

**Kearney, Nebraska**  
**April 26, 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 26, 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; 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; Brenda Jensen, Assistant City Manager; Kelsey Anderson, Downtown Coordinator; Mike Young, Police Captain; Derek Luke, Police Lieutenant; Doug McCarty, Police Sergeant and Zach Schwartz, Kearney Police Officer were also present.

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**

Members of Kearney Police Department Honor Guard including Lieutenant Dennis Byrne, Officers Nathan Dennis, Alex Peyton and Lacie Lindner presented and posted the colors. 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.

### **RECOGNITION/ ORAL COMMUNICATIONS**

#### **OATH OF OFFICE TO POLICE OFFICER JUSTIN MCCOY**

Police Chief Bryan Waugh stated Officer Justin McCoy has been with the City of Kearney Police Department since January 2021 serving as a Community Service Officer. Officer

McCoy is originally from South Dakota and is a military veteran. City Clerk, Lauren Brandt, provided the Oath of Office to Police Officer McCoy.

**PRESENTATION OF YOUTH WEEK PROCLAMATION TO KEARNEY ELKS LODGE #984**

Doug Kramer, Secretary of Kearney Elks Lodge #984 introduced members in attendance of the Council meeting including: Diane Kelly, Kearney Elks Lodge #984 first female President; Dana Ernst, Past President and Riley Harris, Chaplin. Mr. Kramer stated the Nebraska State Elks Association recently celebrated their 110th Anniversary. This past year, the Kearney Elks Lodge donated \$34,124 to support various youth events and activities including: the Hoop Shoot; drug awareness throughout the year and Malloween. Mr. Kramer thanked Council members and the City of Kearney for their support.

**II. UNFINISHED BUSINESS**

There was no Unfinished Business.

**III. PUBLIC HEARINGS**

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

Moved by Nikkila seconded by Moore to remove Public Hearing 1 from the table. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

Mayor Clouse opened the public hearing 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) and consider Ordinance No. 8557.

Tom Fuller presented this matter to the Council. Mr. Fuller stated his request pertains to two (2) fifty foot lots abutting Highway 30. A 7,500 square foot building will eventually be located on the lots; Mr. Fuller plans to apply for TIF for this development.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the application submitted by Olsson for TFD Investments, LLC, a Nebraska Limited Liability Company (c/o Tom Fuller) and introduced Ordinance No. 8557 rezoning 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) 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. 8557 rezoning 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). 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. 8557 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 Lear seconded by Buschkoetter that Ordinance No. 8557 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. 8557 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.

**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 May 10, 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 May 10, 2022 City Council meeting. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. 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 May 10, 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 May 10, 2022 City Council meeting. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. 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 May 10, 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 May 10, 2022 City Council meeting. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. 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 May 10, 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 May 10, 2022 City Council meeting. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore.

Nay: None. Motion carried.

**PROPOSED ACQUISITION FOR 50.00-FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT GRANTED BY ARCHVIEW LLC**

Public Hearings 6 through 9 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition for a 50.00-foot wide Temporary Construction Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager for a tract of land being part of accretions to Government Lot 6, Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2022-87.

Tony Jelinek, Director of Utilities, presented this matter to the Council. Mr. Jelinek stated the easements pertain to the Wastewater Treatment Plant; Phase II Improvements and are located north of the facility. The easements will allow for the piping and flow of the new facility.

Council Member Jonathan Nikkila asked for an update on the Wastewater Treatment Plants current project. Mr. Jelinek stated that the Wastewater Treatment Plant Phase II; Vehicle Storage Building has been completed but sprinkler installation, seeding and minimal landscape work remain.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2022-87 approving the proposed acquisition for a 50.00-foot wide Temporary Construction Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager for a tract of land being part of accretions to Government Lot 6, Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

**RESOLUTION NO. 2022-87**

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

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

WHEREAS, Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager, have granted to the City of Kearney, Nebraska a Temporary Construction Easement as follows:

**FIFTY-FOOT (50') TEMPORARY CONSTRUCTION EASEMENT**

A tract of land being part of accretions to Government Lot 6, Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly

described as follows: Commencing at the Northeast corner of Government Lot 7 in Section 8; thence S 00°14'30" W on the East line of said Government Lot 7, and all bearings contained herein are relative thereto, a distance of 849.57 feet to the Easterly extension of the North line of a tract of land owned by the City of Kearney, Buffalo County, Nebraska; thence S 82°56'19" W on said Easterly extension and on said North line a distance of 1877.57 feet to the POINT OF BEGINNING; thence S 82°56'45" W continuing on said North line a distance of 452.00 feet; thence N 00°13'29" E a distance of 50.41 feet; thence N 82°56'45" E parallel to and 50.00 feet North, as measured at right angles to the North line of said tract a distance of 452.02 feet; thence S 00°14'33" W a distance of 50.41 feet to the Point of Beginning, containing 0.52 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Temporary Construction Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager, to the City of Kearney be and is hereby approved and accepted.

