

*Kearney, Nebraska
October 25, 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 October 25, 2022 in the Council Chambers at City Hall. Present were: Peggy Eynetich, Interim City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: Stanley A. Clouse. Michael Morgan, City Manager; Michael Tye, City Attorney; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works; Scott Hayden, Director of Recreational Services; Bryan Waugh, Chief of Police; Mike Young, Captain of Operations; Kevin Thompson, Police Captain and Jason Sharp, representing the Civil Service Commission 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

PRESENTATION OF COLORS BY THE KEARNEY POLICE DEPARTMENT HONOR GUARD AND PLEDGE OF ALLEGIANCE

Members of Kearney Police Department Honor Guard including: Lieutenant Dennis Byrne and Officers Alex Peyton, Brett Schutte and Tracy Suchsland presented and posted the colors. Two Boy Scouts led Council Members and the audience in the Pledge of Allegiance.

ANNOUNCEMENT

Vice-President Buschkoetter 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 OFFICER JOSHUA STOKEY

Chief Waugh introduced Officer Joshua Stokey. Officer Stokey is from Lincoln, Nebraska and graduated from Southeast Community College. He previously served on the Lincoln Police Department for three years.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

REZONING OF PROPERTY LOCATED AT 4140 30TH AVENUE

Moved by Nikkila seconded by Moore to remove Public Hearings 1 and 2 from the table. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

Public Hearings 1 and 2 were discussed together but voted on separately.

Vice-President Buschkoetter opened the public hearing on the application submitted by Buffalo Surveying Corp. for Jared and Mona Axmann, husband and wife, to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of the Southeast Quarter of Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4140 30th Avenue) and to consider Ordinance No. 8597.

Mitch Humphrey with Buffalo Surveying Corporation presented this matter to the Council. Mr. Humphrey stated the property is located west of Lighthouse Point and contains approximately 68 acres. The Axmann's are requesting the property be rezoned into two Rural Residential lots. Proposed Lot 1 will include an existing house with access provided by an ingress/egress easement; the Axmann's plan to build a home on Lot two with access directly off of 30th avenue. Each lot will have their own septic and potable well systems.

Vice-President Buschkoetter questioned if each lot could be accessed off of 30th Avenue? Mr. Humphrey that access to both lots would be off of 30th Avenue.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the Application submitted by Buffalo Surveying Corp. for Jared and Mona Axmann and introduced Ordinance No. 8597 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. 8597. 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: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse 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. 8597 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Nikkila, Moore, Buschkoetter,

Lear. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8597 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8597 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.

DEVELOPMENT OF FREEDOM HILLS ESTATES LOCATED AT 4140 30TH AVENUE

Moved by Nikkila seconded by Moore to remove Public Hearings 1 and 2 from the table. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

Public Hearings 1 and 2 were discussed together but voted on separately.

Vice-President Buschkoetter opened the public hearing on the application submitted by Buffalo Surveying Corp. for Jared and Mona Axmann, husband and wife, for the Final Plat and Subdivision Agreement for Freedom Hill Estates, a subdivision being part of the Southeast Quarter of Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the South Half of the Southeast Quarter of Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4140 30th Avenue).

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Nikkila to close the hearing and adopt Resolution No. 2022-176 approving the application submitted by Buffalo Surveying Corp. for Jared and Mona Axmann, husband and wife, for the Final Plat and Subdivision Agreement for Freedom Hill Estates, a subdivision being part of the Southeast Quarter of Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the South Half of the Southeast Quarter of Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4140 30th Avenue). Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2022-176

