

*Kearney, Nebraska
November 8, 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 November 8, 2022 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Peggy Eynetich, Interim City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works; Bryan Waugh, Chief of Police; and Melissa Dougherty-O'Hara, City Planner were also present.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

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

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

DEVELOPMENT OF PRAIRIE MEADOWS SECOND ADDITION

Mayor Clouse opened the public hearing on the applications submitted by Miller & Associates for DT Development, Inc., a Nebraska Corporation, to 1) vacate a tract of land being Lot 2, Block 2, and the dedicated temporary cul-de-sac all in Prairie Meadows Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated) and consider Ordinance No. 8604; 2) vacate the East 65.00 feet of Lot 2, Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and being a part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8605 and 3) the Final Plat and Subdivision Agreement for Prairie Meadows Second Addition, an Addition to the City of Kearney, Buffalo County, Nebraska (between 56th Street and 57th Street, East of 10th Avenue) and consider Resolution No. 2022-238.

Craig Bennett, Miller and Associates, presented this matter to the Council. Mr. Bennett stated this development contains 11.68 acres. Current zoning, District C-2, Community Commercial will remain the same as well as all current easements. Mr. Bennett noted the proposed vacations will remove the existing temporary cul-de-sac and allow for the extension of infrastructure for future development.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the applications submitted by Miller & Associates for DT Development, Inc., a Nebraska Corporation and introduced Ordinance No. 8604 vacating a tract of land being Lot 2, Block 2, and the dedicated temporary cul-de-sac all in Prairie Meadows Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated); Ordinance No. 8605 vacating the East 65.00 feet of Lot 2, Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and being a part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska 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 ordinances on their first reading and then upon their final passage. Council Member Moore seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8604 and 8605. President of the Council asked for discussion or if anyone in the audience was interested in the ordinances. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 8604 and 8605 by number. Roll call of those in favor of the passage of said ordinances on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinances were read by number.

Moved by Moore seconded by Lear that Ordinance Nos. 8604 and 8605 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse,

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

By reason of the roll call voted on the first reading and final passage of the ordinances, Ordinance No. 8604 and 8605 are 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.

Moved by Lear seconded by Buschkoetter to adopt Resolution No. 2022-238 approving the Final Plat and Subdivision Agreement for Prairie Meadows Second Addition, an Addition to the City of Kearney, Buffalo County, Nebraska (between 56th Street and 57th Street, East of 10th Avenue). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2022-238

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Prairie Meadows Second Addition, an Addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being Lot 2, Block 2, Prairie Meadows Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated) and the East 65.00 feet of Lot 2, Spruce Hollow Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated) and being a part of the Southeast Quarter of the Southwest Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to a chiseled "+" at Southeast corner of the Southwest Quarter of Section 23 and assuming the South line of said Southwest Quarter as bearing N 89°38'16" W and all bearings contained herein are relative thereto; thence N 00°17'50" E on the East line of said Southwest Quarter a distance of 50.00 feet to a 5/8" rebar on the North right-of-way line of 56th Street and the POINT OF BEGINNING; thence N 89°38'15" W on said North right-of-way line a distance of 764.52 feet to a 5/8" rebar with cap; thence N 00°25'38" E a distance of 276.19 feet to a 5/8" rebar with cap on the South line of 57th Street as dedicated in Prairie Meadows Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°34'22" E on said South line of 57th Street a distance of 65.00 feet to a 5/8" rebar with cap on the East line of said 57th Street; thence N 00°25'38" E on the East line of said 57th Street and on the East line of Lot 1, Block 2 of said Prairie Meadows Addition, a distance of 458.82 feet to a 5/8" rebar with cap at the Northeast corner of said Lot 1 and on the South line of Lot 3 of said Block 2; thence S 67°35'22" E on said South line of Lot 3 a distance of 97.14 feet to a 5/8" rebar with cap; thence S 89°46'00" E continuing on said South line a distance of 607.86 feet to a 5/8" rebar w/cap on said East line of the Southwest Quarter; thence S 00°17'50" W on said East line a distance of 699.85 feet to the Point of Beginning. Containing 11.66 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 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 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 8TH DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

VACATE AND REZONE PROPERTY LOCATED AT THE WEST END TURKEY CREEK LANE, NORTH OF TALMADGE STREET

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

Mayor Clouse opened the public hearing on the applications submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Limited Liability Company to 1) vacate Lots 8, 9, and 10, Block 1 and Lots 5, 6, and 7, Block 2, and all dedicated easements, all located in Turkey Creek Second Subdivision, part of Government Lot 6, 7, 9, and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8606; to 2) vacate Turkey Creek Lane as it abuts Lots 8, 9, and 10, Block 1 on the West and as it abuts part of Lots 5, and 6, Block 2 on the East located in Turkey Creek Second Subdivision, part of Government Lot 6, 7, 9, and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8607 and to 3) rezone from District RR-1/PD, Rural Residential District (Rural Standards)/Planned Development Overlay District to District RR-2, Rural Residential District (Intermediate Standards) for property described as part of Lots 8, 9, and 10, Block 1 and Lots 5, 6, 7, Block 2 and part of Turkey Creek Lane, Turkey Creek Second Subdivision (to be vacated), being part of Government Lot 6, 7, 9, and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West end Turkey Creek Lane, North of Talmadge Street) and consider Ordinance No. 8608.

