

***Kearney, Nebraska
August 23, 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 August 23, 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, Tami James Moore and Jonathan Nikkila. Absent: Bruce Lear. Michael Tye, City Attorney; Kayla James, Director of Finance; Brenda Jensen, Assistant City Manager; Peggy Eynetich, Deputy City Clerk; Tony Jelinek, Director of Utilities; Scott Hayden, Director of Recreational Services; Shawna Erbsen, Director of Administrative Services; Andy Harter, Director of Public Works; Luke Dutcher, Assistant Director of Public Works; Bryan Waugh, Chief of Police and various members of the Kearney Police Department, were also present. Members of the media present included: Mike Konz with the Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

Mayor Clouse and Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS/ RECOGNITION

OATH OF OFFICE TO POLICE OFFICERS LANE CACEK AND ROBERT LARSEN

Chief Bryan Waugh introduced Officers Lane Cacek and Robert Larsen who were hired in April of 2022. Both attended the Nebraska Law Enforcement Training Center (NLETC) and recently graduated after 15 weeks. Officer Cacek is from Nebraska and is a UNK graduate with a degree in Criminal Justice; he was also an intern with the Nebraska State Patrol. Chief Waugh noted Officer Cacek received the firearms proficiency award at the

NLETC. Officer Larson is originally from Oregon and served in the Marine Corps on active duty until 2019 and is currently a member of the Nebraska National Guard.

PRESENTATION OF LIFE SAVING AWARDS TO KEARNEY POLICE DEPARTMENT OFFICERS JON ALSTROM AND JARED GERDES

Chief Waugh explained the Life Saving Award officially recognizes an exceptional act while in the line of duty with disregard for their own personal safety resulting in the saving of a human life by employees of the Kearney Police Department (KPD). KPD Officers who are selected for this award receive an accommodation that can be worn on their uniform.

Chief Waugh recognized Officer Jared Gerdes, for his heroic actions on June 6, 2022 when responding to a medical call at the MONA parking lot. A construction accident in the parking lot had resulted in the severing of a worker's leg. Officer Gerdes' calm demeanor and quick thinking allowed him to use his recent tactical medical training to apply a tourniquet to stop the bleeding before emergency personnel arrived on the scene.

Chief Waugh also presented Officer Gerdes and Officer Jon Alstrom with the Lifesaving award due to their heroic actions that also occurred on June 6, 2022. Officers Alstrom and Gerdes responded to a rescue call for an unresponsive 75-year old female. Both officers used their life saving training to preform CPR and Officer Gerdes administered a life saving shock with an AED. The revived patient was transported to Good Samaritan Hospital.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

PUBLIC HEARING ON PROPOSED ISSUANCE OF A MULTIFAMILY MORTGAGE REVENUE NOTE BY THE KEARNEY HOUSING AGENCY

Mayor Clouse opened the public hearing and stated now is the time and place set for the public hearing to be conducted pursuant to Section 147(f) of the Internal Revenue Code of 1986 with respect to the financing by the Kearney Housing Agency (hereinafter referred to as the "Agency") of its Multifamily Housing Revenue Notes (Prairie View Apartments Project) Series 2022A in an initial principal amount not exceeding \$8,900,000 issued in one more series (hereinafter referred to as the "Bonds"). Specifically, the Agency is considering the issuance of the Bonds on behalf of Prairie View Apartments LLC (the "Applicant"). The proceeds of the Bonds will be used by the Applicant for the purpose of financing or refinancing a portion of the costs of acquisition, rehabilitation, construction and equipping of a multifamily housing project known as Prairie View Apartments located at 211 East 8th Street in the City of Kearney, Nebraska 68847 containing approximately 97 housing units (the "Project").

Mayor Clouse asked, "Is there anyone present who wishes to comment with respect to the issuance of the Agency's Bonds? Members of the public are invited to comment with respect to the Applicant, the proposed Project, or the issuance by the Agency of the Bonds. Is there anyone present who wishes to comment with respect to the Project or the issuance of the Agency's Bonds to provide financing for the Project?"

After hearing no comments, Mayor Clouse stated, "Let the minutes of this hearing reflect that no one has appeared at this hearing to comment on the Applicant, the Project, or the issuance of the Bonds to provide financing for the Project, and no written comments have been received prior to this hearing."

He concluded by stating, "The Public Hearing with respect to the Applicant, the Project, and the issuance of the Bonds to provide financing for the Project is now concluded."

PROPOSED ACQUISITION FOR A PERMANENT 66.00-FEET RIGHT-OF-WAY AND UTILITY EASEMENT

Public Hearings 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent 66.00-Foot Right-of-Way and Utility Easement granted by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee for a strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (dedicated for Permanent Right-of-Way & Utility Easement purposes) and consider Resolution No. 2022-159.

Anton Jelinek, Director of Utilities presented this matter to the Council. Mr. Jelinek stated the easements are needed for future development and to provide ingress and egress to the area.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2022-159 approving the proposed acquisition for a Permanent 66.00-Foot Right-of-Way and Utility Easement granted by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee for a strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (dedicated for Permanent Right of Way & Utility Easement purposes). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2022-159

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has

authorized the acquisition by action taken in a public meeting after notice and public hearing; and

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

WHEREAS, Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee, have granted to the City of Kearney, Nebraska a Permanent Right-of-Way and Utility Easement as follows:

PERMANENT 66.00-FEET RIGHT-OF-WAY & UTILITY EASEMENT

A strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Right of Way & Utility Easement purposes. Said 66.00 feet wide Permanent Right of Way & Utility Easement to be 33.00 feet on each side of following described centerline: Commencing at the Northwest Corner of the Northwest Quarter of Section 26; thence S 00°19'13" W on the West line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 1006.90 feet; thence S 89°40'44" E a distance of 778.97 feet; thence N 00°21'43" E a distance of 33.00 feet to the POINT OF BEGINNING; thence continuing N 00°21'43" E a distance of 371.42 feet to the Point of Termination on the centerline of 15th Avenue as dedicated in Fountain Hills Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska. The side lines of said 66.00 feet wide Permanent Right of Way & Utility Easement to be lengthened or shortened to form a continuous strip. Said 66.00 feet wide Permanent Right of Way & Utility Easement contains 0.51 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Right-of-Way and Utility Easement granted by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee, 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 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

