

**Kearney, Nebraska**  
**March 22, 2022**  
**5:30 p.m.**

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on March 22, 2022 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works; Bryan Waugh, Chief of Police and Brenda Jensen, Development Services Director, Greg Markus, Aviation Services Technician, Eva Flores, Airport Administrative Assistant and Steve Cole, Aviation Support Coordinator and Kayla James, Director of Finance were also present. Members of the media present included: Mike Konz, Kearney Hub and Michael Shively, News Channel Nebraska.

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**

#### **REZONE PROPERTY LOCATED AT 1100 EAST 25TH STREET**

Mayor Clouse opened Public Hearing 1 on the application submitted by Olsson for TFD Investments, LLC, a Nebraska Limited Liability Company (c/o Tom Fuller) to rezone from District M-1, Limited Industrial District to District C-3, General Commercial District for property described as Lots 11 and 12, Whiteaker and North's Place, an addition to the City of Kearney, Buffalo County, Nebraska (1100 East 25th Street). At the request of Olsson on behalf of applicant, TFD Investments, LLC, a Nebraska Limited Liability Company (c/o Tom Fuller), this item has been requested to be further postponed to the April 12, 2022 City Council meeting.

Moved by Nikkila seconded by Moore to further postpone Public Hearing 1 pertaining to the rezoning of property located at 1100 East 25th Street to the April 12, 2022 City Council meeting. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

#### **VACATE PROPERTY LOCATED AT 2105 TALMADGE STREET**

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Limited Liability Company to vacate a 40.00-foot wide Drainage Easement described as a tract of land being part of Lot 1 and part of Outlot A, Turkey Creek Third Subdivision, a subdivision being part of Government Lots 6, 7, 9, and accretions thereto Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (2105 Talmadge Street) and consider Ordinance No. 8562.

Craig Bennett, Miller and Associates presented this matter to the Council. Mr. Bennett stated the property owner is requesting the vacation of a drainage easement that is part of Lot 1 and part of Outlot A, Turkey Creek Third Subdivision, located west of Yanney Avenue and on the north side of Talmadge Street. This easement has been relocated to abut the south side of the lots so that the entire lot can be used to build a dwelling on.

Council Member Randy Buschkoetter stated there would not be any dirt moved pertaining to this vacation. Mr. Bennett agreed and stated this item is just releasing the easement.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the application submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Limited Liability Company to vacate a 40.00-foot wide Drainage Easement described as a tract of land being part of Lot 1 and part of Outlot A, Turkey Creek Third Subdivision, a subdivision being part of Government Lots 6, 7, 9, and accretions thereto Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (2105 Talmadge Street) and introduced Ordinance No. 8562 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first

reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8562. 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. 8562 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 Lear seconded by Buschkoetter that Ordinance No. 8562 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. 8562 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.

**ACCEPTANCE OF DONATED/REAL PROPERTY FROM LIGHTHOUSE POINT SUBDIVISION HOMEOWNERS ASSOCIATION, INC.**

Public Hearings 3 and 4 were discussed and voted on together.

Mayor Clouse opened the public hearing on the proposed acceptance of .58 acres of donated land/real property from Lighthouse Point Subdivision Homeowners Associations, Inc., a Nebraska Non-Profit Corporation described as a tract of land being part of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2022-64.

Mike Tye, City Attorney presented this matter to the Council. Mr. Tye stated per State Statute, when the City accepts property a public hearing is required. Mr. Tye stated Public Hearing 1 pertains to the previously approved agreement with Lighthouse Point Subdivision Homeowners Associations, Inc that involves acquiring approximately .58 acres located generally at the corner of Country Club Lane and 42nd Street. The City is acquiring the property for the purpose of developing a park and will provide maintenance of the park. The park will include a shelter, play area, sidewalks and landscaping; the Homeowners Association has agreed to pay the City \$350,000 as well as \$10,000 per year for the next five (5) years to develop the park and for ongoing maintenance. Mr. Tye stated Public Hearing 2 pertains to easements involving a temporary construction easement and a permanent trail easement for the extension of the Hike/Bike Trail.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2022-64 approving the acceptance of .58 acres of donated land/real property from Lighthouse Point Subdivision Homeowners Associations, Inc., a Nebraska Non-Profit Corporation described as a tract of land being part of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows:

Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**RESOLUTION NO. 2022-64**

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 public purposes due to the donation of land/real property received from Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation as outlined in the Park Services Agreement approved on February 8, 2022 in Resolution No. 2022-45, and voted in favor to proceed with the acquisition; and

WHEREAS, Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation has granted to the City of Kearney, Nebraska a Warranty Deed for public purposes due to the donation of land/real property received from Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation for a tract of land being part of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at a 5/8" rebar at the Northwest Corner of Lot 4, Block 8; thence N 73°02'48" E on the North line of said Lot 4, and all bearings contained herein are relative thereto, a distance of 169.73 feet; thence S 15°26'39" W a distance of 173.15 feet; thence Southwesterly on a tangent curve to the Right having a central angle of 46°04'36", a radius of 163.07 feet, an arc length of 131.14 feet, and a chord bearing of S 38°25'57" W a distance of 127.64 feet; thence S 61°20'15" W a distance of 25.01 feet to the West line of said Lot 4; thence N 00°13'29" E on said West line, a distance of 99.35 feet to a 5/8" rebar; thence Northerly continuing on said West line, and on a tangent curve to the Left having a central angle of 13°55'37", a radius of 540.00 feet, an arc length of 131.26 feet, and a chord bearing of N 06°44'08" W a distance of 130.93 feet to the Point of Beginning, containing 0.58 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 Warranty Deed granted by Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation with the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**ACQUISITION OF A TEMPORARY TRAIL CONSTRUCTION ENCROACHMENT EASEMENT AND A PERMANENT TRAIL RIGHT-OF-WAY EASEMENT**

Public Hearings 3 and 4 were discussed and voted on together.