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Freedom Hill Estates, a subdivision being part of the Southeast Quarter, of Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for a tract of land being part of the Southeast Quarter of Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast Corner of Section 28 and assuming the East line of the Southeast Quarter of Section 28 as bearing N 00°35'46" E and all bearings contained herein are relative thereto; thence N 00°35'46" E on the East

line of said Southeast Quarter of Section 28 a distance of 791.90 feet to the ACTUAL PLACE OF BEGINNING, said point being the Southeast Corner of a tract of land described on Limited Liability Company Survivorship Warranty Deed filed as Document No. 2021-00822, recorded on January 29, 2021 in the office of the Register of Deeds of Buffalo County, Nebraska, and such point also being on the North line of Kendall's Subdivision, a part the Southeast Quarter of the Southeast Quarter of Section 28, Township 9 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska, if extended easterly; thence continuing on the East line of said Southeast Quarter of Section 28, N 00°35'46" E a distance of 100.00 feet; thence leaving the East line of said Southeast Quarter of Section 28, N 85°23'25" W a distance of 860.25 feet; thence N 82°41'19" W a distance of 159.00 feet; thence N 00°35'46" E and parallel with the East line of said Southeast Quarter of Section 28, a distance of 392.58 feet; thence N 89°22'30" W a distance of 706.62 feet to a point on the West line of the tract of land described on said Limited Liability Company Survivorship Warranty Deed, such point also being 575.00 feet northerly from the Southwest Corner of the tract of land described on said Limited Liability Company Survivorship Warranty Deed; thence on the West line of the tract of land described on said Limited Liability Company Survivorship Warranty Deed, S 07°28'47" W a distance of 575.00 feet to the Southwest Corner of the tract of land described on said Limited Liability Company Survivorship Warranty Deed; thence on the southerly line of the tract of land described on said Limited Liability Company Survivorship Warranty Deed and on the North line of said Kendall's Subdivision, if extended westerly and then extended easterly, S 89°22'13" E a distance of 1791.70 feet to the place of beginning, containing 12.88 acres, more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

BE IT FURTHER RESOLVED that the Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved and that the Vice-President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

BE IT FURTHER RESOLVED that the Vice-President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 25TH DAY OF OCTOBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

IV. CONSENT AGENDA

Moved by Nikkila seconded by Moore that Subsections 1 through 11 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

