a tangent curve to the Right having a central angle of 41°50'44", a radius of 50.00 feet, an arc length of 36.52 feet, and a chord bearing of N 20°23'33" E parallel with the West line of said Hillside Estates a distance of 572.01 feet to the Point of Termination on the North line of Lot 1 of said Hillside Estates. The side lines of said 30.00 feet wide Temporary Construction Easement to be lengthened or shortened to form a continuous strip, said 30.00 feet Easement contains 0.57 acres, more or less, all in Buffalo County, Nebraska.

PERMANENT TRAIL RIGHT-OF-WAY EASEMENT

A 20-foot Permanent Trail Easement described as follows: Part of Lots 1, 2, 3, and 4, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Trail Easement purposes and more particularly described as follows: Commencing at the Southwest corner of Lot 4, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°47'15" E on the South line of said Lot 4, and all bearings contained herein are relative thereto, a distance of 58.26 feet to the POINT OF BEGINNING; thence continuing S 89°47'15" E on said South line a distance of 20.00 feet;

thence N 00°23'33" E parallel with the West line of said Hillside Estates, a distance of 145.95 feet; thence Northwesterly on a tangent curve to the Left having a central angle of 41°50'44", a radius of 60.00 feet, an arc length of 43.82 feet, and a chord bearing of N 20°31'49" W a distance of 42.85 feet; thence N 41°21'11" W a distance of 32.60 feet; thence Northwesterly on a tangent curve to the Right having a central angle of 41°50'44", a radius of 40.00 feet, an arc length of 29.21 feet, and a chord bearing of N 20°31'49" W a distance of 28.57 feet; thence N 00°23'33" E parallel with the West line of said Hillside Estates a distance of 569.01 feet; thence N 53°31'21" E a distance of 5.00 feet to the North line of Lot 1, of said Hillside Estates; thence N 89°36'27" W on said North line a distance of 24.00 feet; thence S 00°23'33" W parallel with the West line of said Hillside Estates a distance of 572.01 feet; thence Southeasterly on a tangent curve to the Left having a central angle of 41°50'44", a radius of 60.00 feet, an arc length of 43.82 feet, and a chord bearing of S 20°31'49" E a distance of 42.85 feet; thence S 41°27'11" E a distance of 32.60 feet; thence Southeasterly on a tangent curve to the Right having a central angle of 41°50'44", a radius of 40.00 feet; an arc length of 29.21 feet, and a chord bearing of S 20°31'49" E a distance of 28.57 feet; thence S 00°23'33" W parallel with the West line of said Hillside Estates a distance of 146.01 feet to the Point of Beginning, said 20.00-foot Easement contains 0.38 acres, 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 Trail Construction Encroachment Easement and a Permanent Trail Right-of-Way Easement granted by Twin Hills, 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 28TH DAY OF SEPTEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

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

1. Approve Minutes of the Special Meeting held September 13, 2021 and the Regular Meeting held September 14, 2021.
2. Approve the following Claims:

PS	Personnel Services
SMCS	Supplies, Materials & Contractual Services
ER	Equipment Rental