Mayor Clouse opened the public hearing on the proposed acquisition of a Temporary Trail Construction Encroachment Easement and a Permanent Trail Right-of-Way Easement granted by Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation for a tract of land being part of Lot 4, Block 8, Lighthouse Point, an

addition to the City of Kearney, Buffalo County, Nebraska (dedicated for both Temporary Construction Easement and Permanent Easement purposes) and consider Resolution No. 2022-65.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2022-65 approving the acquisition for a Temporary Trail Construction Encroachment Easement and a Permanent Trail Right-of-Way Easement granted by Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation for a tract of land being part of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska (dedicated for both Temporary Construction Easement and Permanent Easement purposes). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

### **RESOLUTION NO. 2022-65**

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 acquisition; and

WHEREAS, Jason Herman, Chairman of Lighthouse Point Subdivision Homeowners Association, Inc., has 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: a 30.00 feet wide Temporary Construction Easement being part of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Temporary Construction Easement purposes. Said 30.00 foot wide Temporary Construction Easement to be 15.00 feet on each side of the following described centerline: Commencing at the Southwest corner of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°47'02" E on the South line of said Lot 4, and all bearings contained herein are relative thereto, a distance of 180.69 feet to the POINT OF BEGINNING; thence N 54°39'25" E a distance of 20.45 feet; thence on a tangent curve to the Left having a central angle of 54°12'51" , a radius of 50.00 feet, an arc length of 47.31 feet, and a chord bearing of N 27°33'00" E a distance of 45.57 feet; thence N 00°26'34" E a distance of 110.70 feet; thence on a tangent curve to the Left having a central angle of 17°17'12", a radius of 100.00 feet, an arc length of 30.17 feet, and a chord bearing of N 08°12'02" W a distance of 30.06 feet; thence N 16°50'38" W a distance of 12.41 feet; thence on a tangent curve to the Right having a central angle of 50°39'53" , a radius of 75.00 feet, an arc length of 66.32 feet, and a chord bearing of N 08°29'19" E a distance of 64.18 feet; thence N 33°49'15" E a distance of 10.89 feet; thence on a tangent curve to the Left having a central angle of 33°22'41" , a radius of 100.00 feet, an arc length of 58.26 feet, and a chord bearing of N 17°07'55" E a distance of 57.44 feet; thence N 00°26'34" E a distance of 72.98 feet; thence on a tangent curve to the Left having a central angle of 06°30'06" , a radius of 200.00 feet, an arc length of 22.70 feet,

and a chord bearing of N 02°48'29" W a distance of 22.68 feet; thence N 06°03'32" W a distance of 32.85 feet; thence on a tangent curve to the Right having a central angle of 18°50'57" , a radius of 100.00 feet, an arc length of 32.90 feet, and a chord bearing of N 03°21'57" E a distance of 32.75 feet; thence N 12°47'25" E a distance of 14.95 feet; thence on a tangent curve to the Left having a central angle of 12°20'51", a radius of 200.00 feet, an arc length of 43.10 feet, and a chord bearing of N 06°37'00" E a distance of 43.02 feet; thence N 00°26'34" E a distance of 101.87 feet; thence on a tangent curve to the Left having a central angle of 17°27'35", a radius of 100.00 feet, an arc length of 30.47 feet, and a chord bearing of N 08°17'13" W a distance of 30.36 feet; thence N 17°01'01" W a distance of 7.14 feet to the Point of Termination on the North line of said Lot 4, Block 8 of said Lighthouse Point. 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 Temporary Easement contains 0.49 acres, more or less.

#### PERMANENT TRAIL RIGHT-OF-WAY EASEMENT

A 20-foot Permanent Trail Easement described as follows: a Permanent Easement for Trail purposes being part of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Permanent Easement purposes and more particularly described as follows: Commencing at the Southwest corner of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°47'02" E on the South line of said Lot 4, and all bearings contained herein are relative thereto, a distance of 163.49 feet to the POINT OF BEGINNING; thence continuing S 89°47'02" E on said South line a distance of 34.39 feet; thence N 54°39'25" E a distance of 6.46 feet; thence on a tangent curve to the Left having a central angle of 54°12'51", a radius of 60.00 feet, an arc length of 56.77 feet, and a chord bearing of N 27°33'00" E a distance of 54.68 feet; thence N 00°26'34" E a distance of 110.70 feet; thence on a tangent curve to the Left having a central angle of 09°19'53", a radius of 110.00 feet, an arc length of 17.92 feet, and a chord bearing of N 04°13'22" W a distance of 17.90 feet; thence N 70°56'54" E a distance of 0.97 feet; thence N 10°55'18" W a distance of 7.00 feet; thence S 87°12'30" W a distance of 0.95 feet; thence on a non-tangent curve to the Left having a central angle of 04°10'01", a radius of 110.00 feet, an arc length of 8.00 feet, and a chord bearing of N 14°45'37" W a distance of 8.00 feet; thence N 16°50'38" W a distance of 12.41 feet; thence on a tangent curve to the Right having a central angle of 50°39'53", a radius of 65.00 feet, an arc length of 57.48 feet, and a chord bearing of N 08°29'19" E a distance of 55.62 feet; thence N 33°49'15" E a distance of 10.89 feet; thence on a tangent curve to the Left having a central angle of 33°22'41", a radius of 110.00 feet, an arc length of 64.08 feet, and a chord bearing of N 17°07'55" E a distance of 63.18 feet; thence N 00°26'34" E a distance of 72.98 feet; thence on a tangent curve to the Left having a central angle of 06°30'06", a radius of 210.00 feet, an arc length of 23.83 feet, a chord bearing of N 02°48'29" W a distance of 23.82 feet; thence N06°03'32" W a distance of 32.85 feet; thence on a tangent curve to the Right having a central angle of 18°50'57", a radius of 90.00 feet, an arc length of 29.61 feet, and a chord bearing of N 03°21'57" E a distance of 29.47 feet; thence N 12°47'25" E a distance of 3.83 feet; thence S 85°20'23" E a distance of 1.01 feet; thence N 12°47'25" E a distance of 7.00 feet; thence N 69°04'46" W a distance of 1.01 feet; thence 12°47'25" E a distance of 3.83 feet; thence on a tangent curve to the Left having a central angle of 12°20'51", a radius of 210.00 feet, an arc length of 45.26 feet, and a chord bearing of N 06°37'00" E a distance of 45.17 feet; thence N 00°26'34" E a distance of 101.87 feet; thence on a tangent curve to the Left having a central angle of 17°27'35", a radius of 110.00 feet, an arc length of 33.52 feet, and a chord bearing of N 08°17'13" W a distance of 33.39 feet; thence N 17°01'01" W a distance of 7.13 feet to the North line of said Lot 4, Block 8; thence S 73°02'48" W on said North line

