

**Kearney, Nebraska**  
**April 12, 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 April 12, 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 and Tami James Moore. Absent: Bruce Lear and Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Kayla James, Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works; Bryan Waugh, Chief of Police; Matt Williams, Library Director; Brenda Jensen, Development Services Director, and Beth Rosenthal, TLC Librarian 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 26, 2022 City Council meeting.

Moved by Moore seconded by Buschkoetter to further postpone Public Hearing 1 pertaining to the rezoning of property located at 1100 East 25th Street to the April 26, 2022 City Council meeting. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

#### **VACATE AND AMEND THE LAND USE MAP FOR PROPERTY LOCATED WEST OF 11TH AVENUE BETWEEN 50TH STREET AND 52ND STREET**

Mayor Clouse opened Public Hearing 2 on the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) to 1) vacate Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8565; and 2) an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Low Density Residential and Medium Density Residential to Low Density Residential for property described as Lot 1, Fountain Hills Ninth Addition, an addition to the City of Kearney, Nebraska (to be vacated) and further described a tract of land being a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street). At the request of Miller & Associates on behalf of applicant, Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten), this item has been requested to be further postponed to the April 26, 2022 City Council meeting.

Moved by Buschkoetter seconded by Clouse to postpone Public Hearing 2 pertaining to the vacation and amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan for property located West of 11th Avenue between 50th Street and 52nd Street to the April 26, 2022 City Council meeting. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

#### **REZONE PROPERTY LOCATED WEST OF 11TH AVENUE BETWEEN 50TH STREET AND 52ND STREET**

Mayor Clouse opened Public Hearing 3 on the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) to rezone from District AG, Agricultural District to District R-2, Urban Residential Mixed-Density District for property described as a tract of land being a part of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County,

Nebraska (West of 11th Avenue between 50th Street and 52nd Street). At the request of Miller & Associates on behalf of applicant, Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten), this item has been requested to be postponed to the April 26, 2022 City Council meeting.

Moved by Buschkoetter seconded by Clouse to postpone Public Hearing 3 pertaining to the rezoning of property located West of 11th Avenue between 50th Street and 52nd Street to the April 26, 2022 City Council meeting. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

**FINAL PLAT AND SUBDIVISION AGREEMENT FOR FOUNTAIN HILLS FIFTEENTH ADDITION**

Mayor Clouse opened Public Hearing 4 on the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for the Final Plat and Subdivision Agreement for Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street). At the request of Miller & Associates on behalf of applicant, Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten), this item has been requested to be postponed to the April 26, 2022 City Council meeting.

Moved by Buschkoetter seconded by Clouse to postpone Public Hearing 4 pertaining to the Final Plat and Subdivision Agreement for Fountain Hills Fifteenth Addition to the April 26, 2022 City Council meeting. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

**ANNEXATION OF FOUNTAIN HILLS FIFTEENTH ADDITION**

Mayor Clouse opened Public Hearing 5 on the application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) for the annexation of Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), and part the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 11th Avenue between 50th Street and 52nd Street). At the request of Miller & Associates on behalf of applicant, Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten), this item has been requested to be postponed to the April 26, 2022 City Council meeting.

Moved by Buschkoetter seconded by Clouse to postpone Public Hearing 5 pertaining to the annexation of Fountain Hills Fifteenth Addition to the April 26, 2022 City Council meeting. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

## IV. CONSENT AGENDA

Moved by Clouse seconded by Moore that Subsections 1 through 18 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