Craig Bennett, Miller and Associates, presented this matter to the Council. Mr. Bennett stated approximately 10.6 acres are requested to be vacated with 6.95 acres being replatted to the proposed Turkey Creek Fourth Subdivision. This proposed plat will contain larger lots and will include access to well and septic.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the applications submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Limited Liability Company and introduced Ordinance No. 8606 vacating Lots 8, 9, and 10, Block 1 and Lots 5, 6, and 7, Block 2, and all dedicated easements, all located in Turkey Creek Second Subdivision, part of Government Lot 6, 7, 9, and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; Ordinance No. 8607 vacating Turkey Creek Lane as it abuts Lots 8, 9, and 10, Block 1 on the West and as it abuts part of Lots 5, and 6, Block 2 on the East located in Turkey

Creek Second Subdivision, part of Government Lot 6, 7, 9, and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; Ordinance No. 8608 rezoning from District RR-1/PD, Rural Residential District (Rural Standards)/ Planned Development Overlay District to District RR-2, Rural Residential District (Intermediate Standards) for property described as part of Lots 8, 9, and 10, Block 1 and Lots 5, 6, 7, Block 2 and part of Turkey Creek Lane, Turkey Creek Second Subdivision (to be vacated), being part of Government Lot 6, 7, 9, and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West end Turkey Creek Lane, North of Talmadge Street) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinances on their first reading and then upon their final passage. Council Member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8606, 8607 and 8608. President of the Council asked for discussion or if anyone in the audience was interested in the ordinances. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 8606, 8607 and 8608 by number. Roll call of those in favor of the passage of said ordinances on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried. Ordinances were read by number.

Moved by Clouse seconded by Nikkila that Ordinance Nos. 8606, 8607 and 8608 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinances, Ordinance Nos. 8606, 8607 and 8608 are 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.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR TURKEY CREEK FOURTH SUBDIVISION

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Limited Liability Company for the Final Plat and Subdivision Agreement for Turkey Creek Fourth Subdivision, a Subdivision being part of Government Lot 6, 7, and 9 and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M. Buffalo County, Nebraska (West end Turkey Creek Lane, North of Talmadge Street) and consider Resolution No. 2022-239.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No.

2022-239 approving the application submitted by Miller & Associates for Turkey Creek Properties, LLC, a Nebraska Limited Liability Company for the Final Plat and Subdivision Agreement for Turkey Creek Fourth Subdivision, a Subdivision being part of Government Lot 6, 7, and 9 and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M. Buffalo County, Nebraska (West end Turkey Creek Lane, North of Talmadge Street). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2022-239

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Turkey Creek Fourth Subdivision, a subdivision being part of Government Lot 6, 7, and 9 and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West, of the 6th P.M., Buffalo County, Nebraska for part of Lots 8, 9, 10, Block 1 and Lots 5, 6, 7, Block 2 and part of Turkey Creek Lane, Turkey Creek Second Subdivision (to be vacated), being part of Government Lot 6, 7, 9, and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and part of Government Lot 6, 7, 9, and accretions abutting said Lots, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Referring to the Southeast Corner of said Government Lot 6 and assuming the East line of said Government Lot 6 as bearing N 00°59'07" E and all bearings contained herein are relative thereto; thence N 00°59'07" E on said East line a distance of 1447.10 feet; thence N 89°00'53" W a distance of 1320.69 feet to a 5/8" rebar w/cap at the Southwest corner of Lot 8, Block 2, Turkey Creek Second Subdivision and on the North line of Outlot 'B', Turkey Creek Third Subdivision, a subdivision being part of Government Lots 6, 7, 9, and accretions thereto, Section 10, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and the POINT OF BEGINNING; thence S 84°00'40" W on the North line of said Outlot 'B' a distance of 128.09 feet to a 5/8" rebar w/cap; thence Northwesterly continuing on said North line and on a tangent curve to the Right having a central angle of 19°43'26", a radius of 150.00 feet, an arc length of 51.64 feet, and a chord bearing of N 86°07'37" W a distance of 51.38 feet to a 5/8" rebar w/cap; thence N 76°15'54" W continuing on said North line a distance of 378.13 feet to a 5/8" rebar w/cap; thence Northwesterly continuing on said North line on a tangent curve to the Right having a central angle of 30°02'58", a radius of 220.00 feet, an arc length of 115.38 feet, and a chord bearing of N 61°14'25" W a distance of 114.06 feet to a 5/8" rebar w/cap at the Northwest corner of said Outlot 'B'; thence S 43°47'09" W a distance of 60.00 feet to a 5/8" rebar w/cap; thence Northwesterly on a non-tangent curve to the Left having a central angle of 34°31'14", a radius of 170.00 feet, an arc length of 102.41 feet, and a chord bearing of N 63°28'28" W a distance of 100.87 feet to a 5/8" rebar w/cap; thence Northerly on a tangent curve to the Right having a central angle of 147°26'50", a radius of 230.00 feet, an arc length of 591.89 feet, and a chord bearing of N 07°00'37" W a distance of 441.56 feet to a 5/8" rebar w/cap; thence Northeasterly on a tangent curve to the Left having a central angle of 39°18'18", a radius of 170.00 feet, an arc length of 116.62 feet, and a chord bearing of N 47°03'39" E a distance of 114.35 feet to a 5/8" rebar w/cap at the Southeast corner of Lot 7, Block 1 in said Turkey Creek Second Subdivision; thence S 62°35'30" E a distance of 60.00 feet to a 5/8" rebar w/cap on the South line of Turkey Creek Lane in said Turkey Creek Second Subdivision; thence Northeasterly on a non-tangent curve to the Right having a central angle of 42°08'58", a radius of 170.00 feet, an arc length of 125.06 feet, and a chord