a distance of 20.00 feet; thence S 17°01'01" E a distance of 7.16 feet; thence on a tangent curve to the Right having a central angle of 17°27'35", a radius of 90.00 feet, an arc length of 27.43 feet, and a chord bearing of S 08°17'13" E a distance of 27.32 feet; thence S 00°26'34" W a distance of 101.87 feet; thence on a tangent curve to the Right having a central angle of 12°20'51", a radius of 190.00 feet, an arc length of 40.95 feet, and a chord bearing of S 06°37'00" W a distance of 40.87 feet; thence S 12°47'25" W a distance of 14.95 feet; thence on a tangent curve to the Left having a central angle of 18°50'57", a radius of 110.00 feet, an arc length of 36.19 feet, and a chord bearing of S 03°21'57" W a distance of 36.02 feet; thence S 06°03'32" E a distance of 32.85 feet; thence on a tangent curve to the Right having a central angle of 06°30'06", a radius of 190.00 feet, an arc length of 21.56 feet, and a chord bearing of S 02°48'29" E a distance of 21.55 feet; thence S 00°26'34" W a distance of 72.98 feet; thence on a tangent curve to the Right having a central angle of 33°22'41", a radius of 90.00 feet, an arc length of 52.43 feet, and a chord bearing of S 17°07'55" W a distance of 51.69 feet; thence S 33°49'15" W a distance of 10.89 feet; thence on a tangent curve to the Left having a central angle of 50°39'53", a radius of 85.00 feet, an arc length of 75.16 feet, and a chord bearing of S 08°29'19" W a distance of 72.74 feet; thence S 16°50'38" E a distance of 12.41 feet; thence on a tangent curve to the Right having a central angle of 17°17'12", a radius of 90.00 feet, an arc length of 27.15 feet, and a chord bearing of S 08°12'02" E a distance of 27.05 feet; thence S 00°26'34" W a distance of 110.70 feet; thence on a tangent curve to the Right having a central angle of 54°12'51", a radius of 40.00 feet, an arc length of 37.85 feet, and a chord bearing of S 27°33'00" W a distance of 36.45 feet; thence S 54°39'25" W a distance of 34.44 feet to the Point of Beginning. Containing 0.33 acres, more or less.

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 the Permanent Trail Right-of-Way Easement granted by Jason Herman, Chairman of Lighthouse Point Subdivision Homeowners Association, Inc., 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 deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**ACQUISITION OF PROPERTY DESCRIBED AS LOT 1, BLOCK 1, MILLENNIAL ESTATES FIFTH ADDITION**

Mayor Clouse opened the public hearing on the proposed acquisition of property being a tract of land described as Lot 1, Block 1, Millennial Estates Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2022-66.

Mike Tye, City Attorney presented this matter to the Council. Mr. Tye stated in February, 2021, the City entered into a development agreement that included the City's acquisition of a parcel of property to develop a park in this neighborhood. The parcel is 2.74 acres and was not transferred previously due to infrastructure and streets that needed to be

installed in the area which have since been completed.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2022-66 approving the acquisition of an interest in real property by purchase of a tract of land described as Lot 1, Block 1, Millennial Estates Fifth 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. 2022-66**

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 public purposes and voted in favor to proceed with the acquisition; and

WHEREAS, Starostka Group Unlimited, Inc, a Nebraska Corporation has granted to the City of Kearney, Nebraska a Warranty Deed for public purposes for Lot 1, Block 1, Millennial Estates Fifth 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 Warranty Deed granted by Starostka Group Unlimited, Inc, a Nebraska Corporation with the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**IV. CONSENT AGENDA**

Moved by Nikkila seconded by Moore that Subsections 1 through 17 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held March 8, 2022.