1. Approve Minutes of Regular Meeting held October 11, 2022.

2. Approve the following Claims:

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

4imprint \$2,052.34 smcs; 5.11 \$199.02 smcs; 911 Custom \$442.80 smcs; 10 -S Tennis \$180.19 smcs; Abos Abos \$89.00 smcs; Accuquilt \$286.02 smcs; Ace Irrigation \$1,800.00 smcs; Acushnet \$9,280.21 smcs; Adobe \$382.99 smcs; Adorama \$533.94 smcs; Advance Auto \$98.34 smcs; AED Authority \$443.00 smcs; Agri Coop \$3,733.99 smcs; Alamo Rent-A-Car \$83.02 smcs; All City Garage Doors \$375.00 smcs; All Makes Auto \$459.01 smcs; Ally B Design \$1,625.00 smcs; Altec \$706.27 smcs; Amazon \$43,160.97 smcs,co; American \$483.69 smcs; American Button \$91.33 smcs; American Electric \$4,317.00 co; American Planning \$413.00 smcs; Apple Market \$14.98 smcs; Apple.com \$1,030.16 smcs; Appliance Pros \$100.00 smcs; APWA \$1,295.00 smcs; Aramark Uniform \$468.17 smcs; Arbico Organics \$28.90 smcs; Arbor Day Foundation \$70.00 smcs; Arrow Seed \$1,200.00 smcs; Ask Supply \$1,227.89 smcs; Associated Bag Co. \$1,853.96 smcs; Atek Access \$1,707.79 co; ATT \$1,121.12 smcs; Aurora Coop \$846.00 smcs; Aussie Hydraulics \$227.92 smcs; Authorize.net \$10.00 smcs; Avenue F Storage \$104.00 smcs; AVFuel \$176,570.69 smcs; B&H Photo \$10,015.60 smcs,co; Baack, T \$30.00 smcs; Baker & Taylor \$11,934.42 smcs; Barco Municipal \$1,627.20 smcs; Baristas \$300.00 smcs; Barnes & Noble \$96.23 smcs; Barney Insurance \$39,813.59 smcs; Battery Junction \$97.44 smcs; Baxter, M \$84.95 smcs; Beehive Industries \$7,697.00 smcs; Berens-Tate Consulting \$500.00 smcs; Beyond Trust \$5,433.67 smcs; Blackstone Library \$1,073.86 smcs; Blick Art \$259.59 smcs; Bluebird Turf \$195.03 smcs; BlueCross BlueShield \$197,618.93 smcs; Bollard Company \$253.91 smcs; Boogaarts \$4.58 smcs; Book Page \$972.00 smcs; Bosselman \$79,321.26 smcs; Bpad Group \$240.00 smcs; Broadfoot's \$532.14 smcs; Brodart Supplies \$756.86 smcs; BT Nebraska \$31.47 smcs; Buffalo Co. Mutual Aid \$50.00 smcs; Buffalo Co. Sheriff \$207,396.75 smcs; Buffalo Outdoor \$1,421.42 smcs; Buffalo Roofing \$29,041.90 co; Builders \$1,628.32 smcs; Buzz's Marine \$161.97 smcs; Cab Store \$361.97 smcs; Caldwell Tanks \$318,163.50 co; Camera Doctor \$100.00 smcs; Canva \$119.40 smcs; Canvas Champ \$78.55 smcs; Card My Yard \$96.30 smcs; Carhartt \$406.41 smcs; Cash Wa \$4,856.28 smcs; Central District Health \$4,395.50 smcs; Central Hydraulic \$88.00 smcs; Central NE Bobcat \$10,257.46 smcs; Central NE Rehab \$150.00 ps; Central States Wire \$4,502.89 smcs; Charter \$85.16 smcs; Chemsearch \$347.00 smcs; Chesterman \$1,020.40 smcs; Choice Paint \$56.23 smcs; Cintas \$310.94 smcs; City of KY \$10,863.67 ps; City of KY \$17,131.17 smcs,co; Civicplus \$5,061.20 smcs; Clipper Herald \$54.00 smcs; Coldspring \$1,926.15 smcs; Comm. Action Partnership \$1,937.50 smcs; Commonwealth Electric \$540.00 smcs; Consolidated Mgmt. \$365.20 smcs; Construction Rental \$1,863.22 smcs,co; Control Yours \$300.00 smcs; Coolshirt Systems \$27.39 smcs; Copquest \$124.68 smcs; Copycat \$1,076.83 smcs; Core & Main \$23,610.56 smcs; Country Partners \$30,578.83 smcs; Courtreserve \$97.73 smcs; Crane River Theater \$5,000.00 smcs; Crown Awards \$124.65 smcs; Culligan \$2,514.43 smcs; Cummins \$1,119.84 smcs; Curb Services \$62.10 smcs; Curly's Radiator \$341.00 smcs; Dan's Plumbing \$151.49 smcs; Davis Equipment \$137.64 smcs; Dawson Public Power \$43,275.91 smcs; Daylight Donuts \$13.49 smcs; Dell \$17,449.86 smcs,co; Demco