1. Approve Minutes of Regular Meeting held March 22, 2022.
2. Approve the following Claims:

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

Ace Irrigation \$694.20 smcs; Acushnet \$2,337.77 smcs; AdScreen \$980.00 smcs; AFC Grand Island \$166.39 smcs; Agri Coop \$110.13 smcs; Alfred Benesch \$15,600.73 co; All Copy \$549.62 smcs; All Makes Auto \$3,917.57 smcs; Amazon \$1,225.01 smcs; Anderson Bros. Electric \$2,246.00 smcs; Ask Supply \$1,156.15 smcs; Aurora Coop \$64.00 smcs; AvFuel \$65,704.58 smcs; Baird Holm \$8,240.00 smcs; Baker & Taylor \$6,063.87 smcs; Baker Tilly \$8,250.00 smcs; Bamford \$475.00 smcs; Baye,S \$926.93 smcs; Beacon Athletics \$1,057.00 smcs; Ben Younger Band \$100.00 smcs; Blessing \$39,175.90 co; BlueCross BlueShield \$143,605.75 smcs; Bosselman \$96,179.38 smcs; Buffalo Co. Sheriff \$207,389.25 smcs; Builders \$1,048.66 co; Cal/Amp \$781.55 smcs; Carolina Software \$650.00 smcs; Carquest \$48.99 smcs; Cash Wa \$4,777.86 smcs; Center Point Publishing \$77.91 smcs; Chesterman \$1,238.30 smcs; Choice Marketing \$3,622.43 smcs; Chrisman,D \$25.00 smcs; Christensen,K \$210.00 smcs; City of Ky \$48,360.80 smcs,co; City of Ky \$377,541.47 ps; Comm Act Part of Mid NE \$504.00 smcs; Comm. Health Agencies \$36.00 ps; Comm. Service Fund \$16.00 ps; Compute North \$147,535.28 smcs; Construction Rental \$237.70 smcs; Copycat Printing \$480.00 smcs; Cutting Edge Cleaning \$250.00 smcs; D & M Security \$70.50 smcs; Dan Roeder Concrete \$37,518.00 co; Danko Emergency \$143.26 smcs; Dan's Plumbing \$373.09 smcs; Depository Trust Co \$5,521.25 ds; Dish \$114.42 smcs; Divas at Ky Floral \$60.00 smcs; DLT Solutions \$5,472.26 smcs; DPC Industries \$8,603.52 smcs; Eagle Distributing \$2,417.25 smcs; Eakes \$2,025.53 smcs; Elliott Equipment \$182.56 smcs; Ensley Electrical \$74,268.00 co; Enterprise Electric \$23,607.00 smcs; Excel Appraisal \$3,800.00 smcs; Eynetich,P \$116.14 smcs; Family Practice \$208.00 ps; Flaherty,T \$198.00 smcs; Gale \$1,949.31 smcs; Game Set Match \$7,645.00 co; GD Concrete \$780.00 smcs; General Collection \$16.55 smcs; Girls on the Run \$195.00 smcs; Grand Kubota \$14,531.01 co; Greater NE Cities \$1,000.00 smcs; Gustafson,C \$14.83 smcs; Haussermann,P \$25.00 smcs; HM Life Ins. \$43,021.40 smcs; IRS \$355,215.89 ps; Jack Lederman \$211.93 smcs; Jack's Uniforms \$131.89 smcs; Johnson Controls \$345.86 smcs; Jones Polygraph \$863.56 smcs; Karsten Mfg. \$2,005.41 smcs; Kart-Man \$1,367.46 smcs; Ky Animal Shelter \$10,609.00 smcs; Ky Comm. Found. \$1,970.00 smcs; Ky Noon Rotary \$140.00 smcs; Ky Powersports \$459.90 smcs; Ky Public Schools \$2,500.00 smcs; Kernick,B \$150.00 smcs; Kirkham Michael \$11,000.00 co; Kleidosty,N \$14.86 smcs; K-Log \$6,909.00 smcs; Konica Minolta \$820.43 smcs; Lazo-Escobar,L \$2,825.00 smcs; Lee,T \$400.00 smcs; Lerner Publications \$26.99 smcs; Lincoln Nat'l Life