2. Approve the following Claims:

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

5.11 \$440.00 smcs; 4imprint \$919.62 smcs; 5gstore \$62.43 co; ABC Drug \$159.92 smcs; Accent Wire-Tie \$437.84 smcs; Alfred Benesch \$42,347.53 co; Acme Tools \$103.23 smcs; ACR \$528.00 smcs; Action Targets \$486.32 smcs; Acushnet \$5,065.35 smcs; Adobe \$29.99 smcs; Advance Auto \$95.76 smcs; Airbnb \$1,273.94 smcs; Akal Service \$43.85 smcs; All Makes Auto \$1,625.33 smcs; Ally B Design \$25.00 smcs; ALS \$3,026.00 smcs; AM Leonard \$96.23 smcs; Amax Contracting \$320.44 co; Amazon \$18,674.10 smcs,co; American \$139.80 smcs; American Air \$1,080.57 smcs; American Legion \$43.85 smcs; Apple Market \$13.99 smcs; Aquatics Informatics \$1,625.00 smcs; Aramark Uniform \$228.42 smcs; Archery Education \$69.00 smcs; Arrowhead Scientific \$72.26 smcs; Artisans \$64.20 smcs; Ashtow Technology \$95.01 smcs; Ask Supply \$2,622.16 smcs; Aspeq Heating \$330.94 smcs; Assoc. Threat Assessment \$125.00 smcs; Astro Pneumatic Tool \$17.24 smcs; Atlantic \$59.99 smcs; Aurora Coop \$1,333.58 smcs; Aussie Hydraulics \$365.05 smcs; Authorize.net \$10.00 smcs; Auto Value \$3,476.63 smcs; AvFuel \$116,119.82 smcs,er; Avis.com \$601.36 smcs; B&H Photo \$3,858.38 smcs,co; Babl Kitchen \$650.00 smcs; Backdrop Express \$192.45 smcs; Baker & Taylor \$1,769.73 smcs; Baristas Daily Grind \$10.00 smcs; Barney Insurance \$100.00 smcs; Beacon Athletics \$590.00 smcs; Bear Frame \$165.29 smcs; Big Apple \$50.00 smcs; Big Rack Shack \$1,889.98 smcs; Blackburn Manufacturing \$266.16 smcs; Blackstone Library \$1,865.13 smcs; Blick Art \$136.19 smcs; Blinds.com \$745.96 co; Bluebeam \$1,220.25 smcs; BlueCross BlueShield \$221,866.38 smcs; Boogaarts \$33.09 smcs; Bosselman \$42,785.51 smcs; Bowman,R \$100.00 smcs; Brennan Industries \$507.00 smcs; Broadfoot's \$686.76 smcs,co; Brown Construction \$222,010.44 co; Bruce Furniture \$3,028.00 co; Buffalo Co. Treasurer \$60.49 smcs; Buffalo Co. Sheriff \$150.00 smcs; Buffalo Outdoor Power \$2,404.53 smcs,co; Builders \$1,363.65 smcs,co; Bus Parts Warehouse \$74.31 smcs; Buzz's Marine \$34.95 smcs; Cab Store \$288.93 smcs; Calibre Press \$878.00 smcs; Canonical Group \$75.00 smcs; Canva Carquest \$12.95 smcs; Carquest \$132.64 smcs; Casey's \$25.47 smcs; Cash Wa \$1,152.28 smcs; CCI Hotel \$512.96 smcs; CDW Government \$4,951.89 smcs,co; Central NE Bobcat \$802.33 smcs; Central NE Rehab \$150.00 ps; CFA Software \$2,995.00 smcs; Chargepoint \$10.00 smcs; Chemsearch \$591.00 smcs; Choice Paint \$546.90 smcs; Christensen,K \$100.00 smcs; Cintas \$258.13 smcs; Ciox Health \$40.00 smcs; Ciprian,A \$50.00 smcs; City of Ky \$14,635.27 smcs,ps; Cleveland Equipment \$211.96 smcs; Coldspring \$9,810.55 smcs,co; Comm Act. Part of Mid NE \$414.00 smcs; Conference C \$500.00 smcs; Consolidated Mgmt. \$499.73 smcs; Constant Contact \$45.00 smcs; Construction Rental \$836.70 smcs; Control Yours \$200.00 smcs; Copycat Printing \$1,267.20 smcs,co; Core & Main \$4,485.66 smcs; Creative \$348.95 smcs; Crimetech \$38.05 smcs; Crown Awards \$400.99 smcs; Crowne Plaza \$252.78 smcs; Culligan \$129.50 smcs; Cummins \$923.39 smcs; Cunningham's Journal \$80.00 smcs; Cutting Edge \$1,788.25 smcs; Dan's Plumbing \$189.24 smcs; Davidson,K \$1,096.00 smcs; Davis Equipment \$2,884.17 smcs; Dawson Public Power \$24,940.45 smcs; Daylight Donuts \$142.66 smcs; Dell \$5,088.62 smcs,co; Deterdings Hot Tubs \$325.98 smcs; Digicert \$509.20 smcs; Dish Network \$135.08 smcs; Divas Ky Floral \$125.00 smcs; Dollar Tree \$131.86 smcs; Dunlop Sport \$698.30 co; Eakes \$5,603.15 smcs; Ebay \$49.43 smcs; Echo Electric \$598.18 smcs,co; Ehrlich \$60.00 smcs; Eileen's Cookies \$35.75 smcs; Elliott Equipment \$585.92 smcs; Embassy Suites \$10.00 smcs; Emmitsburg Valero \$23.47 smcs; Enterprise \$203.70 smcs; Etsy \$165.16 smcs,co; Eugene T. Mahoney State \$156.37 smcs; Eyemed \$1,541.62 smcs; Facebook \$387.03 smcs; Family Fresh \$80.99 smcs; Family Practice \$554.00 ps; Fastenal \$519.69 smcs; Faz,A \$122.00 smcs; Fiddelke \$48.00 smcs; Fearnley,M \$36.27 smcs; Fedex \$215.71 smcs; Flaherty,T \$99.00 smcs; Flight Crew