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

PASSED AND APPROVED THIS 26TH DAY OF APRIL, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**PROPOSED ACQUISITION FOR 20.00-FOOT WIDE ACCESS AND UTILITY EASEMENT GRANTED BY ARCHVIEW LLC**

Public Hearings 6 through 9 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition for a 20.00-foot wide Access and Utility Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager for a tract of land being part of accretions to Government Lot 6, Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2022-88.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2022-88 approving the proposed acquisition for a 20.00-foot wide Access and Utility Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager for a tract of land being part of accretions to Government Lot 6, Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

**RESOLUTION NO. 2022-88**

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 an Access and Utility Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager, have granted to the City of Kearney, Nebraska an Access and Utility Easement as follows:

**TWENTY-FOOT (20') ACCESS AND UTILITY EASEMENT**

A tract of land being part of accretions to Government Lot 6, Section 8, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at the Northeast corner of Government Lot 7 in Section 8; thence S 00°14'30" W on the East line of said Government Lot 7, and all bearings contained herein are relative thereto, a distance of 849.57 feet to the Easterly extension of the North line of a tract of land owned by the City of Kearney, Buffalo County, Nebraska; thence S 82°56'19" W on said Easterly extension and on said North line a distance of 1877.57 feet to the POINT OF BEGINNING; thence S 82°56'45" W continuing on said North line a distance of 452.00 feet; thence N 00°13'29" E a distance of 20.16 feet; thence N 82°56'45" E parallel to and 20.00 feet North, as measured at right angles to the North line of said tract a distance of 452.01 feet; thence S 00°14'33" W a distance of 20.16 feet to the Point of Beginning, containing 0.21 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 Access and Utility Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager, to the City of Kearney be and is hereby approved and accepted.

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

PASSED AND APPROVED THIS 26TH DAY OF APRIL, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**PROPOSED ACQUISITION FOR 70.00-FOOT WIDE TEMPORARY CONSTRUCTION EASEMENT GRANTED BY ARCHVIEW LLC**

Public Hearings 6 through 9 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition for a 70.00-foot

wide Temporary Construction Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager for a tract of land being part Government Lot 6 and accretions, Section 8, Township 8 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska and consider Resolution No. 2022-89.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2022-89 approving the proposed acquisition for a 70.00-foot wide Temporary Construction Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager for a tract of land being part Government Lot 6 and accretions, Section 8, Township 8 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

### **RESOLUTION NO. 2022-89**

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

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

WHEREAS, Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager, have granted to the City of Kearney, Nebraska a Temporary Construction Easement as follows:

#### **SEVENTY-FOOT (70') TEMPORARY CONSTRUCTION EASEMENT**

A tract of land being part Government Lot 6 and accretions, Section 8, Township 8 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska, said Temporary Construction Easement to be 35.00 feet on each side of following described centerline: Commencing at the Northeast corner of Government Lot 7 in Section 8; thence S 00°14'30" W on the East line of said Government Lot 7 and all bearings contained herein are relative thereto, a distance of 849.57 feet to the Easterly extension of the North line of a tract of land owned by the City of Kearney, Buffalo County, Nebraska; thence S 82°56'19" W on said Easterly extension and on said North line a distance of 1798.05 feet to the POINT OF BEGINNING; thence N 07°06'48" W a distance of 12.65 feet; thence N 44°57'53" E a distance of 295.68 feet to the Point of Termination. The side lines of said 70.00 feet wide Temporary Construction Easement to be lengthened or shortened to form a continuous strip, said Temporary Construction Easement contains 0.50 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Temporary Construction Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the

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

PASSED AND APPROVED THIS 26TH DAY OF APRIL, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**PROPOSED ACQUISITION FOR 30.00-FOOT WIDE SANITARY SEWER EASEMENT GRANTED BY ARCHVIEW LLC**

Public Hearings 6 through 9 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition for a 30.00-foot wide Sanitary Sewer Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager for a tract of land being part Government Lot 6 and accretions, Section 8, Township 8 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska and consider Resolution No. 2022-90.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2022-90 approving the proposed acquisition for a 30.00-foot wide Sanitary Sewer Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager for a tract of land being part Government Lot 6 and accretions, Section 8, Township 8 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

**RESOLUTION NO. 2022-90**

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 Sanitary Sewer Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager, have granted to the City of Kearney, Nebraska a Sanitary Sewer Easement as follows:

**THIRTY-FOOT (30') SANITARY SEWER EASEMENT**

A tract of land being part Government Lot 6 and accretions, Section 8, Township 8 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska, dedicated for Sanitary Sewer Easement purposes. Said Sanitary Sewer Easement to be 15.00 feet on each side of following described centerline: Commencing at the Northeast corner of Government Lot 7 in Section 8; thence S 00°14'30" W on the East line of said Government Lot 7, and all bearings contained herein are relative thereto, a distance of 849.57 feet to the Easterly

extension of the North line of a tract of land owned by the City of Kearney, Buffalo County, Nebraska; thence S 82°56'19" W on said Easterly extension and on said North line a distance of 1798.05 feet to the POINT OF BEGINNING; thence N 07°06'48" W a distance of 12.65 feet; thence N 44°57'53" E a distance of 295.68 feet to the Point of Termination. The side lines of said 30.00 feet wide Sanitary Sewer Easement to be lengthened or shortened to form a continuous strip, said Sanitary Sewer Easement contains 0.21 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 Sanitary Sewer Easement granted by Archview L.L.C., a Nebraska Limited Liability Company by and through Steve Mercer, Manager, to the City of Kearney be and is hereby approved and accepted.

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

PASSED AND APPROVED THIS 26TH DAY OF APRIL, 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 7 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 April 12, 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 \$622.50 smcs; 24 Hour Tees \$539.00 smcs; 24 Hour Wristbands \$135.00 smcs; 2Co.com \$499.00 smcs; 4imprint \$280.53 smcs; 5gstore \$62.46 co; 88 Tactical \$423.50 smcs; Ace Irrigation \$426.73 smcs; Acushnet \$1,209.68 smcs; Adobe \$29.99 smcs; Advance Auto \$32.09 smcs; Advanced Satellites \$100.00 smcs; Adventure Enterp. \$150.00 smcs; Aero Specialties \$1,036.89 co; Aircraft Spruce \$424.86 co; Alfred Benesch \$26,930.33 co; All City Garage \$240.00 smcs; All Makes Auto \$1,360.45 smcs; Ally B Designs \$1,750.00 smcs; Amazon \$30,480.65 smcs,co; American \$67.50 smcs; American Button \$133.43 smcs; Andersen,J \$518.07 smcs; Anderson Bros. \$979.88 smcs; Anderson Ford Lincoln \$33,521.00 co; Apple.com \$18.02 smcs; Aramark Uniform \$379.28 smcs; Ardisam \$129.34 smcs; Armand Adv. \$566.95 smcs; Arrow Seed