bearing of N 48°28'59" E a distance of 122.26 feet to a 5/8" rebar w/cap; thence N 69°33'28" E a distance of 108.80 feet to a 5/8" rebar w/cap; thence Northeasterly on a tangent curve to the Right having a central angle of 09°39'37", a radius of 470.00 feet, an arc length of 79.24 feet, and a chord bearing of N 74°23'17" E a distance of 79.15 feet to a 5/8" rebar w/cap at the Northwest corner of Lot 4, Block 2 in said Turkey Creek Second Subdivision; thence S 10°46'55" E on the West line of said Lot 4 a distance of 154.63 feet to the Southwest corner of said Lot 4 and the Westerly line of Outlot 'B' of said Block 2, Turkey Creek Second Subdivision; thence N 74°29'29" W a distance of 15.31 feet and all courses following are on said Westerly line of Outlot 'B' until otherwise described; thence S 83°17'48" W a distance of 59.95 feet; thence S 66°39'14" W a distance of 41.28 feet; thence S 55°02'04" W a distance of 45.55 feet; thence S 39°10'51" W a distance of 23.26 feet; thence S 17°08'05" W a distance of 32.71 feet; thence S 00°13'32" W a distance of 54.83 feet; thence S 07°18'35" E a distance of 77.67 feet; thence S 06°02'39" W a distance of 71.73 feet; thence S 19°46'00" W a distance of 18.13 feet; thence S 13°59'25" E a distance of 39.09 feet; thence S 43°57'40" E a distance of 38.91 feet; thence S 58°51'01" E a distance of 81.03 feet; thence N 87°33'17" E a distance of 80.51 feet; thence S 86°51'27" E a distance of 220.09 feet; thence N 85°23'07" E a distance of 97.09 feet; thence N 68°25'15" E a distance of 31.38 feet; thence N 37°00'48" E a distance of 30.32 feet to the Northwest corner of said Lot 8; thence S 05°59'20" E leaving said Westerly line of Outlot 'B' and on the West line of said Lot 8 a distance of 226.89 feet to the Point of Beginning. Containing 6.95 acres, more or less all located 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 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 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 8TH DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated due to a potential conflict of interest he will abstain from voting on the Consent Agenda Items.

Mayor Clouse additionally stated the Nebraska Department of Transportation requested removing Item 3, pertaining to the annual appointment of City employee Brando Shafto, served as the City Street Superintendent to Regular Agenda.

Moved by Buschkoetter seconded by Lear that Subsections 1 and 2 and 4 through 22 of

Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse Abstain. Motion carried.