CO	Capital Outlay
DS	Debt Service

5.11 \$550.00 smcs; 1000bulbs.com \$176.46 smcs; 139 Fire \$6,145.00 smcs; 4imprint \$785.36 smcs; 88 Tactical \$970.00 smcs; Abos Abos \$49.00 smcs; Accucut \$132.03 smcs; Ace Irrigation \$1,105.47 smcs; Acushnet \$4,660.76 smcs; Adobe \$359.99 smcs; Advance Auto \$22.45 smcs; Aero Specialties \$2,241.69 co; AI Engines \$77.87 smcs; Airdata \$480.00 smcs; Alert All \$1,135.00 smcs; All City Garage Door \$1,467.00 smcs; All Makes Auto \$2,997.39 smcs; All Star Tennis \$1,451.18 smcs; Ally B Design \$1,000.00 smcs; ALSA-Mid America \$100.00 smcs; Amazon \$8,806.91 smcs,co; American \$66.86 smcs; American Fence \$4,340.00 co; American Legion \$13.95 smcs; American Library Assn. \$660.00 smcs; American Public Works \$1,080.00 smcs; American Red Cross \$32.00 smcs; Andersen,J \$1,494.57 smcs; Anderson Brothers \$211.14 smcs; Anderson,C \$13.99 smcs; Ann Crochet! \$26.75 smcs; Apple \$0.99 smcs; Apple Market \$33.89 smcs; Aramark Uniform \$462.27 smcs; Ask Supply \$1,266.70 smcs; Atlas Business \$1,620.00 smcs; Aurora Coop \$121.60 smcs; Authorize.net \$10.00 smcs; Auto Value \$35.22 smcs; Avfuel \$70,482.35 smcs; Avis \$35.75 smcs; Axon Enterprise \$598.51 smcs; B&H Photo \$7,850.62 smcs,co; Baer,E \$175.00 smcs; Baker & Taylor \$3,119.42 smcs; Barco Municipal \$116.53 smcs; Baughman,E \$261.00 smcs; Beacon Athletics \$316.24 smcs; Bear Frame \$149.05 smcs; Beehive Industries \$8,700.00 smcs; Beery,K \$80.00 smcs; Benson,G \$75.00 smcs; Black Stone \$686.64 smcs; Blessing \$647,762.00 co; Blue to Gold \$399.00 smcs; Bluebeam \$1,451.25 smcs; Bluecross Blueshield \$196,932.71 smcs; Boogaarts \$49.63 smcs; Books Galore \$6,222.50 smcs; Border States \$583.26 smcs; Bosselman \$55,216.05 smcs; Brite \$2,928.00 smcs; Broadfoot's \$2,216.00 smcs; Brownells \$281.41 smcs; Buffalo Co. Attorney \$18,750.00 smcs; Buffalo Co. Register Deeds \$184.00 smcs; Buffalo Co. Treasurer \$25.63 co; Buffalo Outdoor Power \$524.07 smcs; Buffalo Wild Wings \$130.00 smcs; Builders \$1,879.25 smcs,co; Burnett,J \$31.00 smcs; Byrne,D \$225.00 smcs; Cab Store \$135.82 smcs; Calibre \$139.00 smcs; Calumet \$1,279.46 smcs; Candlewood Suites \$422.44 smcs; Carolina GSE \$2,166.51 co; Carquest \$299.95 smcs; Casey's \$55.11 smcs; Cash Wa \$2,123.76 smcs; CDBG \$50.00 smcs; CDW \$251.45 co; Cenex \$159.59 smcs; Center Point Large Print \$75.96 smcs; Central Hydraulic \$18.06 smcs; Central NE Bobcat \$632.82 smcs; Central NE Rehab \$250.00 ps; Century Lumber \$4.27 co; Chemsearch \$319.00 smcs; Chesterman \$495.60 smcs; Chet's Transfer \$425.00 smcs; Chicago Books \$45.20 smcs; Choice Paint \$198.42 smcs; Chosen Web \$31.07 smcs; Cintas \$212.60 smcs; Ciox \$40.00 smcs; City of Ky \$1,799.20 co; City of Ky \$407,597.18 smcs,ps; Clarion Books \$1,309.00 smcs; Clean Air Concepts \$335.73 smcs; Clint Smith Graphics \$2,662.50 co; Comcate \$6,831.36 smcs; Comm. Health Agencies \$48.00 ps; Comm. Service Fund \$42.00 ps; Construction Rental \$950.14 smcs; Control Yours \$200.00 smcs; Copro EFP \$2,846.00 smcs; Copycat \$1,158.31 smcs; Core & Main \$6,106.74 smcs; Country Partners \$18,891.51 smcs; Cricut \$101.58 smcs; Crouch Recreation \$1,285.00 co; Culligan \$196.45 smcs; Cutter & Buck \$3,458.05 smcs; Cutting Edge Cleaning \$495.00 smcs; D&K Products \$1,998.00 smcs; Danko Emergency \$3,649.94 smcs; Dan's Plumbing \$175.00 smcs; Das State Accounting \$20.79 smcs; Davis Equipment \$1,909.64 smcs; Dawson Public Power \$55,145.99 smcs; Dell \$2,227.34 co; Deterding's \$729.18 smcs; Dick's Sporting \$53.75 smcs; Dish \$247.88 smcs; Ditch Witch \$174.62 smcs; Dog Poop Bags \$312.78 smcs; Dollar General \$88.12 smcs; Dollar Tree \$71.13 smcs; DPC Industries \$7,030.46 smcs; E 470 Express Tolls \$6.70 smcs; Eakes \$968.16 smcs; Earl