PROPOSED ACQUISITION FOR A PERMANENT 66.00-FEET WIDE RIGHT-OF-WAY AND UTILITY EASEMENT

Public Hearings 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent 66.00-Foot Wide Right-of-Way and Utility Easement granted by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of GRAND WEST, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee for a strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, (dedicated for Permanent Right- of-Way & Utility Easement purposes) and consider Resolution No. 2022-160.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2022-160 approving the proposed acquisition for a Permanent 66.00-Foot Wide Right-of-Way and Utility Easement granted by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of GRAND WEST, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee for a strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, (dedicated for Permanent Right of Way & Utility Easement purposes. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2022-160

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

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

WHEREAS, Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee, have granted to the City of Kearney, Nebraska a Permanent Right-of-Way and Utility Easement as follows:

PERMANENT 66.00-FEET RIGHT-OF-WAY & UTILITY EASEMENT

A strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Right of Way & Utility Easement purposes. Said 66.00 feet wide Permanent Right of Way & Utility Easement to be 33.00 feet on each side of following described centerline: Commencing at the Northwest Corner of the Northwest Quarter of Section 26; thence S 00°19'13" W on the West line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 1006.90 feet; thence S 89°40'44" E a distance of 33.00 feet to the POINT OF BEGINNING on the East line of 17th Avenue. thence continuing S 89°40'44" E a distance of 922.66 feet; thence Southeasterly on a tangent curve to the Right having a central angle of 43°24'27", a radius of 500.00 feet, an arc length of 378.80 feet, and a chord bearing of S 67°58'31" E a distance of 369.81 feet to the Point of Termination on the centerline of 52nd Street as

dedicated in Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Said 66.00 feet wide Permanent Right of Way & Utility Easement contains 1.97 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Right-of-Way and Utility Easement granted by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee, 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 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

PROPOSED ACQUISITION FOR A PERMANENT 20.00-FEET WIDE TRAIL RIGHT-OF-WAY EASEMENT

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent 20.00-Foot Wide Trail Right-of-Way Easement granted by Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation for a tract of land being part of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska (dedicated for Permanent Easement purposes) and consider Resolution No. 2022-161.

Scott Hayden, Director of Recreational Services presented this matter to the Council. A slight easement adjustment is needed for trail construction purposes to connect the trail from 42nd Street to 39th Street. Council Member Jonathan Nikkila questioned what the long-term plan is for the trail connection? Mr. Hayden explained the trail connection will provide access to existing trails and to a future park being developed in cooperation with the Lighthouse Point Homeowners Association.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Buschkoetter to close the hearing and adopt Resolution No. 2022-161 approving the proposed acquisition for a Permanent 20.00-Foot Wide Trail Right-of-Way Easement granted by Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation for a tract of land being part of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska (dedicated for Permanent Easement purposes. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2022-161

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

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

WHEREAS, Jason Herrmann, Chairman of Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation has granted to the City of Kearney, Nebraska a Permanent Trail Right-of-Way Easement as follows:

PERMANENT TRAIL RIGHT-OF-WAY EASEMENT

A 20.00-foot wide Permanent Easement for Trail purposes being part of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Permanent Easement purposes. Said 20.00 foot wide Permanent Easement to be 10.00 feet on each side of the following described centerline: Commencing at the Southwest corner of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°47'02" E on the South line of said Lot 4, and all bearings contained herein are relative thereto, a distance of 180.69 feet to the POINT OF BEGINNING; thence continuing N 54°39'25" E a distance of 20.45 feet; thence on a tangent curve to the Left having a central angle of 54°12'51", a radius of 50.00 feet, an arc length of 47.31 feet, and a chord bearing of N 27°33'00" E a distance of 45.57 feet; thence N 00°26'34" E a distance of 110.70 feet; thence on a tangent curve to the Left having a central angle of 17°17'12", a radius of 100.00 feet, an arc length of 30.17 feet, and a chord bearing of N 08°12'02" W a distance of 30.06 feet; thence N 16°50'38" W a distance of 12.41 feet; thence on a tangent curve to the Right having a central angle of 50°39'53", a radius of 75.00 feet, an arc length of 66.32 feet, and a chord bearing of N 08°29'19" E a distance of 64.18 feet; thence N 33°49'15" E a distance of 10.89 feet; thence on a tangent curve to the Left having a central angle of 33°22'41", a radius of 100.00 feet, an arc length of 58.26 feet, and a chord bearing of N 17°07'55" E a distance of 57.44 feet; thence N 00°26'34" E a distance of 72.98 feet; thence on a tangent curve to the Left having a central angle of 06°30'06", a radius of 200.00 feet, an arc length of 22.70 feet, and a chord bearing of N 02°48'29" W a distance of 22.68 feet; thence N 06°03'32" W a distance of 32.85 feet; thence on a tangent curve to the Right having a central angle of 18°50'57", a radius of 100.00 feet, an arc length of 32.90 feet, and a chord bearing of N 03°21'57" E a distance of 32.75 feet; thence N 12°47'25" E a distance of 14.95 feet; thence on a tangent curve to the Left having a central angle of 12°20'51", a radius of 200.00 feet, an arc length of 43.10 feet, and a chord bearing of N 06°37'00" E a distance of 43.02 feet; thence N 00°26'34" E a distance of 101.87 feet; thence on a tangent curve to the Left having a central angle of 17°27'35", a radius of 100.00 feet, an arc length of 30.47 feet, and a chord bearing of N 08°17'13" W a distance of 30.36 feet; thence N 17°01'01" W a distance of 7.14 feet to the Point of Termination on the North line of said Lot 4, Block 8 of said Lighthouse Point. The side lines of said 20.00 feet wide Permanent Easement to be lengthened or shortened to form a continuous strip. Said 20.00 feet Permanent Easement contains 0.33 acres, more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Trail Right-of-Way Easement granted by Jason Herrmann, Chairman of Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation to the City of Kearney be and are hereby approved and accepted.