\$105.47 smcs; Depository Trust \$417,536.25 ds; Deterdings \$1,554.93 smcs; Dinges Fire \$1,827.85 smcs; Dish \$600.55 smcs; Divas at KY Floral \$5,300.00 smcs,co; Dmilaco \$146.00 smcs; Doubletree \$609.05 smcs; Dunkin \$35.97 smcs; Duramark \$6.26 smcs; Eagle Distributing \$244.15 smcs; Eakes \$8,716.42 co; Earl May \$719.51 smcs; Echo Electric \$275.16 smcs,co; Ecolab \$112.36 smcs; Ed Broadfoot & Sons \$233.75 smcs; Eigenberg, M \$118.76 smcs; Eileen's \$100.00 smcs; EJ Outdoor \$939.32 smcs; Elder, E \$244.00 smcs; Elf Enterprises \$2,551.60 smcs,co; Elliott Equipment \$1,424.73 smcs; Emaint \$3,246.36 smcs; Emblem Authority \$272.00 smcs; Enterprise \$120.00 smcs; Erin M. McCartney \$227.00 ps; Etsy \$200.54 smcs; Eustis Body Shop \$150.00 smcs; Evawi Int'l \$645.00 smcs; Exxonmobil \$17.52 smcs; Eyemed \$1,683.32 smcs; Facebook \$108.99 smcs; Family Fresh \$220.75 smcs; Family Practice \$277.00 ps; Farmtek \$218.34 co; Fastenal \$320.58 smcs,co; Fiddelke \$1,355.18 smcs; Fire Protection \$518.00 smcs; Flash Bay \$997.50 smcs; Freshgrass \$68.00 smcs; Friesen Chevrolet \$72.53 smcs; Frontier \$7,950.60 smcs; Fry & Associates \$78,825.58 co; Fun Express \$130.25 smcs; Furbys Plumbing \$475.00 smcs; Gale \$960.75 smcs; Galeton \$504.21 smcs; Galls \$1,014.03 smcs,ps; Gammon Technical \$227.63 smcs; Garrett Tires \$7,500.31 smcs; GD Concrete \$13,210.00 co; General Traffic Controls \$550.00 smcs; Gerdes, J \$455.75 smcs; GFOA \$135.00 smcs; Glass Doctor \$150.00 smcs; Gopher Sport \$163.30 smcs; Goto.com \$374.49 co; Graduate \$1,344.84 smcs; Grainger \$1,179.66 smcs,co; Graphic Vision \$3,092.88 smcs; Great Plains Comm. \$671.37 smcs; Grey House Publishing \$446.25 smcs; Growtix.com \$313.17 smcs; Hansen Int'l \$369.44 smcs; Harbor Freight \$262.49 smcs; Hart Golf \$615.00 smcs; HD Supply \$122.32 smcs; Hilton Hotels \$2,153.73 smcs; Hobby Lobby \$1,942.73 smcs; Holiday Inn \$224.52 smcs; Holmes Plumbing \$3,624.19 smcs,co; Home Depot \$3,358.62 smcs; HTS Ag \$1,625.00 smcs; Hub International \$6,598.08 smcs; Hunter