\$8,222.93 smcs; Lindner,S \$219.51 smcs; M & J Signs \$1,608.22 smcs; Mac Tools \$27.53 smcs; Macqueen Equipment \$2,300.00 smcs; Magic Cleaning \$6,190.00 smcs; Maguire Iron \$10,000.00 smcs; Marlatt Machine \$546.25 smcs; Mason,M \$175.00 smcs; McCartney,E Trustee \$140.00 ps; McReynolds,J \$400.00 smcs; Mead Lumber \$214.39 smcs; Menards \$317.79 smcs; Mid-American Signal \$1,000.00 smcs; Midlands Contracting \$106,958.60 co; Mid-NE Garage Doors \$150.00 smcs; Midway Chevrolet \$1,977.50 smcs; Midwest Connect \$9,482.43 smcs; Miller & Associates \$17,674.65 smcs,co; Miller Signs \$150.00 smcs; Mirror Image \$299.65 smcs; Mission Square \$18,873.49 ps; Mostek Electric \$130.00 smcs; Municipal Supply \$12,740.91 smcs; Murphy Tractor \$458.48 smcs; NE Child Support \$3,529.00 ps; NE Dept Environment \$115.00 smcs; NE Dept of Revenue \$90,862.17 smcs,ps; NE Generator Service \$3,747.60 smcs; NE Public Health \$2,022.00 smcs; NE Safety & Fire \$1,829.00 smcs; Nebraskaland Dist. \$2,178.60 smcs; NetMotion \$1,446.71 smcs; Nispel,E \$433.65 smcs; Northwestern Energy \$20,868.27 smcs; Northwestern University \$4,600.00 smcs; Nova Fitness \$661.95 ps; Oak Creek Engineering \$4,219.60 smcs; Olsson \$9,975.74 co; One Call Concepts \$621.52 smcs; O'Reilly Auto \$1,528.75 smcs; Parr,T \$666.00 smcs; Payflex \$1,029.22 smcs,ps; Peerless Machine \$16,720.00 smcs; Penworthy Company \$446.51 smcs; Pep Co. \$87.34 smcs; Platte Valley Auto \$926.25 smcs; Presto-X \$244.10 smcs; R&R Repair \$1,795.00 smcs; Radiant Heating \$84.53 smcs; Radwell Int'l \$2,110.00 co; RDG Planning \$24,780.00 co; Redbud Ranch \$8,466.00 smcs; Rheome Tree \$8,225.00 smcs; RMV Construction \$40,761.00 co; Road Builders \$654,058.00 co; S & P Global \$28,250.00 co; S20 Design \$8,513.74 co; Safe Restraints \$1,607.12 smcs; Sahling Kenworth \$3,002.69 smcs; Sauer,R \$325.00 smcs; School District #7 \$3,637.50 smcs; Schroer,J \$305.00 smcs; Schumacher Brothers \$950.00 smcs; See Clear Cleaning \$3,950.00 smcs; Sign Center \$412.76 co; Sign Solutions \$153.00 smcs; Siteone Landscape \$2,918.51 smcs; State of NE/DAS \$8.82 smcs; Stop Stik \$2,255.00 smcs; Stutsman \$3,294.00 smcs; Superior-Central Square \$144,590.28 smcs; Titan Machinery \$19,953.02 smcs; Tri Co Glass \$681.55 smcs; Turner Body Shop \$100.00 smcs; Tye & Rowling \$15,246.85 smcs; Union Bank & Trust \$188,385.43 ps; United Way \$251.76 ps; Van Diest \$6,452.00 smcs; Vanco \$106.48 smcs; Verizon \$7,252.04 smcs; Vermeer High Plains \$3,408.67 smcs; Village Uniforms \$185.02 smcs; Volaire Aviation \$4,000.00 smcs; Wheeler,J \$100.00 smcs; Wilcac Life \$10.00 ps; Yant Equipment \$1,360.37 smcs; Payroll Ending 03/26/2022 -- \$542,214.08. 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. Adopt Resolution No. 2022-79 authorizing the City Manager, Director(s) of Finance, and City Clerk to sign checks, drafts or other withdrawal orders issued against the funds of the City on deposit with designated depositories.