May \$443.32 smcs; EB 2021 Governors Ag \$75.00 smcs; Echo Electric \$6,175.17 co; Ecolab \$166.12 smcs; Ehrlich \$406.00 smcs; Eileen's Cookies \$94.50 smcs; Electric Pump \$11,796.93 smcs; EMC Insurance \$41.05 smcs; Emergency Medical \$30.00 smcs; Endeavor Business Media \$850.00 smcs; Ensley Electrical Services \$100,400.13 co; Envirotech \$14,128.39 smcs; ESChat \$187.37 smcs; Excel Appraisal \$4,000.00 smcs; Exit Light \$396.97 smcs; Extender Partners \$89.95 smcs; Eyemed \$1,357.44 smcs; Facebook \$32.58 smcs; Fairfield Inn \$453.60 smcs; Family Fresh \$68.30 smcs; Faro Technologies \$6,429.60 smcs; Fastenal \$902.95 smcs,co; Faz,A \$133.00 smcs; Fedex \$79.50 smcs; Felsburg Holt & Ullevig \$390.00 smcs; Fire Safety \$765.00 smcs; Friesen Chevrolet \$136.72 smcs; Frontier \$7,242.44 smcs; Fuesner,J \$73.56 smcs; Gale \$1,109.15 smcs; Galls \$1,002.54 smcs; Gammon Technical \$268.98 smcs; Gannon Travel \$40.00 smcs; Garrett Tires \$14,866.91 smcs; GD Concrete \$3,217.50 co; Gear for Sports \$196.91 smcs; Glass Doctor \$125.84 smcs; Golf Buddy America \$852.89 smcs; Govt. Finance Officers \$225.00 smcs; GPSHO \$567.00 smcs; Graham Tire \$289.00 smcs; Grainger \$2,439.46 smcs; Grand Hyatt \$815.86 smcs; Green,P \$1,711.00 co; Gregory,T \$1,050.00 smcs; Hard Rock Casino \$332.64 smcs; Heiman Fire \$1,677.40 smcs; Hertz \$687.45 smcs; Highland Park \$3,500.00 smcs; Hilton \$1,921.20 smcs; Hireright \$8.66 smcs; Hobby-Lobby \$495.98 smcs; Holiday Inn Express \$111.82 smcs; Holmes Plumbing \$461.68 smcs; Home Deport Pro \$2,801.26 smcs; Hotsy \$761.36 smcs; Hunnel,M \$791.00 co; Hy-vee \$82.29 smcs; IAPE \$520.00 smcs; Icon Safety \$205.62 smcs; Inland Truck \$2,579.40 smcs; Integrated Security \$5,888.00 co; Interlight \$90.05 smcs; Int'l Code Council \$364.00 smcs; IRS \$172,710.90 ps; Isolved \$2,847.34 smcs; J&A Traffic \$6,025.00 smcs; Jack Lederman \$52.64 smcs; Jack's Uniform \$8,062.77 smcs; JCB Delivery \$50.00 smcs; Jensen,B \$800.00 smcs; Jimmy Johns \$320.74 smcs; Johnson Brothers \$375.00 smcs; Johnstone Supply \$2,439.22 smcs; Ky Ace \$100.29 smcs; Ky Concrete \$16,826.68 smcs,co; Ky Crete & Block \$4,143.55 smcs; Ky Quality Sew \$349.97 smcs; Ky Tire & Auto \$692.24 smcs; Ky Towing \$400.00 smcs; Ky Visitors Bureau \$79,397.54 smcs; Ky Volunteer Fire \$3,000.00 smcs; Ky Winlectric \$6,388.73 smcs,co; Ky Winnelson \$699.00 smcs; Kelly Supply \$438.94 smcs; Kings III Emergency \$480.06 smcs; Koln TV \$800.00 smcs; Konica Minolta \$600.22 smcs; Kum & Go \$21.00 smcs; Landmark Implement \$3,044.11 smcs; Leadsonline \$3,227.00 smcs; Lee NE Media \$4,718.44 smcs; Liquor License \$935.73 smcs; LLRMI \$150.00 smcs; Luke,D \$450.31 smcs; Macqueen \$2,408.09 smcs; Magnet Forensics USA \$3,840.00 smcs; Mallory Safety \$207.00 smcs; Marathon Petro \$45.91 smcs; Marlatt Machine \$686.58 smcs; Marriott \$281.15 smcs; Masek Golf Car \$2,401.72 smcs; Mashino,K \$445.00 smcs; Masters True Value \$694.27 smcs; Matheson \$169.10 smcs; Menards \$6,741.10 smcs,co; Merrill Company \$366.06 smcs; Michaels \$191.17 smcs; Mid-NE Garage Doors \$200.00 smcs; Mid-State Engineering \$2,778.50 smcs; Midway USA \$405.14 smcs; Midwest Connect \$463.90 smcs; Midwest Petroleum \$95.00 smcs; Midwest Turf \$268.66 smcs; Miler Signs \$186.00 smcs; Miles Tactical \$284.75 smcs; Miller & Associates \$164,651.44 co; Miller Signs \$112.50 smcs; Mirror Image \$241.67 smcs; Mission Square \$6,148.08 ps; Moonlight Embroidery \$526.75 smcs; Morris,K \$23.09 smcs; Municipal Supply \$29,486.63 smcs; Municode \$1,043.66 smcs; Murphy Tractor \$2,505.39 smcs; Nat'l Ally for Youth \$20.00 smcs; Nat'l Volunteer Fire \$18.00 smcs; NE Child Support \$1,517.12 ps; NE Dept. Environment \$150.00 smcs; NE Dept. Revenue \$142,755.84 smcs,ps; NE Generator \$610.44 smcs; NE Golf Assn. \$110.00 smcs; NE Library Assn. \$100.00 smcs; NE Library Commission \$4,062.47 smcs; NE Machinery \$561.96 smcs; NE Peterbilt \$93.08 smcs; NE Public Health \$817.00 smcs; NE Safety & Fire \$260.00 smcs; NE Salt & Grain \$22,375.35 smcs; NE Truck Center