\$1,611.00 smcs; Artisans Photography \$270.00 smcs; Ask Supply \$3,498.32 smcs; AT&T \$1,121.12 smcs; Aurora Coop \$1,851.85 smcs; Aussie Hydraulics \$29.06 smcs; Authorize.net \$10.00 smcs; Auto Value \$63.44 smcs; AV Fuel \$69,935.06 smcs; Avenue F Storage \$204.65 smcs; B&H Photo \$951.58 smcs,co; B2 Environmental \$350.00 co; B2B Prime \$79.00 smcs; Backdrop Express \$124.95 smcs; Baird Supporting Systems \$1,341.84 co; Baker & Taylor \$2,495.22 smcs; Batteryhawk \$77.94 smcs; Baughman,E \$185.00 smcs; Best Buy \$32.99 smcs; Big O Tires \$118.74 smcs; Bishs RV \$698.09 co; Blackburn Manufacturing \$258.32 smcs; Blackstone Library \$2,878.34 smcs; Blessing \$18,342.00 co; Blick Art \$62.50 smcs; Blinds.com \$1,530.68 smcs; BlueCross BlueShield \$141,211.37 smcs; Bosselman \$16,319.91 smcs; Bower,E \$200.00 smcs; Brady Worldwide \$585.95 smcs; Briggs & Stratton \$1,597.66 smcs; Brink,R \$38.31 smcs; Broadfoot's \$424.50 smcs; Brown Construction \$382,534.13 co; Buffalo Co. Board Comm. \$18,725.01 co; Buffalo Co. Treasurer \$18.45 co; Buffalo Outdoor Power \$804.44 smcs; Builders \$421.62 smcs,co; Cab Store \$89.97 smcs; Canva \$251.75 smcs; Carquest \$103.17 smcs; Carrot-Top \$375.15 smcs; Cash Wa \$5,041.80 smcs; Center Point \$77.91 smcs; Central District Health \$3,033.50 smcs; Central Hydraulic \$1,408.42 smcs; Central NE Bobcat \$810.12 ps; Central NE Rehab \$200.00 smcs; Certified Power \$2,335.27 smcs; Chavez,K \$185.00 smcs; Chemsearch \$319.00 smcs; Chesterman \$1,424.20 smcs; Choice Paint \$417.55 smcs; Church of Christ \$200.00 smcs; Cintas \$267.43 smcs; Ciox Health \$20.00 smcs; City of Ky \$14,711.31 smcs,ps; City of Scottsbluff \$583.87 smcs; City Plumbing \$935.37 smcs; CMH Distributing \$2,002.23 smcs; CNA Surety \$40.00 smcs; Comcate \$2,390.99 smcs; Comm. Action Mid NE \$11,352.86 smcs; Compliancesigns.com \$65.49 co; Computer Hardware \$42.80 smcs; Consolidated Mgmt. \$258.95 smcs; Constantcontact.com \$45.00 smcs; Construction Rental \$978.89 smcs,co; Control Yours \$300.00 smcs; Copycat \$8,439.27 smcs; Country Inn & Suites \$106.40 smcs; Country Partners \$29,834.49 smcs; Courtreserve \$95.00 smcs; Crandall Office \$44.99 smcs; Criminal Addiction \$300.00 smcs; Crouch Recreation \$316.00 smcs; Culligan \$457.80 smcs; Cup, the \$10.00 smcs; D & K Products \$11,004.30 smcs; Daily Art Hub \$2.99 smcs; Dana Safety \$1,739.34 smcs; Dan's Plumbing \$511.04 smcs; Data Axle \$415.00 smcs; Dawson Public Power \$21,925.21 smcs; Daylight Donuts \$45.13 smcs; Delehent,B \$12.42 smcs; Dell \$5,470.08 smcs,co; Demco \$359.60 smcs; Dennis,N \$117.00 smcs; Depository Trust \$77,536.25 ds; Digicert \$2,025.20 smcs; Dish \$249.50 smcs; Dmilaco Sports \$1,512.00 smcs; Dog Poop Bags \$350.43 smcs; Dolan Consulting \$290.00 smcs; Dollar General \$21.00 smcs; Drone Launch \$638.79 smcs; Duncan Theis Const. \$35,219.70 co; Dunkin Donuts \$18.44 smcs; Eagle Distributing \$581.15 smcs; Eakes \$29,639.14 smcs; EB First Responder \$104.31 smcs; Ebay \$11.75 smcs; Ecolab \$114.87 smcs; Eileen's Cookies \$11.00 smcs; Elliott Equipment \$1,506.50 smcs; EMC Insurance \$13.70 smcs; Emery & Assoc. \$100.00 smcs; Engineered Controls \$2,096.00 smcs; Entenmann-Rovin \$1,187.00 smcs; Erin McCartney,Chpt 13 \$70.00 ps; ESChat \$383.88 smcs; Etsy \$3.59 smcs; Eustis Body Shop \$300.00 smcs; Expression War \$756.00 smcs; Eyemed \$1,505.85 smcs; Facebook \$160.12 smcs; Family Fresh \$125.83 smcs; Farmers Union \$2,147.00 smcs; Fastenal \$1,447.89 smcs,co; FBINAA \$150.00 smcs; Federal Aviation Admin. \$29,289.79 co; Fiddelke \$243.61 smcs; Fire Safety \$85.90 smcs; Friesen Ford \$89.44 smcs; Frontier \$317.85 smcs; Frozen Assets \$4.00 smcs; Fry & Associates \$13,473.08 smcs; Fun Express \$250.07 smcs; Gale/Cengage \$151.95 smcs; Galls \$402.87 smcs; Gambinos \$154.14 smcs; Garrett Tires \$6,363.19 smcs; Gaylord Palms Resort \$547.32 smcs; Godberson,R \$3.50 smcs; Goodwin Tucker \$1,702.54 smcs; GPM Pump & Truck \$174.96 smcs; Graczyk Lawn \$1,452.00 smcs; Graham Tire \$57.80 smcs; Grainger \$4,681.56 smcs; Hampton Inns