### **RESOLUTION NO. 2022-79**

WHEREAS, the President and City Council have determined that it is appropriate and proper to designate various banks as depositories for funds of the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the following banks be and are hereby designated as city depository banks:

- Wells Fargo Bank Nebraska, N.A.
- 1st National Bank
- Farmers & Merchants Bank
- US Bank
- Exchange Bank
- Great Western Bank
- Five Points Bank
- Heartland Bank
- Bank of the West
- FirsTier Bank
- NebraskaLand National Bank
- Pinnacle Bank

However, such designation as a city depository shall not be exclusive and shall not be determined in any way to constitute a franchise to the exclusion of other designated depositories.

BE IT FURTHER RESOLVED by the President and City Council of the City of Kearney, Nebraska that checks, drafts or other withdrawal orders issued against the funds of the City on deposit with said depositories be signed by any one of the following who now hold offices or positions with the City:

Michael W. Morgan, City Manager  
 Wendell R. Wessels, Director of Finance  
 Kayla D. James, Director of Finance  
 Lauren Brandt, City Clerk

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict herewith are hereby repealed and that Resolution No. 2020-160 is hereby specifically rescinded and repealed.

PASSED AND APPROVED THIS 12TH DAY OF APRIL, 2022.

ATTEST:  
 LAUREN BRANDT  
 CITY CLERK

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

4. Adopt Resolution No. 2022-80 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Waggoner Investments, LLC for the construction of a water main and sanitary sewer main for part of Lots 4 and 5, Tract G, all located in Section 34, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.

**RESOLUTION NO. 2022-80**

WHEREAS, on the 24th day of October, 2017 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2017-180 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Waggoner Investments L.L.C., to construct water main and sanitary sewer main improvements to serve part of Lot 4 and Lot 5, Tract G, all in 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

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

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

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

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for a water main and a sanitary sewer main to serve the property described as a part of Lot 4 and Lot 5, Tract G, all in 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 constructed under, and in accordance with, Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 12TH DAY OF APRIL, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

5. Accept the bids received for 2022 Part 3 Improvements; 11th Street from A Avenue to F Avenue and adopt Resolution No. 2022-81 awarding the bid to Nielsen Contracting, LLC in the amount of \$1,920,274.00.

**RESOLUTION NO. 2022-81**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on March 22, 2022 at 2:00 p.m. for the 2022 Part 3 Improvements; 11th Street from A Avenue to F Avenue; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$2,065,200.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Nielsen Contracting, LLC of Kearney, Nebraska in the amount of \$1,920,274.00 be accepted as the lowest responsible bid for the 2022 Part 3 Improvements; 11th Street from A Avenue to F Avenue.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer’s recommendation is hereby accepted, that Nielsen Contracting, LLC be and is the lowest responsible bidder for the 2022 Part 3 Improvements; 11th Street from A Avenue to F Avenue to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Nielsen Contracting, LLC in the amount of \$1,920,274.00, be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$2,065,200.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations

pertaining thereto.

PASSED AND APPROVED THIS 12TH DAY OF APRIL, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

6. Accept the bids received for 2022 Part 4 Improvements; 31st Street from G Avenue to N Avenue and adopt Resolution No. 2022-82 awarding the bid to Dan Roeder Concrete in the amount of \$1,781,753.00.

**RESOLUTION NO. 2022-82**

WHEREAS, Olsson and the City of Kearney have reviewed the sealed bids which were opened on March 22, 2022 at 2:00 p.m. for the 2022 Part 4 Improvements; 31st Street from G Avenue to N Avenue; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$1,584,441.50; and

WHEREAS, Olsson and the City have recommended the bid offered by Dan Roeder Concrete of Kearney, Nebraska in the amount of \$1,781,753.00 be accepted as the lowest responsible bid for the 2022 Part 4 Improvements; 31st Street from G Avenue to N Avenue.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer’s recommendation is hereby accepted, that Dan Roeder Concrete be and is the lowest responsible bidder for the 2022 Part 4 Improvements; 31st Street from G Avenue to N Avenue to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Dan Roeder Concrete in the amount of \$1,781,753.00, be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$1,584,441.50 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 12TH DAY OF APRIL, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

7. Adopt Resolution No. 2022-83 approving Application and Certificate for Payment No. 1 in the amount of \$40,761.00 submitted by RMV Construction and approved by Wilkins ADP for the Harmon Park Sonatorium Restoration.