Industries \$109.00 smcs; Husker Irrigation \$713.90 smcs; Hyatt Regency \$1,169.15 smcs; Hy-Vee \$256.77 smcs; Institute of Transportation \$121.67 smcs; Integrated Security \$13,078.00 smcs; Interstate All Battery \$246.50 smcs; Int'l Public Mgmt. \$417.00 smcs; Int'l Society Arboriculture \$119.74 smcs; Invoicehome.com \$5.00 smcs; IRS \$195,785.21 ps; IT Pro TV \$299.00 co; Jack Lederman \$1,044.79 smcs; Jacks Small Engine \$233.19 smcs; Jack's Uniforms \$161.26 smcs; Jackson Services \$338.52 smcs; Johnstone Supply \$163.72 smcs; Jones Polygraph Service \$350.00 smcs; Juice Stop \$300.00 smcs; Just Award Medals \$457.50 smcs; KY Ace \$1,365.32 smcs; KY Concrete \$22,435.45 co; KY Crete & Block \$2,546.88 smcs,co; KY Power Sports \$195.28 smcs; KY Towing \$901.00 smcs; KY Winlectric \$9,362.87 smcs,co; KY Winnelson \$3,560.36 smcs,co; Kelly Supply \$1,349.33 smcs; Keyper Systems \$8,592.99 co; Kirkham Michael \$16,500.00 co; Kitt's Kitchen \$200.00 smcs; Kleidosty, N \$31.00 smcs; Klingelhoefer, C \$42.78 smcs; Knox Company \$524.32 co; Konica Minolta \$78.88 smcs; Landmark Implement \$1,983.94 smcs; Leach, C \$145.13 smcs; League NE Municipalities \$51,245.00 smcs; Lee NE Media \$2,179.98 smcs; Lewis, M \$381.69 smcs; Lifeguard Store \$75.30 smcs; Lincoln Nat'l Life \$2,543.36 smcs; Longleaf Services \$43.77 smcs; Lulzbot \$182.11 smcs; Macqueen Equipment \$5,430.24 smcs; Magic Cleaning \$400.00 smcs; Magpul Industries \$604.42 smcs; Masters True Value \$1,127.39 smcs; Matheson \$363.10 smcs; Menards \$9,390.93 smcs,co; Mid-American Signal \$1,680.48 smcs; Midland Scientific \$185.71 smcs; Mid-State Engineering \$1,782.00 co; Midwest Breathing \$89.08 smcs; Midwest Connect \$171.10 smcs; Midwest Turf \$747.84 smcs; Mike Holt Ent. \$178.00 smcs; Milco Environmental \$1,641.05 smcs; Miller & Associates \$23,027.25 co; Mirror Image \$317.76 smcs; Mission Square \$19,148.01 ps; Mitchell 1 \$1,762.56 smcs; Mity Lite \$962.39 co; Moonlight Embroidery \$2,548.41 smcs; Municipal Emergency \$770.00 smcs; Municipal