\$3,465.72 smcs; Nebraskaland Distributors \$328.25 smcs; New Deal Deicing \$540.00 smcs; NI LCC NE \$47.87 smcs; Nielsen Contracting \$17,835.17 co; NLETC \$144.00 smcs; Northern Safety \$217.80 smcs; Northwestern Energy \$2,929.61 smcs; Nova Health \$4,961.60 ps; NRPA Career \$299.00 smcs; Nutrien \$4,577.14 smcs; Nuttelman Fencing \$10,620.08 smcs; Office Depot \$703.29 smcs; Officenet \$75.09 smcs; Olsson \$36,797.65 co; One Face \$225.00 smcs; Oread Hotel \$334.95 smcs; O'Reilly Auto \$1,028.79 smcs; Orscheln \$729.79 smcs; Ostrander,R \$31.00 smcs; OTC Brand \$20.77 smcs; Out of Print \$76.99 smcs; Overdrive \$25,000.00 smcs; Paessler \$437.50 smcs; Paper Mart \$75.80 smcs; Paramount \$67.84 smcs; Payflex \$535.50 smcs,ps; Penny,C \$79.72 smcs; Penworthy \$355.44 smcs; Pep Co. \$300.00 smcs; Petsmart \$38.97 smcs; Phillips 66 \$51.00 smcs; Phot Card \$85.76 smcs; Pickleball Central \$39.05 smcs; Pilot \$41.01 smcs; Ping \$714.60 smcs; Pioneer Manufacturing \$1,327.25 smcs; Platinum Awards \$401.55 smcs,co; Platte Valley Auto Mart \$59.90 smcs; Platte Valley Comm. \$31,042.92 smcs; Platte Valley Concrete \$400.00 co; Polydyne \$14,854.32 smcs; Positive Concepts \$200.00 smcs; Positive Promotions \$223.45 smcs; Presto-X \$357.00 smcs; Prime Communications \$3,316.29 smcs; Promotions Now \$384.37 smcs; Provantage \$258.64 smcs; PTS-Industrial \$67.74 smcs; Public Agency Training \$525.00 smcs; Publication Printers \$4,208.95 smcs; Quality Inn \$380.28 smcs; Rasmussen Mechanical \$22,646.20 smcs; Raynor Garage Doors \$856.00 smcs; RDO Truck Center \$524.78 smcs; Ready Mixed Concrete \$10,906.50 co; Reams Sprinkler \$2,828.15 smcs; Redbox \$5.19 smcs; Redman's Shoes \$119.99 co; Rentokil \$308.00 smcs; Replacement Parts \$159.16 smcs; Rheome Tree \$6,975.00 smcs; Rockmount Research \$276.29 smcs; Roofmasters \$6,599.99 co; RW Sorensen \$32,466.00 co; Safelite \$387.98 smcs; Safety Products \$165.56 smcs; Sandry Fire \$14,718.45 smcs; Saylor Screenprinting \$2,282.00 smcs,ps; Scheels \$112.32 smcs; Schindler Elevator \$78.94 smcs; School District 7 \$5,270.00 smcs; Schwan's \$1,310.00 smcs; Scmitt,D \$31.00 smcs; Select Sprayers \$133.20 co; Sequel Bookshop \$200.00 smcs; Seth Denney Painting \$2,700.00 co; Shadowtech \$200.29 smcs; Shell \$59.00 smcs; Sherwin Williams \$2,370.01 smcs; Shredding Solutions \$129.30 smcs; Siteone Landscape \$285.56 smcs; SLA Corp \$187.37 smcs; SOS Portable Toilets \$295.00 smcs; Spectrum \$1,073.93 smcs; Sprinkler Warehouse \$523.95 smcs; Steinbrink Landscaping \$7,576.22 smcs; Steinbrook,S \$577.50 smcs; Straight Line Striping \$3,075.60 smcs; Streit,P \$62.50 smcs; Stutsman \$2,196.00 smcs; Suburban Fire \$27,838.25 smcs; SW Firefighting Foam \$2,841.79 smcs; SWANA \$223.00 smcs; Target \$23.14 smcs; Targets Online \$604.70 smcs; Thompson,K \$175.00 smcs; Tielke's Sandwiches \$49.18 smcs; Titan Machinery \$1,009.99 smcs; Tractor Supply \$1,529.56 smcs; Traffic Control \$7,390.00 smcs; Transunion \$111.90 smcs; Tri City Concrete \$2,876.00 co; Tri City Sign \$360.00 smcs; Tri Co Equipment \$341.98 smcs; Twin City Hardware \$283.51 smcs; Ty's Outdoor \$266.67 smcs; Uline \$748.98 smcs; Union Bank \$91,921.22 ps; Unique \$89.50 smcs; United \$105.00 smcs; United Way \$268.76 ps; UOFL \$1,334.00 smcs; UPS Store \$256.77 smcs; USA Comm. \$475.24 smcs; USPS \$221.01 smcs; Van Diest \$402.11 smcs; Van Wall \$1,385.00 smcs; Venger Tactical \$1,050.00 smcs; Verizon \$7,813.07 smcs; Video Kingdom \$199.98 smcs; Village Services \$251.82 smcs; VVS \$27.94 smcs; VW Golf \$4,811.28 smcs; Waldinger \$2,707.14 smcs; Walgreens \$11.98 smcs; Wal-mart \$2,153.36 smcs; Wastecorp Pumps \$4,469.02 smcs; Web Network \$83.98 smcs; Webstaurant Store \$148.04 smcs; Wells Fargo \$175.00 smcs; Whalen,J \$175.00 smcs; Whalen,S \$440.00 smcs; When To Work \$100.00 smcs; Williamson,A \$50.00 smcs; Wilson's Gun Shop \$139.05 smcs; WPCI \$1,420.00 ps; Yong,M \$223.00 smcs; Young,J \$450.31 smcs; Zoro Tools \$133.99 smcs; Payroll Ending 09/11/2021 -- \$531,808.66. 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 October 12, 2021 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2021-184 approving the Grassland Leases between the City of Kearney and Billy Dibbern for 1) property described as the East Half of Section 14 and the Northeast Quarter of Section 23, Township 9 North, Range 17 West of the 6th P. M., Buffalo County, Nebraska and 2) property described as the West Half of Section 14, Township 9 North, Range 17 West of the 6th P. M., Buffalo County, Nebraska.