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

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held August 9, 2022.
2. Approve the following Claims:

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

5G Store \$1,103.99 co; Acushnet \$4,086.35 smcs; Ag Land ATV \$1,867.05 smcs; Alert All \$1,865.00 smcs; All Makes Auto \$1,360.05 smcs; All Temp Refrigeration \$1,800.00 smcs; Allavionics \$1,999.95 co; Allianz Travel \$52.00 smcs; Ally B \$400.00 smcs; Amax Contracting \$304.00 co; Amax Contracting \$1,488.00 co; Amazon \$24,672.08 smcs,co; American Airlines \$546.21 smcs; American Assn. Notaries \$29.90 smcs; American Button \$256.53 smcs; American Fence \$146.88 smcs; American Legion \$25.90 smcs; American Library Assn. \$298.00 smcs; American Planning \$100.00 smcs; American Red Cross \$636.00 smcs; Anderson, T \$260.97 smcs; Anetik \$25.00 smcs; Animoto \$264.00 smcs; Apple Market \$20.82 smcs; Apple.com \$107.91 smcs; APW Distributing \$109.00 smcs; Aramark Uniform \$555.98 smcs; Archery Education \$69.00 smcs; Asian Garden \$22.21 smcs; Ask Supply \$3,199.38 smcs; ATT \$1,121.12 smcs; Aurora Coop \$504.00 smcs; Aussie Hydraulics \$25.28 smcs; Authorize,net \$10.00 smcs; Auto Value \$167.10 smcs; AV Fuel \$98,226.66 smcs; Avenue F Storage \$104.00 smcs; Avis Rent-A-Car \$76.53 smcs; B&H Photo \$4,968.21 smcs,co; Baird Holm \$1,342.50 smcs; Baker & Taylor \$6,347.95 smcs; Ballard \$113.98 smcs; Bartholomew, A \$25.00 smcs; Battery Junction \$105.68 smcs; Benben, A \$59.37 smcs; Blackburn Manufacturing \$387.96 smcs;

Blackstone Library \$1,994.93 smcs; BlueCross BlueShield \$12,995.90 smcs; Books Galore \$6,047.98 smcs; Bosselman \$1,438.90 smcs; BossFuels \$60,628.94 smcs; BP \$69.07 smcs; Brand Mgmt. \$881.97 smcs; Brite \$2,928.00 smcs; Broadfoot's \$202.50 smcs; Brown Construction \$223,452.35 co; BSN Sports \$818.11 smcs; Buffalo Co. Court \$416.97 ps; Buffalo Co. Redi-Mix \$6,794.00 co; Buffalo Co. Sheriff \$722.80 smcs; Buffalo Outdoor Power \$1,508.65 smcs; Builders \$1,346.55 smcs,co; Burger King \$11.56 smcs; Burglund,D \$56.09 smcs; Cal/Amp \$781.55 smcs; Candlewood Suites \$153.37 smcs; Canva \$12.95 smcs; Carquest \$55.74 smcs; Cash Wa \$4,581.42 smcs; CB Store \$84.85 smcs; Cellebrite \$289.00 smcs; Cenex \$69.35 smcs; Central Hydraulic \$317.64 ps; Central NE Bobcat \$1,184.30 smcs,co; Central NE Rehab \$200.00 smcs; Chemsearch \$347.00 smcs; Chesterman \$2,055.52 smcs; Cintas \$231.52 smcs; CIT Int'l \$450.00 smcs; City Glass \$129.95 smcs; City of KY \$31,017.73 smcs, ps; CNA Surety \$160.00 smcs; CNRA Parking \$10.00 smcs; Comm. Action Partnerhsip \$1,257.50 smcs; Community Partners \$2,500.00 smcs; Compute North \$152,477.44 smcs; Consolidated Mgmt. \$1,272.73 smcs; Constantcontact.com \$45.00 smcs,co; Construction Rental \$2,270.54 co; Control Yours \$100.00 smcs; Copycat \$38.00 smcs; Core & Main \$88.56 smcs; Cottonmill Enterprises \$2,550.00 smcs; Countie,M \$23.04 smcs; Court Reserve \$101.45 smcs; Crane River Theater \$939.00 smcs; Cricut \$1.89 smcs; Critical Hire \$100.00 smcs; Crouch Recreation \$12,198.00 co; Culligan \$297.00 smcs; Cummins \$1,925.41 smcs; Cutter & Buck \$1,144.60 smcs; Dan's Plumbing \$2,160.24 smcs; Dawson Public Power \$49,792.56 smcs; Daylight Donuts \$53.96 smcs; Del City \$238.30 smcs; Dell \$3,528.53 smcs,co; Deterding's \$8,108.98 smcs; Dingle,C \$5.43 smcs; Dish \$358.23 smcs; Dollar General \$183.19 smcs,co; Domino's \$64.73 smcs; Duncan Theis Const. \$61,504.20 smcs; Dunkin Donuts \$62.64 smcs; Eagle Distributing \$2,226.40 smcs; Eakes \$2,540.69 smcs; Earl May \$78.53 smcs; Easy Picker Golf \$217.00 smcs; Echo Electric \$130.54 smcs; Ecolab \$112.36 smcs; Eileen's Cookies \$96.00 smcs; Elder,E \$204.00 smcs; Elliott Equipment \$6,976.92 smcs; Embassy Suites \$117.30 smcs; Emblem Authority \$705.00 smcs; Emlab \$934.00 smcs; Enterprise \$178.84 co; Epic Sports \$274.07 smcs; ESRI \$2,250.00 smcs; Expedia \$161.80 smcs; Eyemed \$1,590.99 smcs; EZ Turf \$368.05 smcs; Facebook \$32.78 smcs; Fairbanks Scales \$7,458.47 smcs; Fairfield Inn \$383.86 smcs; Family Fresh \$31.66 smcs; Fastenal \$484.75 smcs; FBI Retail \$342.93 smcs; Fedex \$100.46 smcs; Fiddelke \$4,774.35 smcs; Find It Parts \$824.40 smcs; Fire Safety Education \$513.95 smcs; First National Bank \$50.00 smcs; Flashlight Dealer \$18.30 smcs; Flightaware \$1,000.00 smcs; Flint Hills Fire \$498.76 smcs; Frontier \$7,390.23 smcs; Fun Express \$72.92 smcs; Gale \$634.38 smcs; Galeton \$320.83 smcs; Gall's \$821.11 smcs; Garrett Tires \$9,433.03 smcs; Gaylord Rockies Resort \$3,772.74 smcs; GD Concrete \$24,424.50 co; Gerdes,J \$204.00 smcs; Giordanos \$29.63 smcs; Global Industrial \$254.60 smcs; Good Evans \$103.99 smcs; Gough,M \$644.30 smcs; GPM Pump \$2,925.26 smcs; Graczyk Lawn \$1,532.04 smcs; Graf,L \$3.98 smcs; Graham Tire \$1,075.83 smcs; Grainger \$1,326.10 smcs,co; Grand Koukota \$96.05 smcs; Great Plains Comm. \$821.91 smcs; Greenpartsstore.com \$97.93 smcs; Harbor Freight Tools \$464.22 smcs; Harley Davidson \$1,299.14 smcs; Haussler,D \$43.19 smcs; Hawkins,J \$47.85 smcs; Heartland Motor Sports \$133.90 smcs; Heiman Fire \$832.52 smcs; Hellmuth,B \$113.97 smcs; Hobby-Lobby \$109.68 smcs; Holiday Inn Express \$810.42 smcs; Holmes Plumbing \$2,408.94 smcs,co; Home Depot \$3,617.89 smcs,co; Hometown Leasing \$159.08 smcs; Hub Int'l \$6,598.08 smcs; Huhman,S \$58.12 smcs; Hunter Industries \$109.00 smcs; Husker Irrigation \$1,060.76 smcs; Hy-Vee \$813.39 smcs; IAI \$515.00 smcs; ID Security Online \$545.00 smcs; Iflight Planner \$149.99 smcs;