Style \$179.99 smcs; Fort Bend Services \$14,352.00 smcs; Foxit \$537.00 co; Friesen Chevrolet \$837.25 smcs; Fromuth Tennis \$1,166.75 smcs,co; Frontier \$10,549.96 smcs; Gale/Cengage \$82.83 smcs; Galls \$298.52 ps; Garcia Chicoine Enterp. \$5,413.98 smcs; Garrett Tires \$10,887.51 smcs; General Collection \$218.78 smcs; General Spring \$1,605.04 smcs; Glendale Parade Store \$140.70 smcs; Glowforge Store \$1,872.13 smcs; GPM Pump & Truck \$930.29 smcs; Grainger \$2,029.13 smcs; Great Lakes Composite \$7,700.00 co; Greenpartstore.com \$149.45 smcs; Hampton Inns \$526.38 smcs; Hansen,A \$60.00 smcs; Hearing Access Solutions \$5,150.00 smcs; Hesselgesser \$349.38 smcs; Hobby-Lobby \$727.45 smcs; Holiday Inn Express \$449.04 smcs; Holmes Plumbing \$550.20 smcs,co; Holtz Industries \$1,385.70 smcs; Home Depot \$1,879.51 smcs; Hometown Leasing \$159.08 smcs; Hotsy \$224.50 smcs; Humanities Nebraska \$50.00 smcs; Hy-Vee \$186.33 smcs; IAEI \$40.00 smcs; ID Security Online \$1,048.00 smcs; Integrated Security \$2,850.00 smcs,co; Invoicehome.com \$5.00 smcs; IRS \$177,438.66 ps; Jack Lederman \$2,801.92 smcs; Jack's Small Engines \$39.52 smcs; Jack's Uniforms \$453.69 smcs; Jackson Services \$305.90 smcs; Johnson Controls \$116.17 smcs; Johnstone Supply \$633.71 smcs,co; Joseph's College \$795.00 smcs; JP Park Wayside \$10.07 smcs; Kathleen Laughlin, Trustee \$70.00 ps; Ky Ace & Garden \$1,529.67 smcs; Ky Animal Shelter \$185.99 smcs; Ky Catholic School \$809.28 smcs; Ky Chamber Comm. \$365.00 smcs; Ky Concrete \$1,188.42 smcs,co; Ky Crete & Block \$2,403.25 smcs; Ky Cultural Partners \$188.73 smcs; Ky Power Sports \$198.80 smcs; Ky Quality \$360.98 smcs; Ky Towing \$100.00 smcs; Ky Winlectric \$27,602.95 smcs,co; Ky Winnelson \$607.74 smcs; Kelly Supply \$1,213.55 smcs; Kimball Midwest \$140.85 smcs; Kings III Emergency \$508.86 smcs; Konica Minolta \$106.98 smcs; Kully Supply \$153.78 smcs; Landmark Implement \$2,610.23 smcs; Lanoha Nurseries \$1,976.00 co; LCL Truck \$4,278.87 smcs; League NE Municipalities \$758.00 smcs; Lee NE Media \$1,258.30 smcs; Lego Brand \$64.18 smcs; Lerner Publishing \$3,703.46 smcs; Libraforens \$395.00 smcs; Lifeguard Store \$2,858.63 smcs; Light & Siren \$2,150.00 co; Lincoln Marriott \$220.00 smcs; Linkedin \$200.00 smcs; LLRMI \$150.00 smcs; LMC Truck \$77.53 smcs; Macqueen Equipment \$3,317.29 smcs; Magic Cleaning \$400.00 smcs; Mallory Safety \$64.00 smcs; Masters True Value \$870.58 smcs,co; Matheson \$627.83 smcs,co; Menards \$12,678.26 smcs,co; Merrill Company \$271.70 smcs; Merrymakers Assn. \$1,500.00 smcs; Michaels \$97.71 smcs; Midland Scientific \$863.00 smcs; Midlands Contracting \$462,703.08 co; Mid-Plains Equipment \$120.40 smcs; Mid-States Organized \$250.00 smcs; Midwest Connect \$338.41 smcs; Midwest Turf \$1,130.56 smcs; Midwestern \$10.70 smcs; Miller & Associates \$2,988.90 smcs,co; Miller, L \$122.00 smcs; Mirror Image \$311.90 smcs; Mission Square Retirement \$7,110.70 ps; Mitchell 1 \$1,035.60 smcs; Moonlight Embroidery \$1,144.00 smcs; Morrow,M \$150.00 smcs; Municipal Supply \$31,021.03 smcs; Municode \$713.00 smcs; Murphy Tractor \$2,452.52 smcs; Nat'l Emergency Training \$573.29 smcs; Nat'l Law Enforcement \$600.00 smcs; Nat'l Tactical Officers \$695.00 smcs; NE Assoc. Senior Centers \$60.00 smcs; NE Child Support \$1,787.13 ps; NE Crane \$35.90 smcs; NE Law Enforcement \$78.50 smcs; NE Library Assn. \$135.00 smcs; NE Library Commission \$1,500.00 smcs; NE Machinery \$556.59 smcs; NE Park Rec \$60.00 smcs; NE Peterbilt \$1,729.75 smcs; NE Safety & Fire \$165.00 smcs; NE Section PGA \$50.00 smcs; NE Truck Center \$2,013.52 smcs; NE Rural \$275.00 smcs; Nebraskaland Distributors \$611.50 smcs; Nebtech Calibration \$140.64 smcs; Nelson's Furniture \$3,181.00 smcs,co; Network Solutions \$109.95 smcs; Nevoc \$719.17 smcs; New Pig Corp \$132.38 smcs; NI SFM Boiler \$252.00 smcs; NLETC \$1,440.00 smcs; Northern Safety \$142.08 smcs; Northwest Electric \$987.00 smcs; Northwestern Energy \$30,578.42 smcs; No-Spill Systems \$279.03 smcs; NRG Media