\$192.00 smcs; Heiman Fire \$430.12 smcs; Hertz \$299.00 smcs; Hilligas,A \$21.34 smcs; Hobby Lobby \$637.04 smcs; Holiday Inn \$1,235.89 smcs; Holmes Plumbing \$381.91 smcs,co; Holtz Industries \$533.37 smcs; Home Depot \$962.21 smcs,co; Hometown Leasing \$159.08 smcs; Hydraulic Cylinders \$7,646.30 smcs; Hy-Vee \$60.28 smcs; IAAI \$50.00 smcs; ICMA \$744.00 smcs; Innocorp \$996.00 smcs; Instrument Sales \$54.69 smcs; Integrated Security \$1,000.00 smcs; Int'l Code Council \$49.00 smcs; Invoicehome.com \$5.00 smcs; IRS \$176,782.48 ps; Jack Lederman \$3,197.09 smcs; Jack's Small Engine \$62.35 smcs; Jackson Services \$412.72 smcs; JCB Delivery \$55.00 smcs; Jelden,M \$25.45 smcs; Jimmy Johns \$137.74 smcs; John E. Reid & Assoc. \$1,200.00 smcs; Johnstone Supply \$230.96 smcs; Jump-A-Roo \$1,000.00 smcs; Kanopy \$1,825.00 smcs; Karsten Mfg. \$2,611.01 smcs; Kart-Man \$2,741.78 smcs; Ky Ace \$1,819.91 smcs,co; Ky Catholic \$111.33 smcs; Ky Concrete \$2,027.40 smcs,co; Ky Crete & Block \$2,276.58 smcs; Ky Power Sports \$1,092.95 smcs; Ky Regional \$114.00 ps; Ky Towing \$600.00 smcs; Ky Winlectric \$2,729.23 smcs,co; Ky Winnelson \$971.20 smcs,co; Kelly Supply \$592.92 smcs; Keomanivong,V \$32.91 smcs; Kowalek,G \$163.00 smcs; Kussmaul Electronics \$448.70 smcs; Landmark Implement \$12,667.67 smcs; Lawson Products \$1,671.86 smcs; Lee NE Media \$4,127.56 smcs; Lego Brand \$86.63 smcs; Lifeguard Store \$1,299.50 smcs; Lincoln Nat'l Insurance \$1,267.20 smcs; LLRMI \$700.00 smcs; Lockmobile \$10.19 smcs; Long Building \$945.80 smcs; Lowest \$85.49 smcs; Luke,D \$230.00 smcs; Macqueen Equipment \$5,142.52 smcs; Magic Cleaning \$1,160.00 smcs; Mallory Safety \$350.00 smcs; Marlatt Machine \$562.64 smcs; Masters True Value \$460.01 smcs,co; Matheson Trigas \$112.93 smcs; Maxwell,A \$3.73 smcs; McCormack Distributing \$113.58 smcs; MDI Worldwide \$4,555.00 smcs,co; Meier,W \$37.99 smcs; Menards \$13,235.70 smcs,co; Merrill Company \$1,577.70 smcs; Microsoft \$105.94 co; Mid-NE Garage Doors \$5,354.00 smcs; Mid-Plains Comm. College \$600.00 smcs; Mid-Plains Equipment \$220.00 smcs; Midwest Breathing \$251.36 smcs; Midwest Connect \$460.65 smcs; Midwest Turf \$3,985.63 smcs; Miller & Associates \$99,981.46 co; Mills Farm \$1,025.00 smcs; Mirror Image \$139.30 smcs; Mission Square \$7,133.93 ps; Moonlight Embroidery \$2,601.35 smcs; Municipal Supply \$25,955.80 smcs,co; My Senior Center \$240.00 smcs; Nat'l Assoc. \$235.00 smcs; Nature-Watch \$492.61 smcs; NCL of Wisconsin \$766.96 smcs; NE Child Support \$1,764.50 ps; NE Crane \$650.58 smcs; NE Dept Environmental \$14,404.93 smcs; NE Dept. Revenue \$38,328.63 smcs; NE Generator \$7,361.53 smcs; NE Machinery \$2,961.65 smcs; NE Planzone \$80.00 smcs; NE Section PGA \$50.00 smcs; NE Truck Center \$2,962.28 smcs; Nebraskaland Distributing \$1,481.70 smcs; Network Solutions \$120.96 smcs; Nevco Sports \$1,012.40 smcs; New Life Church \$200.00 smcs; NFPA \$175.00 smcs; NI DOL \$28.00 smcs; NI NDA \$25.00 smcs; NI State Payport \$107.61 smcs; Nielsen Contracting \$14,808.00 co; NLBA \$200.00 smcs; NLETC \$75.00 smcs; Northern Safety \$142.08 smcs; Northwest Electric \$348.19 smcs; Northwestern Energy \$15,312.35 smcs; Nova Fitness \$327.00 smcs; NRG Media \$380.00 smcs; Nutrien Ag \$299.96 smcs; OCLC \$779.76 smcs; Odeys \$921.30 smcs; Office Depot \$1,961.36 smcs; Old Navy \$123.02 smcs; Oncourt Offcourt \$853.80 co; O'Reilly Auto \$9.98 smcs; Orkin \$96.30 smcs; Orscheln \$470.75 smcs; OTC Brands \$29.98 smcs; Pacific Bow Butts \$2,363.00 co; Parsons,T \$31.00 smcs; Paulsen \$10,000.00 co; Payflex \$492.00 smcs; Pdq.com \$481.50 smcs; Penworthy \$392.54 smcs; Pep Co. \$150.00 smcs; Philips 66 \$24.60 smcs; Pickleball Central \$128.36 smcs; Pilots HQ \$65.78 smcs; Ping \$813.47 smcs; Platinum Awards \$84.35 smcs,co; Platte Valley Auto \$71.95 smcs; Platte Valley Comm. \$598.02 smcs; Police Records Mgmt. \$78.00 smcs; Police Technical \$375.00 smcs; Positive Promotions \$57.33 smcs; Postermymwall \$29.95 smcs; Presto-X \$444.54 smcs; Printer, the \$42.31 smcs; Project