RESOLUTION NO. 2021-184

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Grassland Lease on behalf of the City of Kearney with Billy Dibbern for the West Half of Section 14, Township 9 North, Range 17 West of the 6th P.M., Buffalo County, Nebraska. The term of the lease shall be for five years commencing on March 1, 2022 and ending on October 1, 2026. The Grassland Lease, marked as Exhibit "A", is attached hereto and made a part hereof be reference.

BE IT FURTHER RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Grassland Lease on behalf of the City of Kearney with Billy Dibbern for the East Half of Section 14 and the Northeast Quarter of Section 23, Township 9 North, Range 17 West of the 6th P.M., Buffalo County, Nebraska. The term of the lease shall be for five years commencing on March 1, 2022 and ending on October 1, 2026. The Grassland Lease, marked as Exhibit "B", is attached hereto and made a part hereof be reference.

PASSED AND APPROVED THIS 28TH DAY OF SEPTEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Taylor Moore submitted by World Theatre Foundation dba The World Theatre located at 2318 Central Avenue in connection with their I-100700 liquor license.

6. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-124476 liquor license application and manager application for Margarita Younes-Holz submitted by JM Hospitality, Inc dba Crowne Plaza Hotel located at 707 Talmadge Street.

7. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I-124505 liquor license application and manager application for Brian Petersen submitted by The Legacy on the Bricks, LLC dba The Legacy on the Bricks located at 16 West 21st Street.

8. Adopt Resolution No. 2021-185 allowing the City of Kearney to expend funds on the 2021 Part 5 Improvements and reimburse itself from the proceeds of the debt issued at a later date.

RESOLUTION NO. 2021-185

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska (the "City"), as follows:

Section 1. The President and Council of the City hereby find and determine that it is necessary and appropriate to declare their official intent to issue tax-exempt bonds on behalf of the City and in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bonds as proposed to be issued by the City in connection with the proposed project as described below.

Section 2. This resolution shall stand as a statement of the City's official intent under Regulation Section 1.150-2 of the regulations of the United States Treasury and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond proceeds provided is as follows:

<u>2021 Part 5 Improvements – Talmadge Street and Yanney Avenue</u>	
Street and stormwater improvements	\$1,650,000.00
Sanitary sewer main improvements	\$1,250,000.00
Water main improvements	\$1,350,000.00

2. The maximum principal amount of debt expected to be issued for such project is \$4,250,000.00.

PASSED AND APPROVED THIS 28TH DAY OF SEPTEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Adopt Resolution No. 2021-186 approving the Interlocal Agreement between Buffalo County, Nebraska and the City of Kearney to provide for the payment of the costs of constructing Talmadge Street from 10th Avenue to Yanney Avenue and Yanney Avenue north of Talmadge Street.

RESOLUTION NO. 2021-186

WHEREAS, the City of Kearney, Nebraska, and the Buffalo County, Nebraska, desire to enter into an Interlocal Agreement concerning equally shared construction costs for improvements to be made to West Talmadge Street and Yanney Avenue, Kearney, Buffalo County, Nebraska; and

WHEREAS, the described street improvements are situated both inside and outside of the city corporate limits of the City Kearney. The construction and improvements made to that street if done as one project will result in mutually shared benefits as between the City of Kearney and Buffalo County; and

WHEREAS, an Interlocal Government Agreement has been drafted that addresses the initial, current, and future financing of the shared costs of this construction, and

WHEREAS, it is in the best interests of the City of Kearney to enter into this street improvement contract under the terms and conditions of the Interlocal Agreement with Buffalo County.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Interlocal Agreement as presented between the City of Kearney, Nebraska, and the Buffalo County, Nebraska for the construction and improvements to be made to West Talmadge Street be accepted and the Mayor be authorized and directed to execute the Interlocal Agreement and to do all necessary actions to carry out the provisions of the Interlocal Agreement on behalf of the City of Kearney, Nebraska. A copy of the said Interlocal Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF SEPTEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Approve Resolution No. 2021-187 authorizing the City Manager or his designee to execute the Right-of-Way Agreements for sidewalks located within the Central Business District.