\$391.00 smcs; Nutrien Ag \$1,261.11 smcs; NW3C Nat'l \$100.00 smcs; OCLC \$779.76 smcs; Odeys \$19,564.02 smcs; Office Depot \$11.49 smcs; Office Max \$3,007.42 smcs; Office Replacement Parts \$56.94 smcs; One Call Concepts \$323.66 smcs; O'Reilly Auto Parts \$3,171.67 smcs; Orscheln \$419.75 smcs; Overhead Door \$46.75 smcs; Paddle.net \$29.95 co; Paint Paradise \$25.00 smcs; Panera \$160.67 smcs; Parallels \$52.74 smcs; Paramount \$37.40 smcs; Parts Geek \$25.65 smcs; Partstreet.com \$284.65 smcs; Payflex Systems \$216.99 smcs; PB Leasing \$65.97 smcs; Pens Xpress \$114.50 smcs; Pensandpencils \$12.83 smcs; Petsmart \$121.98 smcs; PF Pettibone \$532.90 smcs; Ping \$462.08 smcs; Pioneer Athletics \$465.00 smcs; Pitney Bowes \$517.50 smcs; Pizza Hut \$137.43 smcs; Platinum Awards \$167.50 smcs; Platte River Resilience \$50,000.00 co; Platte Valley Auto \$2,754.05 smcs; Platte Valley Comm. \$9.24 smcs; Porter Trustin Carlson \$5,000.00 co; Post Guard Web \$690.44 smcs; Presto-X \$62.70 smcs; Pro Track & Tennis \$10,144.00 co; Proactive Sports \$1,307.00 smcs; Pro-Tint \$225.00 smcs; Quill \$250.13 smcs; Race Ready Supply \$24.80 smcs; Rasmussen Mechanical \$556.00 smcs; RDG Planning \$10,432.50 smcs,co; Reed-Joseph Int'l \$204.33 smcs; Reinke's \$773.06 co; Rentokil \$850.00 smcs; Resco \$12,000.00 smcs; Resource Mgmt. \$2,711.80 smcs; Roofmasters Roofing \$234.96 smcs; RR Products \$939.57 smcs; Russell's Appliance \$998.00 co; Rustic Patch \$25.00 smcs; S&B Heating \$45.00 smcs; Safety Products \$72.15 smcs; Sandhill Plastics \$124.06 smcs; Sandry Fire Supply \$1,834.15 smcs; Sanitation Products \$553.50 smcs; Saylor Screenprinting \$463.00 smcs; Schroer,J \$265.00 smcs; Schumacher Bros Fencing \$11,160.00 smcs; Schwarz,G \$77.42 smcs; Seat Covers Unlimited \$288.80 smcs; See Clear Cleaning \$2,050.00 smcs; Sherwin Williams \$1,592.57 smcs,co; Shop Toro \$41.17 smcs; Shredding Solutions \$202.05 smcs; Shred-it \$207.00 smcs; Sightline \$900.00 smcs; Silverstone \$6,598.08 smcs; Smith,W \$2,185.62 smcs; SOS Portable Toilets \$224.00 smcs; Southwest \$475.96 smcs; Spartan Athletic \$783.45 smcs,co; Spectrum \$1,124.78 smcs; Sporty's Catalogs \$330.44 smcs; Sirchie Finger Print \$244.08 smcs; Starostka Group \$54,727.25 co; Steinbrink's \$451.95 co; Stitch 3 \$160.00 smcs; Stronger Seniors \$45.98 smcs; Stutsman \$2,196.00 smcs; Super Shine Auto \$10.00 smcs; Superior Signals \$940.00 smcs; Supplyhouse.com \$267.65 smcs; Sutphen \$59.53 smcs; Svoboda,C \$262.80 smcs; Target \$2,694.54 smcs,co; Tennis Court Supply \$447.11 co; Tennis Ex \$300.00 co; Titan Machinery \$972.37 smcs; Totally Promotional \$430.00 smcs; Tractor-Supply \$319.13 smcs; Transunion \$112.20 smcs; Trausch,A \$192.26 smcs; Travelocity \$292.60 smcs; Truescore \$503.46 smcs; Turner Body Shop \$300.00 smcs; Twin City Hardware \$177.08 smcs; Uline \$2,283.26 smcs; Ultimate Office \$50.45 smcs; Union Bank & Trust \$93,618.60 ps; Unique \$89.50 smcs; United \$602.70 smcs; Unitedstatesflag.com \$184.62 smcs; Univ. of NE-Event \$80.00 smcs; UNK Antelope \$85.56 smcs; UNK Emarket \$550.00 smcs; Uprinting \$680.91 smcs; UPS \$96.40 smcs; USA Comm. \$1,113.06 smcs; USDA-Aphis \$120.00 smcs; USFanco \$90.75 smcs; USPS \$529.40 smcs; Valley Vending \$145.81 smcs; Van Wall Equipment \$1,034.88 smcs; Village Services \$467.32 smcs; Virtual Tree \$60.00 smcs; Vistaprint.com \$76.05 smcs; Walgreens \$16.88 smcs; Wal-mart \$3,098.43 smcs,co; Ward Laboratories \$200.00 smcs; Wayfair \$159.42 smcs; Western NRG \$4,167.07 smcs; Wilcac Life \$10.00 ps; Wilkins Architecture \$37,715.37 co; World Theatre \$50.00 smcs; WPCI \$249.00 ps; Yant Equipment \$56,288.86 co; Zabel,A \$24.00 smcs; Payroll Ending 03/12/2022 -- \$546,289.78. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$\_\_\_\_\_ to the City of Kearney.

- 3. Receive recommendations of Planning Commission and set April 12, 2022 at 5:30 p.m. as date and time for hearing on those applications where applicable.
- 4. Adopt Resolution No. 2022-67 approving the Employment Agreement between the City of Kearney and City Manager Michael Morgan.

**RESOLUTION NO. 2022-67**

WHEREAS, the City Council of the City of Kearney, Nebraska, do hereby fix, prescribe and limit salary and wages to be paid by this City to the City Manager, pursuant to the authority granted in Section 1-301 of the Code of the City of Kearney, Nebraska, and Section 19-620 of the Nebraska Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager continue to be paid an annual salary of Two Hundred Twenty-Two Thousand Eight Dollars (\$222,008.00) effective March 22, 2022; said salary to be paid bi-weekly from any City funds in such proportionate amounts as the City Manager may determine.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the Employment Agreement.

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

- 5. Adopt Resolution No. 2022-68 approving the Developer Constructed Infrastructure Agreement for Green Steel Storage between the City of Kearney and Bill Lange, President of Lazy Dog, LLC, a Nebraska Limited Liability Company for the construction of a water main to serve Lots 47, 48 and 49, Lincoln Way Villa Plots, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPT the North 10 feet of said lots, and except a tract of land in said Lots 48 and 49 taken by the State of Nebraska for highway right of way purposes (2209 30th Avenue).

**RESOLUTION NO. 2022-68**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Green Steel Storage" between the City of Kearney and Bill Lange, President of Lazy Dog, LLC, a Nebraska Limited Liability Company, for the construction of a water main for Lots 47, 48 and 49, Lincoln Way Villa Plots, an addition to the City of Kearney, Buffalo County, Nebraska, EXCEPT the North 10 feet of said lots, and except a tract of land in said Lots 48 and 49 taken by the State of Nebraska for highway right of way purposes as described in Return of Appraisers recorded December 12, 1992 on Roll 92, Pages 21311 thru 21339, more particularly described as follows: Referring to the intersection of the West line of Lot 49 and the South line of U.S. Highway No. 30, said point also being the true point of beginning, thence easterly along the South Right of Way line of U.S. Highway No. 30 a distance of 178.78 feet to a point, thence southerly deflecting 105°00'10" Right a distance of 101.99 feet to a point, thence southerly deflecting 3°30'00" Right a distance of 87.06 feet to a point, thence southerly deflecting

3°30'00" Right a distance of 263.74 feet to a point on the South line of said Lot 49, thence westerly deflecting 67°59'50" Right along the South line of said Lot 49 a distance of 36.98 feet to the Southwest corner of said Lot 49, thence northerly deflecting 90°00'00" Right along the West line of said Lot 49 a distance of 425.74 feet to the place of beginning, all in Buffalo County, Nebraska, be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

6. Adopt Resolution No. 2022-69 approving Change Order No. 6 showing an increase in the amount of \$57,533.82 and Application and Certificate for Payment No. 15 in the amount of \$222,010.44 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.