Supply \$36,549.76 smcs; Nations Photo Lab \$42.64 ps; Nat'l Society of Engineers \$1,930.00 smcs; NDA Device \$159.63 smcs; NE Child Support \$1,986.51 ps; NE Dept. Environment \$20,840.91 smcs; NE Dept. Revenue \$49,519.18 smcs; NE IAEI \$240.00 smcs; NE Library Assn. \$70.00 smcs; NE Library Commission \$3,386.70 smcs; NE Machinery \$565.04 smcs; NE Municipalities \$176.00 smcs; NE Planzone \$570.00 smcs; NE Public Health \$30.00 smcs; NE Society CPAs \$420.00 smcs; NE Truck Center \$5,433.27 smcs; Network Solutions \$25.96 smcs; Northern Safety \$284.16 smcs; Northern Tool \$875.09 smcs; Northern Wind & Sun \$143.52 smcs; Northwestern Energy \$154.92 smcs; NRG Media \$433.00 smcs; Nutrishop \$296.50 ps; OCLC \$816.57 smcs; Odeys \$2,220.00 smcs; Officemax \$2,750.96 smcs,co; Old Navy \$48.15 smcs; Olsson \$16,487.25 co; Omaha Airport \$36.00 smcs; Open VPN \$1,200.00 co; O'Reilly Auto \$3,845.19 smcs; Orkin \$53.81 smcs; Orscheln \$795.92 smcs; OTC Brands \$219.60 smcs; Outdoor Recreation \$10,785.50 co; Papermart \$124.71 smcs; Payflex \$512.00 smcs; Penworthy \$283.38 smcs; Pep Co. \$87.34 smcs; Phillips 66 \$51.53 smcs; Phoscrete Corp. \$1,371.00 co; Ping \$1,707.33 smcs; Pioneer Athletics \$1,818.08 smcs; Pioneer Woman \$24.00 smcs; Pitney Bowes \$517.50 smcs; Pizza Hut \$56.69 smcs; Platinum Awards \$148.90 smcs,co; Platt Electric \$165.91 smcs; Platte Valley Auto Mart \$1,435.85 smcs; Platte Valley Comm. \$1,592.42 smcs; Police Officers' Assn. NE \$1,365.00 smcs; Polycase \$238.18 smcs; Positive Promotions \$1,256.33 smcs; Postermymwall \$29.95 smcs; Potter, B \$150.00 smcs; Precision Foundation \$60,571.12 co; Presto-X \$388.12 smcs; Pro-Tint \$883.00 co; Pump & Pantry \$20.97 smcs; QT 588 \$21.24 smcs; Quill \$3,074.13 smcs; Rasmussen Mechanical \$6,604.00 smcs; Ready Mixed Concrete \$12,068.50 co; Reams \$13,760.07 smcs,co; Red Equipment \$406.99 smcs; Redbox \$11.44 smcs; Redman's Shoes \$445.98 smcs; Reinke's \$5,956.46 smcs,co; Rentokil \$67.80 smcs; RMV Construction \$205,347.60 co; RockIt \$816.56 smcs; Roesler, Alan \$150.00 smcs; Rustic Patch \$150.00 smcs; RV Cams \$378.24 smcs; S&J Construction \$23,748.50 co; Safety Products \$268.89 smcs; Sahling Kenworth \$759.93 smcs; Sandry Fire \$872.65 smcs; Sanitation Products \$1,490.99 smcs; Sapp Brothers \$6,299.83 smcs; Sawin, M \$150.00 smcs; Saylor Screenprinting \$1,535.26 smcs,ps; Scheels \$155.06 smcs; Scholastic Education \$1,166.55 smcs; Schriener, S \$150.00 smcs; Schumacher Fencing \$777.85 smcs; Scooter's \$38.99 smcs; Sensus \$49.00 smcs; Sequel Bookshop \$400.00 smcs; SFM Elevator \$120.00 smcs; Sherwin Williams \$321.92 smcs; Ship Supplies \$3,769.79 smcs; Shredding Solutions \$50.03 smcs; Sign Center \$227.74 smcs; Siteone Landscape \$894.35 smcs; Smartsign \$112.88 smcs,co; Snap-On Tools \$175.00 smcs; Southwest Solutions \$149.01 smcs; Spartan \$254.55 smcs; Spectrum \$870.57 smcs; Stafford/Quantico \$219.50 smcs; Stagecoach \$251.39 smcs; Starbucks \$24.69 smcs; Steinbrink Landscaping \$3,304.52 smcs; Stocker Mule \$785.00 smcs; Stutsman \$1,647.00 smcs; Sunbelt Rentals \$772.04 smcs; Superior Signals \$355.50 smcs; Sutton, S \$45.00 smcs; Swanson-Murray Law \$5,000.00 co; Target \$1,292.04 smcs; Teknephos \$24,331.00 co; Thermprint \$310.35 smcs; Todd Valley Farms \$1,162.00 smcs; Tour Edge Golf \$743.00 smcs; Tractor-Supply \$1,044.56 smcs; Traffix Devices \$1,665.00 smcs; Transunion \$119.60 smcs; Tri State Oil \$12.50 smcs; Turner Body \$246.97 smcs; Twin City Hardware \$388.67 smcs; Ubiquiti \$253.77 co; Union Bank & Trust \$101,410.48 smcs,ps; Unique \$151.45 smcs; United \$35.00 smcs; UnitedStatesFlag.com \$148.84 smcs; UNK Emarket \$360.00 smcs; UPS Store \$67.69 smcs,co; USP Web \$876.54 smcs; USPS \$671.87 smcs; Village Services \$233.66 smcs; Virtra \$12,771.61 smcs; Vision GRA \$675.00 smcs; VVS \$202.23 smcs; Walgreens \$55.24 smcs; Wal-mart \$3,846.24 smcs; Warren-T Plumbing \$260.00 smcs; Waterlink \$709.41 smcs; Wells Fargo \$1,500.00 smcs; Wilke Contracting \$117,208.17