1. Approve Minutes of Regular Meeting held October 25, 2022.
2. Approve the following Claims:

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

Alfred Benesch \$19,876.86 co; All Copy Products \$494.06 smcs; Alstrom, J \$122.00 smcs; Amax Contracting \$14.40 co; American Fence \$213.75 smcs; American Water Works \$2,117.00 smcs; Andersen, J \$94.74 smcs; Artisans Photography \$80.00 smcs; Ask Supply \$1,880.12 smcs; Aurora Coop \$360.00 smcs; Auto Value \$2,600.34 smcs; AVFuel \$117,406.14 smcs,er; Baker & Taylor \$5,735.77 smcs; Bamford \$2,051.00 smcs; Barco Municipal \$1,892.00 smcs; Blessing \$70,287.30 co; BlueCross BlueShield \$156,888.15 smcs; BMI \$351.90 smcs; Bogard, M \$81.00 smcs; Bosselman \$12,386.00 smcs; Bossfuels \$58,050.21 smcs; Broadfoot's \$972.00 smcs; Buffalo Co. Clerk \$1,697.23 smcs; Buffalo Co. Register \$230.00 smcs; Builders \$368.11 co; Carlson, A \$12.50 smcs; Cash Wa \$1,206.68 smcs; CED/American \$4,300.00 smcs; Center Point Publishing \$79.86 smcs; Chase, B \$187.00 smcs; Chesterman \$2,159.15 smcs; Christensen, K \$121.00 smcs; City of KY \$421,503.89 smcs,ps; CNA Surety \$40.00 smcs; Comm Act Part of Mid NE \$13,757.81 smcs; Comm. Health Agencies \$36.00 ps; Comm. Service Fund \$6.00 ps; Complete Weddings \$495.00 smcs; Compute North \$288,968.09 smcs; Copycat \$51.65 smcs; Core & Main \$20,659.71 smcs; Cornerstone Electric \$3,100.00 smcs; Cornhusker Cleaning \$34.21 smcs; Covert Track Group \$600.00 smcs; Crane River Theater \$1,527.23 smcs; Cutting Edge Cleaning \$175.00 smcs; Danberg, K \$60.00 smcs; Dell Marketing \$9,831.79 smcs,co; Detectachem \$374.28 smcs; DLT Solutions \$4,096.34 smcs; Dons Pioneer Uniforms \$119.43 smcs; DPC Industries \$12,850.08 smcs; Eagle Distributing \$207.69 smcs; Eakes \$3,224.48 smcs; Eirich, T \$187.00 smcs; Engineered Controls \$2,096.00 smcs; Excel Appraisal \$3,800.00 smcs; EZ Turf \$687.50 co; Family Practice \$130.00 ps; Farley , S \$850.00 smcs; Flaherty, T \$330.00 smcs; Foscher, T \$82.48 smcs; Gale/Cengage \$1,070.44 smcs; Great Plains Uniforms \$50.00 smcs; Greater NE Cities \$1,000.00 smcs; Halliwell, N \$150.00 smcs; Heartland Cleaning \$1,097.30 smcs; HM Life Insurance \$43,780.64 smcs; Holmes Plumbing \$90.98 smcs; Hometown Leasing \$159.08 smcs; Hydroverge \$9,450.00 smcs; IRS \$190,329.52 ps; Jack Lederman \$413.68 smcs,co; James, K \$248.50 smcs; JCB Delivery \$259.00 smcs; John T. Jones Const. \$1,224,556.28 co; Johnson Brothers \$1,660.97 smcs; Key Cap \$45.27 smcs; Kirkham Michael \$4,000.00 smcs; Konica Minolta \$514.48 smcs; KY Animal Shelter \$14,775.66 smcs; KY Builder's Assn. \$700.00 smcs; Ladd, A \$67.93 smcs; Leopold Painting \$1,000.00 smcs; Lewison, B \$24.22 smcs; Lincoln Nat'l Life \$8,637.47 smcs; Logan Contractors \$1,490.00 co; Lunberry, S \$187.00 smcs; Macqueen Equipment \$5,870.44 smcs; Magic Cleaning \$7,350.00 smcs; MATAI \$315.00 smcs; McCartney, Erin Chpt.13 \$227.00 ps; Menards \$119.70 smcs; Mid-States Engineering \$488.00 smcs; Midwest Connect \$8,611.30 smcs; Miller Signs \$882.00 co; Mission Square \$7,662.00 ps; Municipal Supply \$16,401.74 smcs; Najera, Atalia \$163.00 smcs; NE Child Support \$1,986.51 ps; NE Dept. of