**RESOLUTION NO. 2022-83**

WHEREAS, RMV Construction, LLC of Kearney, Nebraska has performed services in connection with Harmon Park Sonatorium Restoration, and the City's architect, Wilkens ADP, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$40,761.00 as shown on Exhibit “A” attached hereto and made a part hereof

by reference and as follows:

Original Contract Sum	\$ 1,301,400.00
Change Order No. 1 (12-21-2021)	- 97,325.00
Contract Sum To Date	1,204,075.00
Gross Amount Due	45,290.00
Retainage (10%)	- 4,529.00
Amount Due to Date	40,761.00
Less Previous Certificates for Payment	0.00
Current Payment Due	\$ 40,761.00

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 12TH DAY OF APRIL, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

8. Reject the bids received for the 2020 Part 3 Improvements; 2nd Avenue Overpass Repairs.

9. Authorize the disposing of a 2016 Aljon Landfill Compactor as a surplus item that is longer useful to the City and authorize the City Manager to sell or dispose of such item by any method which is most advantageous to the City.

10. Accept the bids received for the purchase of a pre-owned truck mounted boom crane to be used in the Utilities Department and award the bid to Crane Sales & Service in the amount of \$110,000.00.

11. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class CK-124836 liquor license application and manager application for Michael Anderson submitted by Fyre, Inc dba Fyre Modern Grill located at 707 Talmadge Street.

12. Adopt Resolution No. 2022-84 approving Application and Certificate for Payment No. 2 in the amount of \$35,219.70 submitted by Duncan Theis Construction, Inc. and approved by Olsson for Yanney Park Maintenance Building.

**RESOLUTION NO. 2022-84**

WHEREAS, Duncan Theis Construction, Inc. of Kearney, Nebraska has performed services in connection with Yanney Park Maintenance Building, and the City's engineer, Olsson, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$35,219.70 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 514,038.00
Change Order No. 1 (1/25/2022)	\$ 0.00
Change Order No. 2 (3/22/2022)	+ \$3,146.00
Contract Sum To Date	<u>517,184.00</u>
Gross Amount Due	72,198.00
Retainage (10%)	- <u>7,219.80</u>
Amount Due to Date	64,978.20
Less Previous Certificates for Payment	<u>29,758.50</u>
Current Payment Due	\$ 35,219.70

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 12TH DAY OF APRIL, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

- 13. Approve the Plans and Specifications for the Yanney Heritage Park Pavilion and Parking Lot and set the bid opening date for May 3, 2022 at 2:00 p.m.
- 14. Approve the Plans and Specifications for the 2022 Part 2 Improvements; 56th Street and Avenue N Turning Lanes and set the bid opening date for May 3, 2022 at 2:00 p.m.
- 15. Approve the Plans and Specifications for the WWTP Phase II Improvements; Water Resource Recovery Facility and set the bid opening date for June 7, 2022 at 2:00 p.m.
- 16. Approve the Plans and Specifications for the 2020 Part 3 Improvements; 2nd Avenue Overpass Extension Joint Repair and set the bid opening date for May 3, 2022 at 2:00 p.m.
- 17. Adopt Resolution No. 2022-85 approving Change Order No. 1 showing an increase in the amount of \$3,114.82 and Application and Certificate for Payment No. 3 in the amount of \$18,342.00 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. 2022-85**

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 Change Order No. 1 showing an increase to the contract sum in the amount of \$3,114.82 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Blessing, LLC and Miller & Associates have filed with the City Clerk

Application and Certificate for Payment No. 3 in the amount of \$18,342.00 as shown on Exhibit "B" 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	76,270.00
Retainage (10%)	- 7,627.00
Amount Due to Date	68,643.00
Less Previous Certificates for Payment	50,301.00
Current Payment Due	\$ 18,342.00

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" and Application and Certificate for Payment No. 3, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF APRIL, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**18.** Adopt Resolution No. 2022-86 approving Amendment No. AJW-FN-CSA-22-CE-005091 to the Non-Federal Reimbursable Agreement between the City of Kearney and the Federal Aviation Administration for Mobile Remote Transmitter Receiver Facility during the terminal expansion project impacting FAA NAS facilities including the Automated Weather Observing System, Radio Communications Outlet, FAA Telecommunications Infrastructure circuits and FAA cabling and infrastructure at the Kearney Regional Airport.