RESOLUTION NO. 2021-187

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Manager or his designee be authorized to execute the Right of Way Use Agreement for sidewalks located within the Central Business District.

PASSED AND APPROVED THIS 28TH DAY OF SEPTEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2021-188 approving Application and Certificate for Payment No. 4 in the amount of \$88,695.90 submitted by RMV Construction and approved by Miller & Associates for the Wastewater Treatment Plant Phase II; Vehicle Storage Building.

RESOLUTION NO. 2021-188

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. 4 in the amount of \$88,695.90 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	703,084.00
Retainage (10%)	<u>- 70,308.40</u>
Amount Due to Date	632,775.60

Less Previous Certificates for Payment	- 544,079.70
Current Payment Due	\$ 88,695.90

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

PASSED AND APPROVED THIS 28TH DAY OF SEPTEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. Authorize the disposing of two (2) items including dump truck and fire pumper as surplus items that are no longer useful to the City and authorize the City Manager to sell or disposal of such items by any method which is most advantageous to the City.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

STAFF PRESENTATION ON GIS SNOW REMOVAL TRACKING SYSTEM

Mayor Clouse opened Regular Agenda Item 1 for Council to receive the presentation from City staff on the GIS Snow Removal Tracking System. This presentation was for informational purposes only.

Eric Hellriegel, Assistant City Manager presented this matter to the Council. Mr. Hellriegel gave an overview of the preliminary GIS Snow Removal Tracking System and reviewed the goals for the new System, some of which include: providing better information to the public and evaluating future routes and priority areas. The City currently has 16 trucks, 8 wheel loaders and 1 maintainer that are used for snow clearing and removal; the amount of equipment used per snow event is determined by the size of the event.

Mr. Hellriegel described the equipment that is placed on the trucks and how each piece collects data for the Tracking System. There will be a link on the City's website to a dashboard that will have various colors denoting where the snowplow has cleared streets and whether they have been cleared in the past hour, one to six hours or six to 12 hours. The dashboard also has options to provide weather bulletins and current radar. Citizens will also have the ability to customize their dashboard by selecting different layers for map; some examples of layer choices include private streets, snow routes and different map views.

Council Member Buschkoetter questioned if this would also be available as an app on a cellphone? Mr. Hellriegel stated the dashboard will be available by the web link only.

Mr. Hellriegel stated all streets in Kearney are included on the dashboard and further noted that the web link will continue to populate and update the color coding of streets

while trucks are out.

Mr. Hellriegel stated action items still needing to be completed before the GIS Snow Removal Tracking System goes live are: continued testing of software and data import, addition of more layers, adding the dashboard link to the City's website and issuing a press release alerting the public to this tool. Mr. Hellriegel stated Andy Harter and the Department of Public Works along with the City's IT Department have been working together on the GIS Snow Removal Tracking System.

Mayor Clouse thanked Mr. Hellriegel for the presentation.

OPEN ACCOUNT CLAIM

Moved by Moore seconded by Lear that the Open Account Claim in the amount of \$117,001.23 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Moore, Buschkoetter. Nay: None. Clouse abstained. Nikkila absent. Motion carried.

VII. REPORTS

Council Member Tami Moore noted the cement sidewalk to the 8th Avenue Bridge has been installed. She stated The Gardens Gala at Yanney Park, held on September 23rd was a beautiful event with wonderful weather and she could not say enough about how great The Gardens will be for the City.

VIII. ADJOURN

Moved by Lear seconded by Clouse that Council adjourn at 5:47 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Moore. Nay: None. Nikkila absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**