Inland Truck Parts \$239.44 smcs; Interstate Batteries \$781.00 smcs; Invoicehome.com \$5.00 smcs; IRS \$192,033.98 ps; Island Sprinkler \$3,370.49 smcs; Island Supply \$126.00 smcs; ITR Eastpoint Tolls \$10.00 smcs; Jack Lederman \$998.67 smcs; Jackson Services \$379.58 smcs; Jacobs,T \$68.85 smcs; JCB Delivery \$531.00 smcs; Jerry Davidson Plumbing \$130.00 smcs; Jimenez,S \$10.73 smcs; Johnson Brothers \$2,618.57 smcs; Johnstone Supply \$1,022.20 smcs,co; Kanopy \$916.00 smcs; KY Ace \$259.77 smcs,co; KY Animal Shelter \$11,350.60 smcs; KY Concrete \$17,450.78 co; KY Crete & Block \$1,112.56 smsc,co; KY Literacy Council \$1,500.00 smcs; KY Winlectric \$9,873.03 smcs,co; KY Winnelson \$3,555.24 smcs; Kelly Supply \$1,114.14 smcs; Konica Minolta \$713.72 smcs; Kowalski, Stephanie \$4.78 smcs; Krutsinger,Z \$75.00 smcs; Kum & Go \$119.11 smcs; Landmark Implement \$2,023.89 smcs; LCL Truck Equipment \$10,990.00 co; League NE Municipalities \$110.00 smcs; Lee NE Media \$3,455.14 smcs; Lerner \$143.96 smcs; Lincoln Phone Parking \$1.18 smcs; Little USA \$9.68 smcs; Logan Contractors \$116.80 smcs; Logo Brands \$399.42 smcs; Love's \$65.54 smcs; Lulzbot \$364.54 smcs; Lundeen-Isaacson \$2,874.48 ps; Macqueen Equipment \$16,929.09 smcs; Makit Products \$244.90 smcs; Marathon Petro \$95.58 smcs; Marios Restaurant \$10.70 smcs; Marlatt Machine \$968.20 co; Marshall,I \$100.00 smcs; Marshall,T \$62.00 smcs; Masek Golf Car \$661.37 smcs; Masters True Value \$570.74 smcs,co; Matai \$500.00 smcs; Matheson \$265.34 smcs; McCartney, Erin Trustee \$227.00 ps; McCurry,R \$5.45 smcs; McDonald's \$7.54 smcs; Mefferd,E \$592.00 smcs; Menards \$11,071.96 smcs,co; Merrill Company \$985.90 smcs; Microfilm Imaging \$8,320.00 co; Midland Contracting \$10,986.36 co; Midland Scientific \$276.32 smcs; Midwest Breathing \$385.03 smcs; Midwest Connect \$159.00 smcs; Miller & Associates \$642.88 co; Miller Signs \$1,780.00 smcs; Mirror Image \$10.00 smcs; Mission Square \$7,566.20 ps; Mobile Pro Shop \$51.88 smcs; Monoprice \$213.99 smcs; Moonlight Embroidery \$2,440.00 smcs; MPLC.org \$275.97 smcs; Municipal Supply \$20,648.92 smcs; Naval Surface Warfare \$2,100.00 smcs; NCH Software \$41.42 co; NDEQ \$40.00 smcs; NE Child Support \$1,764.50 ps; NE Dept. Revenue \$51,112.67 smcs; NE Generator \$4,413.69 smcs; NE Golf Assn. \$207.00 smcs; NE Machinery \$250.54 smcs; NE Safety & Fire \$135.00 smcs; NE Salt & Grain \$12,730.55 smcs; NE Truck Center \$3,691.57 smcs; NE Turf Assn. \$80.00 smcs; Nebraskaland Distributing \$1,115.00 smcs; Network Solutions \$9.97 smcs; NI NDA Device \$60.50 smcs; NI State Payport \$107.61 smcs; Nick's Farm Store \$493.73 smcs; Nies,D \$2.64 smcs; Northern Safety \$71.04 smcs; Northwestern Energy \$3,451.90 smcs; Northwoods Humidors \$254.99 smcs; Norton,N \$15.35 smcs; Novus \$45.00 smcs; NRG Media \$422.00 smcs; Nutrien Ag \$3,349.79 smcs; OCLC \$816.57 smcs; Officemax \$2,000.13 smcs; Ohio Turnpike \$19.00 smcs; Olsson \$975.00 co; One Call Concepts \$738.68 smcs; Onlinecomponents.com \$193.27 smcs; O'Reilly Auto \$2,060.07 smcs; Orscheln \$1,082.35 smcs; Outdoor Recreation \$2,951.00 co; Palmer,L \$22.02 smcs; Panera \$156.34 smcs; Paper Tiger Shredding \$50.00 smcs; Payflex \$540.00 smcs; Paypal \$334.73 smcs; Pedraza,M \$23.04 smcs; Peerless Machine \$19,257.00 smcs; Penworthy \$518.92 smcs; Pep Co. \$574.68 smcs; Peppmuller,J \$38.38 smcs; Petsmart \$315.86 smcs; Phillips 66 \$69.17 smcs; Piada-13 \$32.70 smcs; Pickleball Central \$179.63 smcs; Pitney Bowes \$576.99 smcs; Platinum Awards \$99.27 smcs; Platte Valley Auto Mart \$715.80 smcs; Platte Valley Comm. \$877.21 smcs; Pool Supply \$455.32 smcs; Pool,M \$36.21 smcs; Poolweb.com \$85.24 smcs; Posguys.com \$216.00 co; Prairie Meadows Hotel \$433.44 smcs; Presto-X \$439.12 smcs; ProQuest \$480.15 smcs; PSI Services \$525.00 smcs; Qdoba \$62.87 smcs; Quill \$611.25 smcs; Radwell Int'l \$373.90 smcs; Rasmussen Mechanical \$1,114.40 smcs; RDG \$23,808.09 co; Ready Mixed