Environment \$260.00 smcs; NE Dept. of Revenue \$104,165.74 smcs,ps; NE Dept. Transportation \$1,711.55 smcs; NE Law Enforcement \$175.00 smcs; NE Machinery \$675.45 smcs; NE Public Health \$327.00 smcs; NE Secretary State \$30.00 smcs; NE State Treasurer \$822.13 smcs; Nebraskaland Distributing \$125.80 smcs; Nielsen Contracting \$402,327.86 co; Northwestern Energy \$7,845.67 smcs; One Call Concepts \$752.18 smcs; Ostrander, T \$150.00 smcs; Pep Co. \$150.00 smcs; Pinsky Law Group \$2,500.00 smcs; Presto-X \$272.74 smcs; Pro Track \$9,045.00 smcs; ProFlo Industries \$930.47 smcs; Pulliam, R \$187.00 smcs; RDG Planning \$30,975.00 co; Risk, M \$17.27 smcs; Rokit \$816.56 smcs; Romjue, D \$5.29 smcs; RR Donelley \$255.82 smcs; S&B Heating \$965.10 smcs; Sapp Brothers \$143,926.01 smcs; Schanou, J \$81.00 smcs; School District 7 \$6,895.00 smcs; Schroer, J \$247.50 smcs; Snap-On Tools \$1,530.02 smcs; SOS Portable Toilets \$1,198.00 smcs; Southern Glazers \$1,524.96 smcs; State of NE/DAS \$33.39 smcs; Stutsman \$1,647.00 smcs; Suchsland, T \$81.00 smcs; Taillon, R \$97.25 smcs; Thompson, J \$187.00 smcs; Thompson, K \$189.00 smcs; Travelers \$127,221.50 smcs; Tri City Concrete \$6,260.00 co; Tri-Cities Roofing \$556.56 smcs; TS Auto Glass \$354.89 smcs; Turner Body Shop \$100.00 smcs; Tye & Rowling \$15,693.78 smcs; Union Bank & Trust \$99,375.82 ps; United Way \$202.00 ps; Valv-Tect Petroleum \$2,730.11 smcs; Van Diest Supply \$9,516.00 smcs; Vanco \$90.80 smcs; Verizon \$8,785.15 smcs; Vermeer High Plains \$6,283.04 smcs; Village Uniform \$241.30 smcs; Walsh, C \$165.00 smcs; Waugh, B \$189.00 smcs; Weldon, C \$135.00 smcs; Whalen, J \$187.00 smcs; Wilcac Life \$10.00 smcs; Windy Prairie Systems \$14,000.00 co; World Book \$278.00 smcs; Payroll Ending 10/22/2022 -- \$586,803.14. 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. AT THE REQUEST OF THE NEBRASKA DEPARTMENT OF TRANSPORTATION, ITEM NO. 3 WAS MOVED UNDER REGULAR AGENDA FOR FURTHER DISCUSSION.

Adopt Resolution No. 2022-240 certifying the annual appointment of City employee Brandon Shafto (License No. S-1572, Class A), served as the City Street Superintendent from January 1, 2022 through December 31, 2022, for the purpose of the 2022 calendar year Highway Incentive Payment, to be issued to the City of Kearney by the Nebraska Department of Transportation in February, 2023.

4. Authorize the City Clerk to send a letter of approval to the Nebraska Liquor Control Commission for an Addition to Liquor License submitted by B & B Research and Investments, LLC dba The Cup 1919 located at 12 East 21st Street in connection with their Class CK-124010 liquor license.

5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Kathleen Dillon submitted by VFW Post 759 dba VFW Post 759 located at 2215 1st Avenue in connection with their Class C-009025 liquor license.

6. Adopt Resolution No. 2022-241 approving Change Order No. 2 showing a change in Shelter Manufacturer and Change Order No. 3 showing an increase in the amount of \$3,400 submitted by Fry & Associates, Inc. in connection with the Lighthouse Point Park Shelter Structure and Playground project.

RESOLUTION NO. 2022-241

WHEREAS, Fry & Associates, Inc has performed services in connection with Lighthouse Point Park Shelter Structure and Playground, have documented to the City Clerk regarding Change Order No. 2 showing a change in Shelter Manufacturers as shown on Exhibit "A" and Change Order No. 3 showing an increase to the contract sum in the amount of \$3,400.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows;

Original Contract Sum	\$ 140,000.00
Change Order No. 1 (03-22-2022)	+ 9,645.50
Change Order No. 2 (04-29-2022)	0.00
Change Order No. 2 (11-08-2022)	+ <u>3,400.00</u>
Total New Revised Contract Amount	\$ 153,045.50

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2 as shown on Exhibit "A" and Change Order No. 3, as shown on Exhibit "B" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 8TH DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

7. Accept the Bids received for the Harmon Park Bathhouse Renovation and award the Bid submitted by Duncan Theis Construction, Inc. in the amount of \$233,400.
8. Adopt Resolution No. 2022-242 approving Application and Certificate for Payment No. 5 in the amount of \$386,982 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. 2022-242

WHEREAS, Nielsen Contracting, LLC of Kearney, Nebraska and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 5 in the amount of \$386,982.00 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>
Change Order No. 1 (10-25-2022)	+ <u>28,486.00</u>
Contract Sum To Date	1,948,760.00
Gross Amount Due	1,525,218.60
Retainage (10%)	- <u>152,521.86</u>
Amount Due to Date	1,372,696.74
Less Previous Certificates for Payment	- <u>985,714.74</u>
Current Payment Due	\$ 386,982.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, hereby find and determine that the Application and Certificate for Payment No. 5, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 8TH DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

9. Adopt Resolution No. 2022-243 approving Application and Certificate for Payment No. 6 in the amount of \$207,546.66 submitted by Caldwell Tank and approved by Miller & Associates for the 2.0 MG Elevated Water Tower.