**RESOLUTION NO. 2022-69**

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 Change Order No. 6 showing an increase in the amount of \$57,533.82 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Brown Construction and RDG Planning & Design, have filed with the City Clerk Application and Certificate for Payment No. 15 in the amount of \$222,010.44 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)	+ 7,506.22
Change Order Nos. 3 & 4 (10/12/2021)	+ 23,028.06
Change Order No. 5 (1/11/2022)	+ <u>62,169.09</u>
Contract Sum To Date	7,342,830.37
Gross Amount Due	6,797,151.91
Retainage (5%)	- <u>339,857.60</u>
Amount Due to Date	6,457,294.31
Less Previous Certificates for Payment	- <u>6,235,283.87</u>
Current Payment Due	\$ 222,010.44

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 6, as shown on Exhibit "A" and Application and Certificate for Payment No. 15, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

- 7. Approve the Plans and Specifications for the 2022 City of Kearney Trail Projects; Lighthouse Point Trail, 19th Avenue Trail and Hillside Estates Trail and set the bid opening date for April 12, 2022 at 2:00 p.m.
- 8. Approve the application submitted by Rick Shoemaker, owner of Huss Livestock Market, to extend Conditional Use Permit No. 2006-03 to stockpile snow and manure at 1202 West 19th Street for a period of three (3) years.
- 9. Approve the application submitted by Rick Shoemaker, owner of Huss Livestock Market, to extend Conditional Use Permit No. 1978-01 to locate a manufactured home for security purposes located at 1202 West 19th Street for a period of three (3) years.
- 10. Adopt Resolution No. 2022-70 approving Application and Certificate for Payment No. 1 in the amount of \$74,268.00 submitted by Ensley Electrical Services and approved by Olsson for 2021 Part 4 Improvements; Traffic Signal at the Intersection of 15th Avenue and 11th Street.

**RESOLUTION NO. 2022-70**

WHEREAS, Ensley Electrical Services of Grand Island, Nebraska has performed services in connection with 2021 Part 4 Improvements; Traffic Signal at Intersection of 15th Avenue and 11th Street, and the City's engineer, Olsson, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$74,268.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 231,276.00
Contract Sum To Date	231,276.00
Gross Amount Due	82,520.00
Retainage (10%)	<u>- 8,252.00</u>
Amount Due to Date	74,268.00
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$ 74,268.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 1, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

- 11. Adopt Resolution No. 2022-71 approving Application and Certificate for Payment No. 7 in the amount of \$14,263.90 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. 2022-71**

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. 7 in the amount of \$14,263.90 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 2,666,533.00
Change Order No. 1 (2/22/2022)	- 22,800.00
Contract Sum To Date	2,643,733.00
Gross Amount Due	2,616,348.25
Retainage (2%)	- 52,326.96
Amount Due to Date	2,564,021.29
Less Previous Certificates for Payment	<u>2,549,757.39</u>
Current Payment Due	\$ 14,263.90

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

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**12.** Adopt Resolution No. 2022-72 approving Application and Certificate for Payment No. 2 in the amount of \$24,912.00 submitted by Blessing, LLC and approved by Miller & Associates for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid B, Paving and Storm Sewer).

**RESOLUTION NO. 2022-72**

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with 2021 Part 5 Improvements; Extension of Talmadge Street (Bid B includes Paving and Storm Sewer), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$24,912.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 1,616,081.00
Contract Sum To Date	1,616,081.00
Gross Amount Due	55,890.00
Retainage (10%)	- 5,589.00
Amount Due to Date	50,301.00
Less Previous Certificates for Payment	<u>25,389.00</u>
Current Payment Due	\$ 24,912.00

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 22ND DAY OF MARCH, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

13. Adopt Resolution No. 2022-73 approving Application and Certificate for Payment No. 7 in the amount of \$106,958.60 submitted by Midlands Contracting Inc. and approved by Miller & Associates for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water).

**RESOLUTION NO. 2022-73**

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 7 in the amount of \$106,958.60 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 2,343,960.00
Change Order No. 1 (3/8/2022)	- 114,660.00
Contract Sum To Date	2,229,300.00
Gross Amount Due	1,674,191.78
Retainage (10%)	- 83,709.59
Amount Due to Date	1,590,482.19
Less Previous Certificates for Payment	1,483,523.59
Current Payment Due	\$ 106,958.60

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" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

14. Adopt Resolution No. 2022-74 approving Change Order No. 1 showing an increase in the amount of \$9,645.50 submitted by Fry & Associates and approved by City staff for the Lighthouse Point Park Shelter Structure and Playground.

**RESOLUTION NO. 2022-74**

WHEREAS, Fry & Associates of North Kansas City, Missouri has agreed to perform services in connection with the Lighthouse Point Park Shelter Structure and Playground,

and City staff, have filed with the City Clerk Change Order No. 1 showing an increase in the amount of \$9,645.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

15. Adopt Resolution No. 2022-75 approving Change Order No. 2 showing an increase in the amount of 3,146.00 submitted by Duncan Theis Construction, Inc. and approved by Olsson for the Yanney Park Maintenance Building.

**RESOLUTION NO. 2022-75**

WHEREAS, Duncan Theis Construction, Inc. of Kearney, Nebraska has performed services in connection with the Yanney Park Maintenance Building, and the City's engineer, Olsson, have filed with the City Clerk Change Order No. 2 showing an increase in the amount of \$3,146.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

16. Approve the Plans and Specifications for the Kearney Regional Airport Terminal Expansion and set the bid opening date for April 26, 2022 at 2:00 p.m.

17. Approve the Plans and Specifications for the Kearney Regional Airport Terminal Furniture, Fixtures and Equipment and set the bid opening date for April 26, 2022 at 2:00 p.m.