Harmony \$250.00 smcs; ProTint \$675.00 smcs,co; Psychological Resources \$945.00 smcs; Quill \$1,060.68 smcs; R&R Repair \$394.56 smcs; Ramada \$426.64 smcs; Rasmussen Mechanical \$819.44 smcs; RDG Planning & Design \$4,487.82 co; Ready Mixed Concrete \$1,972.50 co; Reams \$25.00 smcs; Redbox \$3.72 smcs; Rentokil \$60.00 smcs; Rokit \$1,443.83 smcs; Ross,J \$1,500.00 smcs; RR Donnelley \$214.54 smcs; S&S Worldwide \$1,040.20 smcs; Safety Vision \$1,029.76 smcs; Sanitation Products \$485.95 smcs; Sapp Bros. \$41.34 smcs; Scalia,J \$5,000.00 smcs; Schroeder,M \$30.68 smcs; Sequel Bookshop \$300.00 smcs; Sherwin Williams \$497.95 smcs,co; Shoe Carnival \$158.19 smcs; Shredding Solutions \$106.35 smcs; Sig Sauer \$2,530.00 smcs; Silverstone \$6,598.08 smcs; Skywest \$68,796.00 smcs; SLA Corp. \$191.94 smcs; Slamabama \$4,000.00 smcs; Southern Glazier's Wine \$2,423.48 smcs; Spectrum \$1,060.76 smcs; Sporting Edge \$841.50 smcs; Sprinkler Warehouse \$474.45 smcs; State of Nebraska \$30.00 smcs; Steinbrink's \$12,959.78 smcs,co; Stevens,R \$5.66 smcs; Stony Creek Landscapes \$2,300.00 smcs; Storage Bins 4 Less \$352.16 smcs; Street Cop \$498.00 smcs; Stutsman \$3,246.00 smcs; Sunset Law Enforcement \$4,986.00 smcs; Super Shine Auto \$45.00 smcs; Target \$928.71 smcs; TeddyBear Mobile \$1,000.00 smcs; Tennis Ex \$1,258.29 co; Tennis Warehouse \$449.75 co; Thompson,K \$233.00 smcs; Titan Machinery \$2,455.28 smcs; TK Elevator \$3,045.35 smcs; Tour Edge Golf \$2,140.00 smcs; Tractor-Supply \$569.42 smcs; Traffic Safety Store \$290.19 co; Transunion \$113.00 smcs; Trausch Dynamics \$220.78 smcs; Tri City Concrete \$18,300.00 smcs; Tri Co Glass \$2,008.60 smcs; U.S Plastic Corp. \$93.92 smcs; Uber \$16.73 smcs; UL \$3,106.75 smcs; Uline \$677.15 smcs; Union Bank & Trust \$92,351.11 ps; Unique \$134.25 smcs; United \$667.70 smcs; United States Profession \$345.00 smcs; Univ. NE at Omaha \$50.00 smcs; UPS \$135.77 smcs; USA Blue Book \$174.22 smcs; USA Comm. \$475.24 smcs; USDA Wildlife \$800.00 smcs; USGA \$150.00 smcs; USPS \$381.20 smcs; Van Diest \$1,437.06 smcs; Van Wall \$1,417.00 smcs; Verizon \$64.19 smcs; Video Kingdom \$129.99 smcs; Volaire Aviation \$4,000.00 smcs; VVS \$202.23 smcs; VW Golf \$420.50 smcs; Walgreens \$2.00 smcs; Wal-mart \$2,511.37 smcs,co; Walsh,C \$308.88 smcs; Waugh,B \$98.00 smcs; Weaver,N \$21.38 smcs; Weldon,C \$135.00 smcs; When to Work \$216.00 smcs; Whinnery Const. \$305,603.01 co; Wilke,C \$208.05 smcs; Wilkins Architecture \$5,898.71 co; World Herald \$239.72 smcs; World Theatre \$100.00 smcs; WPCI \$727.50 ps; Yanda's \$29,978.16 co, smcs; Yant Equipment \$1,901.86 smcs; Young,M \$297.00 smcs; Zoro Tools \$82.28 smcs; Payroll Ending 04/09/2022 -- \$545,171.61; Payroll correction for 04/15/2022 pay date - 04/18/2022 -- \$244.49. 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 May 10, 2022 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the application for a Special Designated License Farmers Market Endorsement Permit submitted by Long Dogs Distilling LLC dba Long Dogs Distilling in connection with their Class Z-124083 liquor license and Special Designated License Endorsement to serve and sell at the Kearney Area Farmers located at the Hilltop Mall, 4915 2nd Avenue, beginning May 1, 2022 through April 30, 2023.