RESOLUTION NO. 2022-243

WHEREAS, Caldwell Tank of Louisville, Kentucky and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 6 in the amount of \$207,546.66 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>
Change Order (10-11-2022)	<u>- 10,991.50</u>
Contract Sum To Date	4,962,008.50
Gross Amount Due	1,968,085.90
Retainage (10%)	<u>- 196,808.59</u>
Amount Due to Date	1,771,277.31
Less Previous Certificates for Payment	<u>- 1,563,730.65</u>
Current Payment Due	\$ 207,546.66

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

PASSED AND APPROVED THIS 8TH DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

10. Adopt Resolution No. 2022-244 approving Application and Certificate for Payment No. 2 in the amount of \$30,693.23 submitted by Precision Foundations, Inc. and approved by Miller & Associates for the 2022 City of Kearney Trail Projects; Lighthouse Point Trail, 19th Avenue Trail and Hillside Estates Trail.

RESOLUTION NO. 2022-244

WHEREAS, Precision Foundations, Inc. has performed services in connection with the 2022 City of Kearney Trail Projects; Lighthouse Point Trail, 19th Avenue Trail and Hillside Estates Trail, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$30,693.23 as

shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 175,675.74</u>
Contract Sum To Date	175,675.74
Gross Amount Due	101,404.83
Retainage (10%)	<u>- 10,140.48</u>
Amount Due to Date	91,264.35
Less Previous Application for Payment	<u>- 60,571.12</u>
Current Payment Due	<u>\$ 30,693.23</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 8TH DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

11. Adopt Resolution No. 2022-245 approving Application and Certificate for Payment No. 1 in the amount of \$147,664.02 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the Booster Pump Stations, Renovations and Associated Improvements.

RESOLUTION NO. 2022-245

WHEREAS, Midlands Contracting, Inc of Kearney, Nebraska has performed services in connection with Booster Pump Stations, Renovations and Associated Improvements, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$147,664.02 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 2,185,960.00</u>
Change Order No. 1 (09/13/2022)	<u>- 345,373.00</u>
Contract Sum To Date	1,840,587.00
Gross Amount Due	164,071.13
Retainage (10%)	<u>- 16,407.11</u>
Amount Due to Date	147,664.02
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	<u>\$ 147,664.02</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. 1, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 8TH DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

12. Approve the Plans and Specifications for the 2022 Part 2 Improvements; 56th Street and Avenue N Turning Lanes and set the bid opening date for December 6, 2022 at 2:00 p.m.

13. Adopt Resolution No. 2022-246 approving Application and Certificate for Payment No. 12 in the amount of \$384,146.33 submitted by Midlands Contracting Inc. and approved by Miller & Associates for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water).

RESOLUTION NO. 2022-246

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 12 in the amount of \$384,146.33 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 2,343,960.00</u>
Change Order No. 1 (3/8/2022)	- 114,660.00
Change Order No. 2 (6/14/2022)	+ 4,240.00
Change Order No. 3 (9/14/2022)	<u>+ 298,563.00</u>
Contract Sum To Date	2,532,103.00
Gross Amount Due	2,231,217.00
Retainage (1%)	<u>- 25,312.17</u>
Amount Due to Date	2,505,904.83
Less Previous Certificates for Payment	<u>2,121,758.50</u>
Current Payment Due	<u>\$ 384,146.33</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. 12, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 8TH DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

14. Adopt Resolution No. 2022-247 approving Application and Certificate for Payment No. 7 in the amount of \$472,993.79 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. 2022-247

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. 7 in the amount of \$472,993.79

as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 1,616,081.00
Change Order No. 1 (4/12/22)	+ \$3,114.82
Change Order No. 2 (10/11/2022)	+ <u>863,585.55</u>
Contract Sum To Date	2,482,781.37
Gross Amount Due	856,225.15
Retainage (10%)	- <u>85,622.52</u>
Amount Due to Date	770,602.64
Less Previous Certificates for Payment	<u>297,608.85</u>
Current Payment Due	\$ 472,993.79

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 7, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 8TH DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

15. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class D-125329 liquor license application and manager application for David Sims submitted by Sims Enterprises Ltd. dba Sims Shop EZ located at 102 East 25th Street.

16. Adopt Resolution No. 2022-248 approving Application and Certificate for Payment No. 5 in the amount of \$139,717.72 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. 2022-248

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. 5 in the amount of \$139,717.72 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 915,169.05
Change Order No. 1 (9/13/22)	+ <u>121,193.00</u>
Contract Sum To Date	1,036,362.05
Gross Amount Due	792,702.75
Retainage (10%)	- <u>79,270.28</u>
Amount Due to Date	713,432.48
Less Previous Certificates for Payment	- <u>573,714.76</u>
Current Payment Due	\$ 139,717.72

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

PASSED AND APPROVED THIS 8TH DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

17. Adopt Resolution 2022-249 approving the Development Agreement for a tract of land referred to as the "Project Area" consisting of approximately 29.01 acres between the City of Kearney, a Nebraska Municipal Corporation and Talmadge JAM, LLC, a Nebraska Limited Liability Company for the indoor sports complex.