**V. CONSENT AGENDA ORDINANCES**

**ORDINANCE NO. 8563 REPEALING ORDINANCE NO. 8555 AND AMENDING THE SALARY ORDINANCE**

Council Member Moore introduced Ordinance No. 8563 repealing Ordinance No. 8555 and amend the Salary Ordinance reflecting changes of certain positions, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its

final passage. Council Member Lear seconded the motion to suspend the rules for Ordinance No. 8563 repealing Ordinance No. 8555 and amend the Salary Ordinance reflecting changes of certain positions. 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, Buschkoetter, Lear, Nikkila, Moore. 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. 8563 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8563 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8563 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

## **VI. REGULAR AGENDA**

### **ORDINANCE NO. 8564 AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION RECREATIONAL FACILITIES BONDS, SERIES 2022**

Mayor Clouse opened for discussion Regular Agenda Item No. 1 authorizing the issuance of General Obligation Recreational Facilities Bonds, Series 2022, of the City of Kearney, Nebraska, in the principal amount of not to exceed \$34,000,000 for the purpose of constructing a sports complex together with the facilities and improvements related thereto; directing the application of the proceeds of said bonds; prescribing the form of said bonds; providing for the levy and collection of taxes to pay the same; authorizing officers of the City to make arrangements for the sale of the bonds and to designate the final terms, rates and maturity schedule for said bonds within stated parameters; authorizing the delivery of the bonds to the purchaser; and providing for publication of this ordinance in pamphlet form and consider Ordinance No. 8564.

Bruce Leffler with Piper Sandler presented this matter to the Council. Mr. Leffler stated before Council this evening is a parameters ordinance for the issuance of, not to exceed \$34,000,000, worth of bonds for the City's Recreational Facility Project. This ordinance allows Piper Sandler to move forward with the issuance of these bonds without further action by Council and will allow the Mayor and the Finance Director to sign off on the final terms of these bonds. Within the past 10 days, Mr. Leffler and Wendell Wessels, Finance Director, confirmed with Standard and Poors the City's A+ rating and that the City is in a stable position which should generate attractive interest rates.

There was some discussion on current legislation and if it pertains to the City of Kearney, and additionally how and when Piper Sandler chooses the best interest rates for the bonds. Mr. Leffler stated the bonds will have a five (5) year redemption on them, like the City's other outstanding bonds, which allows them to be refinanced anytime after five (5)

years.

Moved by Buschkoetter to close Regular Agenda Item No. 1 and introduced Ordinance No. 8564 authorizing the issuance of General Obligation Recreational Facilities Bonds, Series 2022, of the City of Kearney, Nebraska, in the principal amount of not to exceed \$34,000,000 for the purpose of constructing a sports complex together with the facilities and improvements related thereto; directing the application of the proceeds of said bonds; prescribing the form of said bonds; providing for the levy and collection of taxes to pay the same; authorizing officers of the City to make arrangements for the sale of the bonds and to designate the final terms, rates and maturity schedule for said bonds within stated parameters; authorizing the delivery of the bonds to the purchaser; and providing for publication of this ordinance in pamphlet form, 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. 8564. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8564 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8564 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8564 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

### **OPEN ACCOUNT CLAIM**

Moved by Nikkila seconded by Moore that the Open Account Claims in the amount of \$153.27 payable to Stanley Clouse and \$93,549.03 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse abstained. Motion carried.

Moved by Nikkila seconded by Lear that the Open Account Claim in the amount of \$19.80 payable to Goodwill be allowed. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter abstained. Motion carried.

## **STAFF UPDATE ON KEARNEY FLIGHT SERVICES**

Mayor Clouse opened Regular Agenda Item 3 for Council to receive a Staff update on Kearney Flight Services. This presentation was for informational purposes only.

Steve Cole, Aviation Support Coordinator; Ava Flores, Administrative Assistant and Greg Markus, Aviation Services Technician from Kearney Flight Services presented this matter to Council. Kearney Flight Services (KFS) serves as the City of Kearney's Fixed Base Operations (FBO) at Kearney Regional Airport. KFS recently moved to a newly renovated facility that offers top of the line amenities. Mr. Cole stated the FBO sells fuel, offers pilots and their passengers with a location to rest, gather and relax, all while providing top level service. The facility contains a pilot lounge, a meeting space and a customer lounge.

Council Member Jonathan Nikkila questioned how KFS handles late night arrivals with limited staff? Mr. Cole stated that with two (2) hospitals in Kearney there can be a need for late night refueling; therefore, KFS has on-call staff who can handle anything that occurs between 7:00 p.m. and 7:00 a.m. He noted the new, top of the line fueling equipment KFS staff utilizes is extremely safe and the area is well lit which provides the ability to assist customers' needs in the middle of the night. Additionally, the equipment and location can provide enough fuel for any type of aircraft, including military aircraft.

Council Member Nikkila asked how many aircraft are served by the FBO on an average day? Mr. Cole stated there are usually three (3) freight aircrafts that land daily, one (1) of the SkyWest flights and five (5) to six (6) private aircrafts, along with providing the fuel for UNK's flight program which run four (4) to five (5) flights daily.

Mayor Clouse stated he has been to the newly renovated FBO facility and noted it is very impressive. Council thanked Mr. Cole, Ms. Flores and Mr. Markus for their hard work and putting Kearney on the map.

Mr. Markus stated a couple of months ago the Marine Presidential Squadron landed at the Kearney Airport; Mr. Markus extended the Squadron's appreciation to Council and the City of Kearney for the hospitality shown during their visit. The Squadron commented they will get fuel at Kearney in the future should they come back through.

## **VII. REPORTS**

Michael Morgan, City Manager stated he appreciates all the work that the staff of Kearney Flight Services and the Airport do. Recently, employees from all City departments helped make the newly remodeled FBO facility what it is today. Mr. Morgan stated with regard to air service, April 11th is potentially when the RFP's for all 31 cities are due but he anticipates there will likely be requests for extensions. United, Delta and American Airlines will not bid for any of the cities; Kearney has reached out to United directly and they are not interested in bidding. The City of Kearney is currently working with our consultant and evaluating the highest priorities, which includes jet service that has ticketing/baggage interline agreements.

Mr. Morgan stated the best thing the City can do is keep enplanement numbers high; February's enplanements were 2500, which is outstanding. Mr. Morgan further stated that

the City has to be ready for any and all options. Kearney has the third highest enplanements out of the 29 cities that are dealing with the same issue with SkyWest.

Mr. Morgan stated the Tennis Center is progressing but will most likely not open in April.

**VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 6:10 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lear, Moore, Buschkoetter. Nay: None. Motion carried.

**ATTEST:**

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

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**LAUREN BRANDT  
CITY CLERK**