5. Adopt Resolution No. 2022-91 approving Application and Certificate for Payment No. 3-Final in the amount of \$305,603.01 submitted by Whinnery Construction, Inc. and approved by S2O Design and Engineering, Inc. for Phase II Enhancements of the Kearney Water Trail known as Kearney Whitewater Park.

**RESOLUTION NO. 2022-91**

WHEREAS, Whinnery Construction, Inc. of Lake City, Colorado has performed services in connection with the continuation of Phase II Enhancements of the Kearney Water Trail known as Kearney Whitewater Park, and the City's engineer, S2o Design and Engineering, have filed with the City Clerk Application and Certificate for Payment No. 3-Final in the amount of \$305,603.01 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

|  |                   |
|--|-------------------|
| Original Contract Sum                  | \$ 583,917.50     |
| Change Order No. 1 (2/8/2022)          | + 78,610.00       |
| Contract Sum To Date                   | 662,527.50        |
| Less Previous Certificates for Payment | <u>384,361.99</u> |
| Current Payment Due                    | \$ 305,603.01     |

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 3-Final, as shown on Exhibit "A" be and is hereby accepted and approved. PASSED AND APPROVED THIS 26TH DAY OF APRIL, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

6. Adopt Resolution No. 2022-92 approving Application and Certificate for Payment No. 16 in the amount of \$382,534.13 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.

**RESOLUTION NO. 2022-92**

WHEREAS, Brown Construction of Kearney, Nebraska has performed services in connection with the construction of the Community Tennis Facility, and the City's engineer, RDG Planning & Design, have filed with the City Clerk Application and Certificate for Payment No. 16 in the amount of \$382,534.13 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

|                                      |                    |
|--------------------------------------|--------------------|
| Original Contract Sum                | \$ 7,250,100.00    |
| Change Order Nos. 1 & 2 (4/27/2021)  | + 7,506.22         |
| Change Order Nos. 3 & 4 (10/12/2021) | + 23,028.06        |
| Change Order No. 5 (1/11/2022)       | + 62,196.09        |
| Change Order No. 6 (3/22/2022)       | <u>+ 57,533.82</u> |

|  |                       |
|--|-----------------------|
| Contract Sum To Date                   | 7,400,364.19          |
| Gross Amount Due                       | 7,199,819.42          |
| Retainage (5%)                         | - <u>359,990.97</u>   |
| Amount Due to Date                     | 6,839,828.45          |
| Less Previous Certificates for Payment | - <u>6,457,294.31</u> |
| Current Payment Due                    | \$ 382,534.13         |

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. 16, as shown on Exhibit "A" be and are hereby accepted and approved.  
 PASSED AND APPROVED THIS 26TH DAY OF APRIL, 2022.

ATTEST:  
 LAUREN BRANDT  
 CITY CLERK

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

7. Accept the bids received for the 2022 City of Kearney Trail Projects; Lighthouse Point Trail, 19th Avenue Trail and Hillside Estates Trail and adopt Resolution No. 2022-93 awarding the bid to Precision Foundations, Inc. the amount of \$175,675.24.

**RESOLUTION NO. 2022-93**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on April 12, 2022 at 2:00 p.m. for the 2022 City of Kearney Trail Projects; Lighthouse Point Trail, 19th Avenue Trail and Hillside Estates Trail; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$217,795.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Precision Foundations, Inc. of Kearney, Nebraska in the amount of \$175,675.74 be accepted as the lowest responsible bid for the 2022 City of Kearney Trail Projects; Lighthouse Point Trail, 19th Avenue Trail and Hillside Estates Trail.