co; Wilkins Hinrichs Stober \$5,107.40 co; Window World \$965.00 smcs; World Books \$747.00 smcs; WPCI \$694.00 ps; Young, M \$81.00 smcs; Youtube TV \$263.69 smcs; Zoro Tools \$194.23 smcs; Payroll Ending 10/08/2022 -- \$600,042.63. 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 November 8, 2022 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Approve the purchase of a Caterpillar 950M Series Wheel Loader in the amount of \$327,200.00 submitted by Caterpillar, Inc. through Nebraska Machinery under the Sourcewell Cooperative Purchasing Contract program to be used at the Kearney Area Solid Waste Agency Landfill by the Utilities Department.

5. Accept the proposals received for the Fixed Base Operator (FBO) Facility Window Replacement and award the proposal submitted by SKYCO Glass in the amount of \$78,241.78.

6. Adopt Resolution No. 2022-233 approving the Real Estate Purchase Agreement between Burmood Investments, LLC, a Nebraska Limited Liability Company and the City of Kearney for the purchase of property described as Lot 5 and Lot 10, Block 1, Patriot Industrial Park, an Addition to the City of Kearney, Buffalo County, Nebraska together with the vacated 30-foot alley abutting said lots.

RESOLUTION NO. 2022-233

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the Real Estate Purchase Agreement between Burmood Investments, LLC, a Nebraska Limited Liability Company and the City of Kearney, Nebraska, a Municipal Corporation, for the purchase of real property which is legally described as: Lot 5 and Lot 10, Block 1, Patriot Industrial Park, an Addition to the City of Kearney, Buffalo County, Nebraska together with the vacated 30-foot alley abutting said lots, 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 Vice-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 25TH DAY OF OCTOBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

7. Adopt Resolution No. 2022-234 approving Application and Certificate for Payment No. 2 in the amount of \$1,224,556.28 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

RESOLUTION NO. 2022-234

WHEREAS, John T. Jones Construction Co. has performed services in connection with WWTP Phase II Improvements; Water Resource Recovery Facility, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$1,224,556.28 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 35,218,367.00</u>
Contract Sum To Date	35,218,367.00
Gross Amount Due	1,630,618.09
Retainage (10%)	<u>- 163,061.81</u>
Amount Due to Date	1,467,556.28
Less Previous Certificates for Payment	<u>243,000.00</u>
Current Payment Due	<u>\$ 1,224,556.28</u>

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

PASSED AND APPROVED THIS 25TH DAY OF OCTOBER, 2022.

ATTEST:
 PEGGY EYNETICH
 INTERIM CITY CLERK

RANDY BUSCHKOETTER
 VICE-PRESIDENT OF THE COUNCIL

8. Adopt Resolution No. 2022-235 approving Application and Certificate for Payment No. 6 in the amount of \$70,287.30 submitted by Blessing, LLC and approved by Miller & Associates for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid B, Paving and Storm Sewer).

RESOLUTION NO. 2022-235

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with 2021 Part 5 Improvements; Extension of Talmadge Street (Bid B includes Paving and Storm Sewer), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 6 in the amount of \$70,287.30 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 1,616,081.00</u>
Change Order No. 1 (4/12/22)	<u>+ \$3,114.82</u>
Contract Sum To Date	1,619,195.82
Gross Amount Due	330,676.50
Retainage (10%)	<u>- 33,067.65</u>
Amount Due to Date	297,608.85
Less Previous Certificates for Payment	<u>227,321.55</u>
Current Payment Due	<u>\$ 70,287.30</u>

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

PASSED AND APPROVED THIS 25TH DAY OF OCTOBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

9. Adopt Resolution No. 2022-236 approving Changer Order No. 1 showing an increase in the amount of \$28,486.00 and increasing the contract time, resulting in a new substantial completion date of December 6, 2022 and Application and Certificate for Payment No. 4 in the amount of \$402,327.86 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. 2022-236

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 Change Order No. 1 showing an increase to the contract sum in the amount of \$28,486.00 and increasing the contract time, resulting in a new substantial completion date of December 6, 2022 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Nielsen Contracting, LLC of Kearney, Nebraska and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$402,327.86 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 1,920,274.00</u>
Change Order No. 1 (10-25-2022)	<u>+ 28,486.00</u>
Contract Sum To Date	1,948,760.00
Gross Amount Due	1,095,238.60
Retainage (10%)	<u>- 109,523.86</u>
Amount Due to Date	985,714.74
Less Previous Certificates for Payment	<u>- 583,386.88</u>
Current Payment Due	\$ 402,327.86

NOW, THEREFORE, BE IT RESOLVED by the Vice-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 the Application and Certificate for Payment No. 4, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF OCTOBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

10. Adopt Resolution 2022-237 approving the Use and Operations Agreement between the City of Kearney and Key Lime Air Corporation dba Denver Air Connection, a Colorado Corporation providing scheduled air service.