Concrete \$13,507.35 co; Reams \$2,316.65 smcs; Redbox \$7.98 smcs; Redman's Shoes \$244.99 smcs; Reed,T \$12.64 smcs; Register FAA \$25.00 smcs; Reinke's \$279.53 smcs; Rentokil \$537.60 smcs; Republic Nat'l Distributing \$684.82 smcs; Rinder Printing \$937.08 smcs; Rogue Training \$2,000.00 smcs; Rose,D \$62.50 smcs; Roundhouse Bunker \$297.70 smcs; Rowe,L \$673.50 smcs; Sahling Kenworth \$57.85 smcs; Sam's Club \$170.25 smcs; Sandhill Plastics \$169.96 smcs; Sanitation Products \$2,522.43 smcs; Saylor Screenprinting \$40.00 smcs; Schwan's Home \$4,399.20 smcs; See Clear Cleaning \$1,300.00 smcs; Sensit Technologies \$599.69 smcs; Sequel Bookshop \$400.00 smcs; Session Support \$320.00 smcs; Shell Oil \$45.05 smcs; Sherwin William \$6,116.32 smcs; Shredding Solutions \$50.03 smcs; Sign Center \$130.29 smcs; Siteone Landscape \$54.67 smcs; Smartsign \$295.32 smcs; Sonic \$34.14 smcs; Southern Glazer's \$2,613.00 smcs; Speck,S \$36.76 smcs; Spectrum \$1,085.22 smcs; Steinbrink's \$2,904.01 smcs; Steinbrook,S \$673.50 smcs; Stutsman \$2,196.00 smcs; Sunoco \$108.33 smcs; Surplus Center \$195.90 smcs; Swearingen, Cameron \$20.81 smcs; Sykes,L \$14.83 smcs; Target \$666.63 smcs,co; Tennis Warehouse \$41.95 smcs; Tifosi Optics \$451.24 smcs; Titan Machinery \$444.00 smcs; TK Elevator \$496.60 smcs; Tractor-Supply \$1,129.36 smcs; Transunion \$110.40 smcs; Trausch Dynamics \$1,120.83 smcs; Traveler's \$638.50 smcs; Tri City Concrete \$7,904.00 co; Tri Co Glass \$31.00 co; Triple I Solutions \$790.00 smcs; Turner Body Shop \$100.00 smcs; UASidekick \$169.52 smcs; Uber \$99.58 smcs; Uline \$149.19 smcs; Union Bank & Trust \$93,323.02 ps; Unique \$302.90 smcs; UPS \$150.60 smcs; US Airmotive \$383.85 co; USPS \$273.36 smcs; Van Diest \$1,673.75 smcs; Veto Pro Pac \$144.99 smcs; Village Services \$287.23 smcs; Volaire Aviation \$4,000.00 smcs; VVS \$61.22 smcs; Walgreens \$27.71 smcs; Wal-Mart \$5,552.37 smcs,co; Watkins,S \$5.30 smcs; Webstaurant Store \$307.55 smcs; Wee-Cycle \$20.00 smcs; Wells,K \$100.00 smcs; Wengler,K \$50.00 smcs; Wilcac Life Ins. \$10.00 ps; Wilkins ADP \$982.80 co; Wilson Sporting Goods \$2,146.10 co; Wonder Ride \$299.00 co; World Book \$3,547.00 smcs; WPCI \$798.00 ps; WS Darley Co. \$1,747.82 smcs; WT Cox Information \$237.36 smcs; Yeti \$3,249.00 smcs; Young,M \$351.00 smcs; YouTube TV \$116.02 smcs; Zero Waste USA \$1,157.88 smcs; Zoro Tools \$204.46 smcs; Payroll Ending 08/13/2022 - \$609,372.61. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set September 13, 2022 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2022-162 approving the final allocation of levy authority in the amount of \$146,450 for the Community Redevelopment Authority of the City of Kearney for fiscal year 2022-2023 and the final allocation of levy authority in the amount of \$57,266 for Offstreet Parking District No. 1 for fiscal year 2022-2023.

RESOLUTION NO. 2022-162

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

WHEREAS, the Community Redevelopment Authority of the City of Kearney submitted to the City, on July 12, 2022, a preliminary request for levy allocation in the

amount of \$146,450.00; and

WHEREAS, the Downtown Improvement Board, on behalf of Offstreet Parking District No. 1, submitted to the City, on July 13, 2022, a preliminary request for levy allocation in the amount of \$57,266.00; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), as amended, that a final allocation of levy authority of \$146,450.00 is hereby approved for the Community Redevelopment Authority of the City of Kearney for 2022 and a final allocation of levy authority of \$57,266.00 is hereby approved for Offstreet Parking District No. 1 for 2022.

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

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

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect September 1, 2022, and shall be published in pamphlet form.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

5. Approve the agreement between the City of Kearney and the Kearney Area Animal Shelter for continued care of animals that are impounded by the City, setting forth the Shelter's obligations with reference to caring for these animals and adopt Resolution No. 2022-163.