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 Precision Foundations, Inc. be and is the lowest responsible bidder for the 2022 City of Kearney Trail Projects; Lighthouse Point Trail, 19th Avenue Trail and Hillside Estates Trail to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Precision Foundations, Inc. in the amount of \$175,675.74, be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$217,795.00 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 26TH 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. 8569 AMENDING SEVERAL SECTIONS OF ARTICLE 2 "ADVISORY BOARD OF PARK AND RECREATION COMMISSIONERS" OF CHAPTER 7 "PARK AND RECREATION" OF CITY CODE**

Council Member Moore introduced Ordinance No. 8569 amending several Sections of Article 2 "Advisory Board of Park and Recreation Commissioners" of Chapter 7 "Park and Recreation" of the City Code; specifically being a) Section 7-203 "Composition" to replace the composition of the Board from six (6) resident freeholders to five (5) resident freeholders and to update the Buffalo County Board of Supervisors to the Buffalo County Board of Commissioners; b) Section 7-204 "Appointment" to replace the appointment of the Board from six (6) members to five (5) members and to update the Buffalo County Board of Supervisors to the Buffalo County Board of Commissioners; c) Section 7-206 "Filling Vacancies" to replace six (6) members to five (5) members and to update the Buffalo County Board of Supervisors to the Buffalo County Board of Commissioners; and d) Section 7-207 "Ex Officio Members" to update the Buffalo County Board of Supervisors to the Buffalo County Board of Commissioners, 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. 8569 amending several Sections of Article 2 "Advisory Board of Park and Recreation Commissioners" of Chapter 7 "Park and Recreation" of the City Code; specifically being a) Section 7-203 "Composition" to replace the composition of the Board from six (6) resident freeholders to five (5) resident freeholders and to update the Buffalo County Board of Supervisors to the Buffalo County Board of Commissioners; b) Section 7-204 "Appointment" to replace the appointment of the Board from six (6) members to five (5) members and to update the Buffalo County Board of Supervisors to the Buffalo County Board of Commissioners; c) Section 7-206 "Filling Vacancies" to replace six (6) members to five (5) members and to update the Buffalo County Board of Supervisors to the Buffalo County Board of Commissioners; and d) Section 7-207 "Ex Officio Members" to update the Buffalo County Board of Supervisors to the Buffalo County Board of Commissioners. 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. 8569 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. 8569 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. 8569 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. 8570 AMENDING A FORMAT ERROR IN TABLE 14-1 "USE MATRIX" OF CHAPTER 14 "ZONING DISTRICT REGULATIONS" OF THE CITY CODE**

Council Member Moore introduced Ordinance No. 8570 to amend a format error in Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" of the Code of the City of Kearney, Nebraska to remove 46-105, M from Commercial Rec (Outdoor) Use Type CO under Commercial Use Types and added back to the Supplemental Regulations for Commercial Rec (Outdoor) under Commercial Use Types as originally intended to be placed, 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. 8570 to amend a format error in Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" of the Code of the City of Kearney, Nebraska to remove 46-105, M from Commercial Rec (Outdoor) Use Type CO under Commercial Use Types and added back to the Supplemental Regulations for Commercial Rec (Outdoor) under Commercial Use Types as originally intended to be placed. 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. 8569 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. 8570 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. 8570 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**

### **INTRODUCTION OF NEW CITY STAFF**

Mayor Clouse opened Regular Agenda Item 1 pertaining to the introduction of Finance Director, Kayla James and Downtown Coordinator, Kelsey Anderson.

Current Finance Director, Wendell Wessels introduced Kayla James, new Finance Director. Ms. James previously worked as an Internal Auditor for the University system as well as for the State Auditor. She has her CPA and CIA. She has been with the City of Kearney for approximately two months.

Brenda Jensen, Assistant City Manager, introduced Kelsey Anderson as the new Downtown Coordinator. Ms. Anderson has been with the City approximately three weeks and has a Communications and Marketing degree from UNK. She has been working on updating Downtown's social media page, planning Downtown Summer events and meeting Downtown merchants.

Council members welcomed Ms. James and Ms. Anderson.

### **OPEN ACCOUNT CLAIM**

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$6,011.99 and \$87,829.57 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter. Nay: Lear. Clouse abstain. Motion carried.

## **VII. REPORTS**

Michael Morgan, City Manager, welcomed Ms. James and Ms. Anderson and stated the City is excited to have them aboard. Mr. Morgan stated the new Tennis Center will have a soft opening in the next two weeks. The Kearney Whitewater Park is completed and has opened. The City continues to work on air service.

Council Member Nikkila stated citizens have been questioning him regarding air service; he recommends to continue booking flights and noted the flights he has recently been on were both full.

Vice-Chairperson Randy Buschkoetter thanked all of the volunteers who have been fighting fires across the state.

Council Member Nikkila thanked the Park and Recreation staff for helping the YMCA keep their youth flag football season going through the use of City fields.

## **VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 6:02 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila, Lear. 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**