**RESOLUTION NO. 2022-86**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Non-Federal Reimbursable Agreement No. AJW-FN-CSA-22-CE-005091 between the Federal Aviation Administration (FAA) and the City of Kearney for Mobile Remote Transmitter Receiver Facility during the terminal expansion project impacting FAA NAS facilities including the Automated Weather Observing System, Radio Communications Outlet, FAA Telecommunications Infrastructure circuits and FAA cabling and infrastructure at the Kearney Regional Airport be and is hereby approved. A copy of the agreement marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 12TH DAY OF APRIL, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**V. CONSENT AGENDA ORDINANCES**

**ORDINANCE NO. 8567 AUTHORIZING THE ISSUANCE OF A COMBINED UTILITIES REVENUE BOND**

Council Member Moore introduced Ordinance No. 8567 authorizing the issuance of a Combined Utilities Revenue Bond of the City of Kearney, Nebraska, in the principal amount of up to \$34,000,000 for the purpose of paying the costs of improvements at the City's Wastewater Treatment Facility; authorizing the issuance of said bond in the form of a promissory note to evidence a loan and related amendment to loan agreement from the Nebraska Department of Environment and Energy; approving the execution and delivery of an amendment to loan agreement with the Nebraska Department of Environment and Energy; approving related documents with respect to said loan; prescribing the form, terms and details of said bond and related amendment to loan agreement; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said city for the payment of said bond and interest thereon; providing for the collection, segregation and application of the revenues of the City's waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system; approving execution of related documents; entering into a contract on behalf of the city with the holder of said bond; determining that interest on said bond shall not be excludable from gross income for purposes of federal income taxation; 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 Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8567. 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, Moore. Nay: None. Lear and Nikkila absent. 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. 8567 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8567 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8567 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**ORDINANCE NO. 8568 REPEALING ORDINANCE NO. 8563 AND AMEND THE**

## **SALARY ORDINANCE**

Council Member Moore introduced Ordinance No. 8568 repealing Ordinance No. 8563 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 Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8568. 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, Nikkila, Moore. Nay: None. Lear and Nikkila absent. 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. 8568 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8568 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8568 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**

### **PRESENTATION FROM BUFFALO COUNTY PLANNING COMMISSION REGARDING THE NEW COMPREHENSIVE PLAN SURVEY**

Mayor Clouse opened Regular Agenda Item 1 for Council to receive an Informational presentation from Buffalo County Planning Commission regarding the new Comprehensive Plan Survey. This presentation was for informational purposes only.

Tammy Jeffs, Buffalo County Planning Commission Member presented this matter to the Council. Buffalo County Planning Commission is currently working on updating their Comprehensive Plan that is updated every 10 years. Buffalo County is requesting assistance from all Elected Officials and the City with regard to their process of collecting information from all residents in Buffalo County. The survey is found on Buffalo County's website, Buffalo County Planning and Zoning's Facebook page and paper copies are available at the Buffalo County Courthouse. The City of Kearney is a collection sight for the surveys to be returned to. The collection of surveys runs through May 16th. Specific items the Buffalo County Planning Commission are requesting input on are subdivision regulations, conservation and alternative energy options.

Michael Morgan, City Manager suggested Buffalo County Planning Commission meet with the City's Development Review Team (DRT).

Mayor Clouse questioned if information concerning the Survey is on the City of Kearney's social media accounts? Lauren Brandt, City Clerk will check to make sure it is on the City's social media accounts.