RESOLUTION NO. 2022-163

WHEREAS, on February 27, 2007, the City of Kearney and the Kearney Area Animal Shelter, Inc., a Nebraska Non-Profit Corporation entered into an on-going Agreement for humane care and services for animals impounded by the City of Kearney; and

WHEREAS, on August 22, 2017, the City of Kearney and the Kearney Area Animal Shelters, Inc. entered into a two-year Agreement for humane care and services for animals impounded by the City of Kearney and sets forth the Kearney Area Animal Shelter, Inc.'s obligations with reference to care for these animals that expired on August 21, 2019; and

WHEREAS, on August 21, 2019, the City of Kearney and the Kearney Area Animal Shelters, Inc. entered into a three-year Agreement for humane care and services for animals impounded by the City of Kearney and sets forth the Kearney Area Animal Shelter, Inc.'s obligations with reference to care for these animals that expired on August

21, 2022; and

WHEREAS, both the City of Kearney and the Kearney Area Animal Shelter, Inc. desire to enter into a new three-year Agreement for humane care and services for animals impounded by the City of Kearney and sets forth the Kearney Area Animal Shelter, Inc.'s obligations with reference to care for these animals, as set forth in the terms and conditions of the Agreement, marked as Exhibit "A" is attached hereto and made a part hereof by reference; and

WHEREAS, the City Council has determined that entering into an agreement with the Kearney Area Animal Shelter, Inc. would be in the best interests of the citizens of the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager, Michael W. Morgan, be and is hereby authorized and directed to execute the Agreement between the City of Kearney and the Kearney Area Animal Shelter, Inc. on behalf of the City of Kearney.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution No. 2022-164 approving the revised City of Kearney Personnel Manual.

RESOLUTION NO. 2022-164

WHEREAS, the City of Kearney has adopted a Personnel Manual since September 1, 1973, and has for several years prior to that time, maintained a cohesive personnel program including standard rules and regulations; and

WHEREAS, on August 22, 2006, the City Council formally adopted the revised Personnel Manual of the City of Kearney as the embodiment of the City's rules and regulations governing personnel matters; as amended by the City Council on December 26, 2007 by Resolution No. 2007-264, amended on October 28, 2014 by Resolution No. 2014-224, amended on October 25, 2016 by Resolution No. 2016-184, amended on March 27, 2018 by Resolution No. 2018-41, amended on May 22, 2018 by Resolution No. 2018-77, amended on September 22, 2020 by Resolution No. 2020-151; and amended on June 14, 2022 by Resolution No. 2022-120; and

WHEREAS, the City Manager and administrative staff have made several revisions and essential changes to the latest version of the Personnel Manual adopted on August 22, 2006, as amended in 2007, 2014, 2016, 2018, 2020 and 2022 and have recommended the adoption of a newly revised Personnel Manual; and

WHEREAS, the City Council having reviewed these recommended revisions and changes, finds them to be appropriate and necessary to the continued effective performance of duties by employees of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Personnel Manual adopted on August 22, 2006, as amended in 2007, 2014, 2016, 2018, 2020 and 2022, be and are hereby repealed.

BE IT FURTHER RESOLVED that the newly revised Personnel Manual be and is hereby adopted and will become effective immediately. A copy of the newly revised

Personnel Manual, marked Exhibit "A", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to implement the policies and provisions of the said Personnel Manual in the fairest and most constructive manner possible.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2022-165 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement with Grand West, LLC and Anna Stehlik, Trustee for 11th Avenue Extension in Fountain Hills Subdivision.

RESOLUTION NO. 2022-165

WHEREAS, on the 23rd day of May, 2017 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2017-81 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Grand West, LLC, a Nebraska Limited Liability Company, by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee, to construct paving, water, sanitary sewer, and storm sewer improvements for 11th Avenue Extension in Fountain Hills Subdivision, Buffalo County, Nebraska; and

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

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

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

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for paving, water, sanitary sewer, and storm sewer to serve the property described as 11th Avenue Extension in Fountain Hills Subdivision, 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 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Adopt Resolution No. 2022-166 approving the Developer Constructed Infrastructure Agreement for Fountain Hills; 54th Street and 15th Avenue between the City of Kearney and Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee, and Kent Holsten, President of Fountain Hills Outlot Maintenance Association, Inc., Nebraska Non-Profit Corporation for the construction of paving, water main, sanitary sewer main and storm sewer to serve a strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Right of Way & Utility Easement purposes.

RESOLUTION NO. 2022-166

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Fountain Hills; 54th Street & 15th Avenue" between the City of Kearney and Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company, and Anna L. Stehlik, Trustee for the construction of water, sanitary sewer, paving and storm sewer infrastructure to serve:

15th Avenue: A strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Right of Way & Utility Easement purposes. Said 66.00 feet wide Permanent Right of Way & Utility Easement to be 33.00 feet on each side of following described centerline: Commencing at the Northwest Corner of the Northwest Quarter of Section 26; thence S 00°19'13" W on the West line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 1006.90 feet; thence S 89°40'44" E a distance of 778.97 feet; thence N 00°21'43" E a distance of 33.00 feet to the POINT OF BEGINNING; thence continuing N 00°21'43" E a distance of 371.42 feet to the Point of Termination on the centerline of 15th Avenue as dedicated in Fountain Hills Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska. The side lines of said 66.00 feet wide Permanent Right of Way & Utility Easement to be lengthened or shortened to form a continuous strip. Said 66.00 feet wide Permanent Right of Way & Utility Easement contains 0.51 acres, more or less.

54th Street: A strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Right of Way & Utility Easement purposes. Said 66.00 feet wide Permanent Right of Way & Utility Easement to be 33.00 feet on each side of following described centerline: Commencing at the Northwest Corner of the Northwest Quarter of Section 26; thence S 00°19'13" W on the West line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 1006.90 feet; thence S 89°40'44" E a distance of 33.00 feet to the POINT OF BEGINNING on the East line of 17th Avenue. thence continuing S 89°40'44" E a distance of 922.66 feet; thence Southeasterly on a tangent

curve to the Right having a central angle of 43°24'27", a radius of 500.00 feet, an arc length of 378.80 feet, and a chord bearing of S 67°58'31" E a distance of 369.81 feet to the Point of Termination on the centerline of 52nd Street as dedicated in Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Said 66.00 feet wide Permanent Right of Way & Utility Easement contains 1.97 acres, more or less

be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Approve the Lease Agreement between the City of Kearney and Board of Regents of the University of Nebraska, on behalf of the University of Nebraska at Kearney (UNK) Aviation Program to lease Building T-929 located at 4595 Airport Road for the use and operations for the UNK Aviation Program and adopt Resolution No. 2022-167.