RESOLUTION NO. 2022-249

BE IT RESOLVED by the President and Council of the City of Kearney, that the City Manager be and is hereby authorized and directed to execute the Development Agreement on behalf of the City of Kearney, Nebraska with Talmadge JAM, LLC a Nebraska Limited Liability Corporation, for a tract of land referred to as the "Project Area" consisting of approximately 29.01 acres for the indoor sports complex and any future uses as the City determines at its complete discretion, a copy of the Agreement and map of the "Project Area", marked as Exhibit "1", are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 8TH DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

18. Adopt Resolution 2022-250 approving the Development Agreement that defines the terms between the City of Kearney, a Municipal Corporation and the Kearney Visitor's Bureau, a Nebraska Non-Profit Corporation pertaining to the development of the indoor sports complex.

RESOLUTION NO. 2022-250

BE IT RESOLVED by the President and Council of the City of Kearney, that the City Manager be and is hereby authorized and directed to execute the Development Agreement on behalf of the City of Kearney, Nebraska with Kearney Visitor's Bureau, a Nebraska Non-Profit Corporation, pertaining to the development of the indoor sports complex, a copy of the Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 8TH DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

19. Approve the Application for Special Assessment for Agricultural Deferral submitted by KPT&G, LLC with regard to Paving Improvement District No. 2020-002; Water District No. 2020-592 and Sanitary Sewer District No. 2020-528 for a tract of land located in part of Government Lot 3 in Section 10, Township 8 North, Range 16 West of the 6th P.M. in Buffalo County, Nebraska (south of 6th Street and west of Yanney Avenue).

20. Approve the Application for Special Assessment for Agricultural Deferral submitted by KPT&G, LLC with regard to Paving Improvement District No. 2020-003 and Water District No. 2020-593 for a tract of land located in part of Government Lot 3 in Section 10, Township 8 North, Range 16 West of the 6th P.M. in Buffalo County, Nebraska (Centerline of 6th Street Northerly on 22nd Avenue to the South line of Lot 1, Western Nebraska Property Development Second Addition).

21. Adopt Resolution No. 2022-251 approving the Agreement for Management Services between the City of Kearney and the Great Platte River Road Memorial Foundation allowing the City to continue providing management services at The Archway.

RESOLUTION NO. 2022-251

WHEREAS, The Archway continues to be a tourist attraction that draws visitors from all over the United States where visitors hear the history of the Platte River Valley known as the Great Platte River Road; and

WHEREAS, The Archway continues to benefit from the Interstate access allowing visitors immediate accessibility to the venue; and

WHEREAS, The Archway has added numerous events to its campus including children’s Day Camps, local Food Pantry drives and holiday events along with offering available space for business meetings and receptions, family reunions, weddings, graduations and celebrations; and

WHEREAS, the City of Kearney, in partnership with The Archway, will continue to create efficiencies and improvements resulting in decreased operating expenses, improved aesthetics and significant operational efficiencies, similar to when Resolution No. 2016-179 was approved by the City Council on October 11, 2016.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City of Kearney commits itself to the continuation of providing financial and operational support for The Archway.

BE IT FURTHER RESOLVED that the City Manager be and is hereby designated as the authorized official.

BE IT FURTHER RESOLVED that this proposal is valid for a period of three (3) years from the date of approval.

PASSED AND APPROVED THIS 8TH DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

22. Consider the Agreement for Services between the City of Kearney and the Kearney Visitors Bureau and approve Resolution No. 2022-252.

RESOLUTION NO. 2022-252

BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Agreement for Funding between the City of Kearney and the Kearney Visitor's Bureau for the purpose of providing funding for the management and operation of The Archway be and is hereby approved. The Agreement, marked as Exhibit 'A', is hereby attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Vice-President be and is hereby authorized and directed to execute the Agreement for Funding on behalf of the City of Kearney.

PASSED AND APPROVED THIS 8TH DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8609 AUTHORIZING THE DEED OF SALE FOR LOT 5 AND LOT 10, BLOCK 1, PATRIOT INDUSTRIAL PARK, TOGETHER WITH THE 30-FOOT WIDE VACATED ALLEY IN BLOCK 1