### **STAFF UPDATE ON THE KEARNEY PUBLIC LIBRARY**

Mayor Clouse opened Regular Agenda Item 2 for Council to receive a Staff update on the Kearney Public Library.

Matt Williams, Library Director and Beth Rosenthal, TLC Librarian presented this matter to the Council. Mr. Williams stated this year is the 10th Anniversary of the completion of the Library addition and remodel; Friday, April 15th there will be a celebration with historical photos, prize drawings for all ages, a scavenger hunt and selection of a free item from a giveaway table.

Ms. Rosenthal discussed The Makerspace located in the lower level of the Kearney Public Library and reviewed the different activities available to citizens. The Makerspace was opened in 2019 and includes 3D Printers, Accuquilt & Die-cut machines, an Adobe computer and digitization station, laminating and book binding, button makers, Cricut maker, sewing machines, large format printer and a Laser cutter.

### **UPDATE FROM PUBLIC WORKS DIRECTOR, ANDREW HARTER, ON THE EVALUATION OF REPLACING THE BRICKS AT THE INTERSECTION OF 21ST STREET AND A AVENUE WITH CONCRETE**

Mayor Clouse opened Regular Agenda Item 3 for Council to receive an update from Public Works Director, Andrew Harter, on the evaluation of replacing the bricks at the intersection of 21st Street and A Avenue with concrete.

Andrew Harter, Director of Public Works presented this matter to the Council. The Public Works Department have been evaluating how to improve the roadways and noted the challenges with keeping the brick streets in good shape as well as associated costs. The repairing of potholes on Central Avenue has been continually occurring and consists of removing the bricks, leveling the sand and replacing the bricks. Full depth base repair consists of removing the bricks and concrete and starting over, which is more extensive than pothole repair and much more expensive; this type of repair mainly occurs at intersections due to turning trucks and standing water. Mr. Harter and Eric Hellriegel, Assistant City Manager, have met with the Downtown Improvement Board to discuss reducing some of the brick area on Downtown side streets. The Board did not want to see the straight away street sections removed; therefore, Public Works has shifted their focus to evaluating Downtown side street intersections with tentative plans to move forward with the replacement of the intersection at 21st Street and Avenue A. The intersection at 23rd Street and Avenue A is an example of replacing a Downtown intersection with concrete.

Randy Buschkoetter, Vice Chairperson noted various medians in Kearney have a stamped brick look and questioned if doing this Downtown had been considered? Mr. Harter stated the stamped brick has not been an option because the match would most likely never be completely correct and the stamped brick does not react well to the

chemicals applied for deicing.

Mr. Morgan noted equivalent bricks are no longer available for purchase and further stated even though the bricks seemed to have lasted a long time, they are repaired on a regular basis but are not all in great shape; Mr. Harter stated many bricks crumble when removed for repairs. Mr. Morgan stated by replacing some intersections on Downtown side streets will allow the City to maintain the existing bricks at the highest level possible.

## **VII. REPORTS**

Vice Chairperson Randy Buschkoetter commented on how valuable all volunteers for fire departments are and sent his condolences regarding to the recent losses that Gosper and Furnas Counties have suffered. Mr. Morgan agreed and noted Kearney sent staff to assist those counties and stated that helping other communities during times this is something Nebraska does across the board, whether it be a city or a small community, which is outstanding.

Mr. Morgan provided additional updates to several City projects. Regarding air service, the DOT has issued an extension of bids for 30 days. He stated rumors that the City is losing flight service is not the case and are not true.

Mayor Clouse requested an update on moving the Civil War statue from the MONA parking lot. Eric Hellriegel, Assistant City Manager, stated foundation preparation and studies are currently being completed, the foundation will then be poured and allowed to cure for 30 days; the Statue will be dismantled and reassembled approximately mid May. Mr. Morgan stated the Park and Recreation Department are working on a landscaping plan for this park and will also be installing new signage.

## **VIII. ADJOURN**

Moved by Clouse seconded by Moore that Council adjourn at 6:02 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Moore. Nay: None. Lear and Nikkila absent. 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**