RESOLUTION NO. 2022-167

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute Lease Agreement for Building T-929 located at 4595 Airport Road, on behalf of the City of Kearney, Nebraska, with Board of Regents of the University of Nebraska, by and on behalf of the University of Nebraska at Kearney (UNK) Aviation Program. The Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Authorize the Mayor to execute the Release of Easement located on a tract of land being part of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska and approve Resolution No. 2022-168.

RESOLUTION NO. 2022-168

WHEREAS, the City of Kearney, Nebraska was granted a Permanent Trail Right-of-Way Easement consisting of 0.33 acres, more or less, to construct a new portion of the hike and bike trail that will provide further connectivity and accessibility to the existing Kearney trail system from Jason Herman, Chairman of Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation, on the 22nd day of March, 2022, and recorded on Document 2022-02036, in the office of the Register of

Deeds of Buffalo County, Nebraska, on April 4, 2022; and

WHEREAS, following recording of the Permanent Trail Right-of-Way Easement it was discovered that the boundary of the easement was incorrect and a new Permanent Trail Right-of-Way Easement was needed to reflect the corrected boundary and legal description for the permanent easement.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Trail Right-of-Way Easement recorded on April 4, 2022 at Document 2022-02036 be and is hereby released. The Release of Easement is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

- 11. Approve the appointment of Peggy Eynetich as the Interim City Clerk.
- 12. Adopt Resolution No. 2022-169 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement with Susan M. Roberts, President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company, Anna L. Stehlik, Trustee and the Fountain Hills Outlot Maintenance Association, Inc., a Nebraska Non-Profit Corporation for Fountain Hills Twelfth Addition.

RESOLUTION NO. 2022-169

WHEREAS, on the 9th day of February, 2021 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2021-24 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Susan M. Roberts, President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company, Anna L. Stehlik, Trustee and the Fountain Hills Outlot Maintenance Association, Inc., a Nebraska Non-Profit Corporation, to construct paving, water, and storm sewer improvements for Fountain Hills Twelfth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

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

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

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

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for paving, water, and storm sewer to serve the property described as Fountain Hills Twelfth Addition, an addition to the City

of Kearney, Buffalo County, Nebraska constructed under, and in accordance with, Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 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 2022 Cemetery North Addition – Phase 2 and set the bid opening date for September 27, 2022 at 2:00 p.m.

14. Adopt Resolution No. 2022-170 approving Application and Certificate for Payment No. 2 in the amount of \$117,279.05 submitted by Nielsen Contracting, LLC and approved by Miller & Associates for the 2022 Part 3 Improvements; 11th Street from A Avenue to F Avenue.

RESOLUTION NO. 2022-170

WHEREAS, Nielsen Contracting, LLC of Kearney, Nebraska has performed services in connection with the 2022 Part 3 Improvements; 11th Street from A Avenue to F Avenue, and the City’s engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$117,279.05 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 1,920,274.00</u>
Contract Sum To Date	1,920,274.00
Gross Amount Due	347,881.48
Retainage (10%)	- 34,788.15
Amount Due to Date	<u>313,093.33</u>
Less Previous Certificates for Payment	- 195,814.28
Current Payment Due	<u>\$ 117,279.05</u>

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 is hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

15. Adopt Resolution No. 2022-171 approving Application and Certificate for Payment No. 3 in the amount of \$372,895.65 submitted by Caldwell Tank and approved by Miller & Associates for the 2MG Elevated Water Tower.

RESOLUTION NO. 2022-171

WHEREAS, Caldwell Tank of Louisville, Kentucky has performed services in connection with the 2MG Elevated Water Tower, and the City’s engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$372,895.65 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 4,973,000.00</u>
Contract Sum To Date	4,973,000.00
Gross Amount Due	657,063.50
Retainage (10%)	<u>- 65,706.35</u>
Amount Due to Date	591,357.15
Less Previous Certificates for Payment	<u>- 218,461.50</u>
Current Payment Due	\$ 372,895.65

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

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

16. Adopt Resolution No. 2022-172 approving Change Order No. 1 showing an increase in the amount of \$48,300.00, Application and Certificate for Payment No. 4 in the amount of \$43,031.86 submitted by Onyx Blasting & Coating, LLC and approved by Miller & Associates for 1.5 MG & 2 MG Elevated Water Storage Facility Paint Restoration.

RESOLUTION NO. 2022-172

WHEREAS, Onyx Blasting & Coating, LLC of Delray Beach, Florida has performed services in connection with the 1.5 MG & 2 MG Elevated Water Storage Facility Paint Restoration, 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 \$48,300.00 as shown on Exhibit “A” attached hereto and made a part hereof by reference; and

WHEREAS, Onyx Blasting & Coating, LLC and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$43,031.86 as shown on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 386,420.00
Change Order No. 1 (8/23/2022)	<u>+ \$48,300.00</u>
Contract Sum To Date	434,720.00
Gross Amount Due	317,986.57
Retainage (10%)	<u>- 31,798.66</u>
Amount Due to Date	286,187.91
Less Previous Certificates for Payment	<u>243,156.05</u>
Current Payment Due	\$ 43,031.86

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

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

17. Adopt Resolution No. 2022-173 approving Application and Certificate for Payment No. 2 in the amount of \$167,225.01 submitted by Wilke Contracting Corp. and approved by Oak Creek Engineering for the 2020 Part 3 Improvements; 2nd Avenue Overpass Extension Joint Repair.

RESOLUTION NO. 2022-173

WHEREAS, Wilke Contracting Corp. of Kearney, Nebraska has performed services in connection with the 2020 Part 3 Improvements; 2nd Avenue Overpass Extension Joint Repair, and the City's engineer, Oak Creek Engineering, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$167,225.01 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 915,169.05
Contract Sum To Date	915,169.05
Gross Amount Due	404,079.09
Retainage (10%)	- 40,407.91
Amount Due to Date	363,671.18
Less Previous Certificates for Payment	- 196,446.17
Current Payment Due	\$ 167,225.01

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

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8594 REPEALING ORDINANCE NO. 8577 AND AMEND THE SALARY ORDINANCE

Mayor Clouse introduced Ordinance No. 8594 repealing Ordinance No. 8577 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 Nikkila seconded the motion to suspend the rules for Ordinance No. 8594. 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. Nay: None. Lear 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. 8594 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. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance No. 8594 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8594 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 LEADERSHIP FROM VIAERO CENTER/TRI CITY STORM HOCKEY

Mayor Clouse opened Regular Agenda Item 1 for Council to receive an introduction and presentation on Tri City Storm Hockey and the Viaero Center by Mark Jalcovik, President of Business Operations for Tri City Storm Hockey and the Viaero Center; Dave Vennetti, Majority Owner of Tri City Storm Hockey and the Viaero Center; and Anthony Noreen, President of Hockey Operations & Head Coach for Tri City Storm Hockey. This item was for informational purposes only.