Council Member Nikkila introduced Ordinance No. 8609 authorizing the deed of sale for Lot 5 and Lot 10, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska, together with the 30-foot wide vacated Alley in Block 1 as shown and dedicated on Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska, from the East right-of-way line of Piper Avenue, abutting Lot 5, Block 1, of said Patriot Industrial Park on the North and abutting Lot 10, Block 1, of said Patriot Industrial Park on the South to Burmood Investments, LLC, a Nebraska Limited Liability Company, 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 Moore seconded the motion to suspend the rules for Ordinance No. 8609. 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, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8609 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8609 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8609 is declared to be lawfully passed and adopted upon publication in

pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

ORDINANCE NO. 8610 AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS

Mayor Clouse opened Regular Agenda Item 1 for consideration of Ordinance No. 8610 authorizing the issuance of General Obligation Various Purpose Bonds, Series 2022, of the City of Kearney, Nebraska, in the principal amount of not to exceed three million one hundred thousand dollars (\$3,100,000) for the purpose of paying the costs of constructing street improvements in Paving Improvement District No. 2020-004 of said City, including payment of interim financing related to said street improvements; directing the application of the proceeds of said Bonds; prescribing the form of said Bonds; providing for the levy and collection of taxes to pay the same; authorizing officers of the City to make arrangements for the sale of the Bonds and to designate the final terms, rates and maturity schedule for said Bonds within stated parameters; authorizing the delivery of the Bonds to the purchaser.

Bruce Lefler, Piper Sandler, presented this matter to the Council. Mr. Lefler stated the purpose of these Bond proceeds is to pay off Anticipation Bonds issued by the City of Kearney in 2020 for the interim financing of Paving Improvement District 2020-004. Mr. Lefler noted with the City's A+ rating on General Obligation Bonds interest rates will be as low as possible.

Council Member Lear introduced Ordinance No. 8610 authorizing the issuance of General Obligation Various Purpose Bonds, Series 2022, of the City of Kearney, Nebraska, in the principal amount of not to exceed three million one hundred thousand dollars (\$3,100,000) for the purpose of paying the costs of constructing street improvements in Paving Improvement District No. 2020-004 of said City, including payment of interim financing related to said street improvements; directing the application of the proceeds of said Bonds; prescribing the form of said Bonds; providing for the levy and collection of taxes to pay the same; authorizing officers of the City to make arrangements for the sale of the Bonds and to designate the final terms, rates and maturity schedule for said Bonds within stated parameters; authorizing the delivery of the Bonds to the purchaser, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8610. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8610 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8610 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8610 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.

PRESENTATION PROVIDING AN UPDATE ON THE FIRST PHASE OF NPPD POTENTIAL LINE SEGMENTS FOR AN UPCOMING 115KV TRANSMISSION LINE

Mayor Clouse opened Regular Agenda Item 2 for Council to receive a presentation providing an update on the first phase of NPPD potential line segments for an upcoming 115kV transmission line project in the Kearney area.

Mr. Clouse stated feedback from the first public open house assisted in eliminating several of the proposed potential routes. The second public open house will be held November 17, 2022 from 2:00 p.m. to 7:00 p.m. at the Younes Conference Center. The current preferred route for line segments was presented to the Buffalo County Board of Commissioners at this morning's meeting.

ANNUAL APPOINTMENT OF CITY EMPLOYEE BRANDON SHAFTO AS CITY STREET SUPERINTENDENT (FORMERLY UNDER CONSENT AGENDA AS ITEM NO. 3)

Mayor Clouse opened Regular Agenda Item 3 for consideration of Resolution No. 2022-240 certifying the annual appointment of City employee Brandon Shafto (License No. S-1572, Class A), served as the City Street Superintendent from January 1, 2022 through December 31, 2022, for the purpose of the 2022 calendar year Highway Incentive Payment, to be issued to the City of Kearney by the Nebraska Department of Transportation in February, 2023.

Mayor Clouse stated this item was moved to Regular Agenda due to documentation received from the Nebraska Department of Transportation requiring the Mayor's signature.

Moved by Clouse seconded by Nikkila to approve Resolution No. 2022-240 certifying the annual appointment of City employee Brandon Shafto (License No. S-1572, Class A), served as the City Street Superintendent from January 1, 2022 through December 31, 2022, for the purpose of the 2022 calendar year Highway Incentive Payment, to be issued to the City of Kearney by the Nebraska Department of Transportation in February, 2023. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2022-240

WHEREAS, State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

WHEREAS, The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent form; and

WHEREAS, The NDOT requires that such certification shall also include a copy of the documentation of the city street superintendent appoint, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

WHEREAS, The NDOT also requires that such Year-End Certification of City Street Superintendent shall be signed by the Mayor and shall include a copy of a resolution by the governing body authorizing the signing of the Year-End Certification of City Street Superintendent by the Mayor.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor is hereby authorized to sign the attached Year-End Certification of City Street Superintendent.

PASSED AND APPROVED THIS 8TH DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

VII. REPORTS

Council Member Nikkila wished Council Members Buschkoetter and Moore good luck in their upcoming election for City Council.

VIII. ADJOURN

Moved by Clouse seconded by Lear that Council adjourn at 5:53 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

ATTEST:

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

PEGGY EYNETICH
INTERIM CITY CLERK