RESOLUTION NO. 2022-237

BE IT RESOLVED by the Vice-President and Council of the City of Kearney, that the Vice-President be and is hereby authorized and directed to execute the Use and Operations Agreement on behalf of the City of Kearney, Nebraska, with Key Lime Air Corporation dba Denver Air Connection, a Colorado Corporation for a portion of the terminal building as set forth in the Agreement, located at the Kearney Regional Airport providing scheduled air service. A copy of the Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 25TH DAY OF OCTOBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

11. Accept the bids received for the purchase of a two (2) Side Load Refuse Compactor Trucks to be used in the Sanitation Division of the Utilities Department and award the bid to Elliott Sanitation Equipment Co. in the amount of \$726,514.56.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

STAFF UPDATE ON MEADOWLARK HILLS GOLF COURSE

Scott Hayden, Director of Recreational Services introduced Dave James, Golf Course Manager and Kevin Mansfield, Golf Course Assistant Superintendent who provided an update on Meadowlark Hills Golf Course.

Mr. James stated all 2022 Golf leagues were full with League Member round totals surpassing 3,400 rounds of golf. Mr. James further noted from April to the end of September revenue totaled \$84,869.51 excluding food and beverage revenues.

The Golf Course also participates in the PGA HOPE military program. The seven-week program introduces Veterans with disabilities to the game of golf which helps enhance physical, mental and emotional well-being. Additional programs at Meadowlark Hills includes: Kearney Champs, an advanced junior golf program that assists young golfers in preparation for Junior Varsity and Varsity golf and Kearney Park and Recreation (KPR) Junior Golf Lessons that provides young golfers with basic fundamentals, various on-course definitions and the rules of golf.

Mr. Mansfield stated the lack of moisture the past winter led to grass winter kill; therefore, staff worked to repair and regrow damaged areas. In addition, several projects were completed to increase course playability including the relocation of six tee boxes, bunker

renovations and a practice chipping green located by the club house.

Council members thanked Mr. James and Mr. Mansfield for their presentation and work at Meadowlark Hills Golf Course.

OPEN ACCOUNT CLAIM

Moved by Moore seconded by Lear that the Open Account Claim in the amount of \$176,740.11 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Lear, Buschkoetter. Nay: None. Clouse absent. Motion carried.

VII. REPORTS

City Manager, Michael Morgan provided updates on the air service transition at the Kearney Regional Airport and stated a ribbon cutting was held for the Chihuly Sculpture placed at Yanney Heritage Park.

Mr. Morgan introduced Mike Lambert, Senior Lighting Designer for Teknephos who created the lighting designs for the City's water towers and the tower at Yanney Heritage Park. Mr. Lambert stated he has designed lighting systems for major attractions, amusement parks and major league sports stadiums and noted the Kearney lighting projects are one of the highlights of his career.

Vice-President Buschkoetter requested an updated time line for the construction projects on 11th Avenue and 2nd Avenue Overpass. Andy Harter, Director of Public Works stated the 11th Avenue improvements are projected to be completed by the end of November and the 2nd Avenue Overpass improvements are likely to be completed before Thanksgiving.

Council Member Tami Moore noted how fortunate the City is, for having such a gorgeous and amazing park, noting the growth of Yanney Heritage Park.

VIII. ADJOURN

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

ATTEST:

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

PEGGY EYNETICH
INTERIM CITY CLERK