Dave Vennetti, Mark Jalcovik and Mike Lucas presented this item to Council. Several items were discussed pertaining to the Viaero Center including: the need for facility enhancements such as mechanical and cooling upgrades to the ice plant and use of the facility year-round for entertainment, sports tourism and community involvement. A second sheet of ice was discussed affording the organization opportunities to host tournaments and increase youth hockey programs. Additionally, Mr. Vennetti introduced Annie Camins, whose background includes Senior Executive Director of Youth Programs and Senior Director of Fan Development for the Chicago Blackhawks, who will assist with continuing to grow youth programs in Kearney; a full-time talent Booker to attract new events and activities to the facility has also been added to Viaero staff. Mr. Vennetti stated due to the growth of the hospitality industry, ease of air travel and centralized location, Kearney is an attractive destination for sports and entertainment tourism.

Mr. Jalcovik described the 20-year history of the facility and also highlighted the Tri-City Storm’s success, some of which include: placing first in their league three (3) years in a row and having 20 NHL draft picks over the past four (4) years. There has also been a significant increase in attendance at games since new ownership took over.

Council Member Nikkila questioned the number of local youths that currently participate in youth hockey organizations or associations? Mr. Vennetti and Mr. Jalcovik stated there are approximately 125-150 youth and further noted Mrs. Camins experience with youth outreach will assist with growth of both girls and boys hockey organizations in the community.

Council expressed their appreciation for the discussion and presentation.

ONE & SIX YEAR STREET IMPROVEMENT PLAN

Mayor Clouse opened for discussion the review of the One & Six Year Street Improvement Plan and set the public hearing date for September 13, 2022 to adopt the One and Six Year Street Improvement Plan.

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

SUMMARY OF ONE YEAR PLAN			
2023			
		<i>As of</i>	<i>08/23/22</i>
Project Name	Location	Type	Est. Total Cost
2021 Part 5	Talmadge Street and Yanney Avenue	City	\$ 2,600,000.00
2nd Street	300' west of 11th Avenue to 15th Avenue	City	\$ 950,000.00
15th Avenue	Talmadge Street to 2nd Street	City	\$ 350,000.00
56th St Improvements	56th Street & Avenue N Turning Lanes	City	\$ 1,100,000.00
28th St Improvements	28th Street, from Avenue I to Avenue L, 800'	City	\$ 797,000.00
Fountain Hills	54th Street, 11th Avenue to 17th Avenue	Developer	\$ 861,000.00
Fountain Hills	15th Avenue, 575' south of 56th Street to 54th Street	Developer	\$ 265,000.00
2nd Street	11th Avenue to 300' west of 11th Avenue	Developer	\$ 270,000.00
11th Avenue	Talmadge Street to 1st Street	Developer	\$ 680,000.00
		TOTAL	\$ 7,873,000.00

SUMMARY OF SIX YEAR PLAN			
2023-2029			
		<i>As of</i>	<i>08/23/22</i>
Project Name	Location	Type	Est. Total Cost
18th St Imp	18th Street from Central Avenue to 1st Avenue - Storm	City	\$ 1,164,000.00
1st Ave Imp	1st Avenue from 18th Street to South Railroad Street - Storm	City	\$ 2,300,000.00
30th Ave Imp	30th Avenue Bridge Expansion	City	\$ 2,100,000.00
39th St Imp	39th Street, from 17th Avenue to 22nd Avenue	City	\$ 2,200,000.00
A Ave Imp	Avenue A, from 31st Street to 35th Street, 1280'	City	\$ 1,320,000.00
39th Street Imp	39th Street, from 500' west of R Avenue to X Avenue, 2000'	City	\$ 2,000,000.00
16th St Imp	16th Street, from 5th Avenue to 9th Avenue, 1500'	City	\$ 1,340,000.00
16th St Imp	16th Street, from 1st Avenue to 5th Avenue, 1500'	City	\$ 1,400,000.00
30th St Imp	30th Street, from Avenue E to Avenue I, 1330'	City	\$ 1,380,000.00
		TOTAL	\$15,204,000.00

Mayor Clouse questioned if Talmadge Street and Yanney Avenue would be finished this year? Mr. Harter stated, due to the addition of roundabouts the project is expected to be completed next year.

Mr. Harter stated the 56th Street improvements bid package has been re-structured for the purposes of the City to conduct more of the electrical components of the project; it will go out for bid again, later this year. Mr. Harter highlighted bigger projects in both Plans, which included: 28th Street from Avenue I to L; Avenue A improvements from 31st Street to 35th Street; 30th Avenue bridge expansion and 16th Street improvements from 5th Avenue to 9th Avenue. The need for expansion of 39th Street, west of R Avenue to X Avenue to four (4) lanes due to the continued development of the area was also noted.

Mayor Clouse asked for updates on several projects including: the brick intersection by the Law Enforcement Center (LEC); 11th Street improvements and the 2nd Avenue Overpass improvements. Mr. Harter stated RFP's will be accepted later this year for the brick intersection by the LEC; 11th Street utility work is expected to be completed soon which will allow Nielsen Contracting to proceed with paving and 2nd Avenue Overpass improvements are within their timeline and are expected to be completed in December.

Council Member Nikkila inquired about the traffic signal at 11th Street and 15th Avenue. Mr. Harter explained initially there were issues with the controller system that have since been resolved.

Council Member Tami Moore suggested the City offer a Public Service Announcement providing citizens with information on roundabouts.

Moved by Moore seconded by Buschkoetter to approve the review of the One & Six Year Street Improvement Plan and set the public hearing date for September 13, 2022 to adopt the One and Six Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$119,224.28 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Clouse abstained. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:24 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

ATTEST:

**LAUREN BRANDT
CITY CLERK**

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