

Kearney, Nebraska
September 13, 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 September 13, 2022 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Peggy Eynetich, Deputy City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Lauren Brandt, City Clerk; Wendell Wessels, Director of Finance; Kayla James, Director of Finance; Brenda Jensen, Assistant City Manager; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works; Dennis Byrne, Police Lieutenant; Shawna Erbsen, Administrative Services Director; Nate Mollring, Director of Information Tech; Melissa Dougherty-O'Hara, City Planner; and Jim Lynaugh, Airport Manager were also present. Members of the media present included: Mike Konz, Kearney Hub and Michael Shively, News Channel Nebraska.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

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 YOUNES CENTER EIGHTH ADDITION LOCATED BETWEEN 3RD AVENUE AND 6TH AVENUE, NORTH OF 3RD STREET

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for Peanut Butter & Jelly, LLC, a Nebraska Limited Liability Company and Paul Younes and Linda Younes, to 1) vacate Lot 1 and Lot 2, Block Two, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8595; 2) vacate Lot 1, Block Two, Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8596; and 3) the Final Plat and Subdivision Agreement for Younes Center Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1 and Lot 2, Block Two, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated) and Lot 1, Block Two, Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), being part of Government Lot 9, and accretions to Government Lots 5, 6, and 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (between 3rd Avenue and 6th Avenue, North of 3rd Street) and consider Resolution No. 2022-174.

Craig Bennett with Miller & Associates presented this matter to the Council. Mr. Bennett described the development including the proposed vacations and re-platting. The area will be used for workforce housing and future development.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Miller & Associates for Peanut Butter & Jelly, LLC, a Nebraska Limited Liability Company and Paul Younes and Linda Younes and introduced Ordinance Nos. 8595 and 8596 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 close the hearing and suspend the rules for Ordinance Nos. 8595 and 8596. 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 Nos. 8595 and 8596 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 Moore seconded by Lear that Ordinance Nos. 8595 and 8596 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 Nos. 8595 and 8596 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.

Moved by Lear seconded by Buschkoetter to adopt Resolution No. 2022-174 approving the Final Plat and Subdivision Agreement for Younes Center Eighth Addition. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2022-174

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Younes Center Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1 and Lot 2, Block Two, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated) and Lot 1, Block Two, Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated), being part of Government Lot 9, and accretions to Government Lots 5, 6, and 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly as follows: Commencing at a + in concrete at the Southeast Corner of Government 5 in Section 11; thence N 00°37'12" E on the East line of said Government Lot 5, and all bearings contained herein are relative thereto, a distance of 875.38 feet to the Easterly extension of the North line of Talmadge Street, a street in the City of Kearney; thence N 87°20'30" W on said Easterly extension and on the North line of Talmadge Street a distance of 777.58 feet to an iron pipe on the East line of 4th Avenue as dedicated in Younes Center Addition, an addition to the City of Kearney; thence N 02°40'11" E on said East line of 4th Avenue a distance of 560.02 feet to a 5/8" rebar w/cap on the North line of 3rd Street as dedicated in Younes Center Third Addition, an addition to the City of Kearney, and the POINT OF BEGINNING; thence S 87°19'12" E on said South line of 3rd Street a distance of 250.93 feet to a 5/8" rebar w/cap; thence Northeasterly continuing on said North line of 3rd Street and on a non-tangent curve to the Right having a central angle of 68°36'46", a radius of 56.00 feet, an arc length of 67.06 feet, and a chord bearing of N 53°42'25" E a distance of 63.13 feet to a 5/8" rebar w/cap on the West line of vacated 3rd Avenue, an Avenue in the City of Kearney; thence N 02°38'34" E on the West line of said vacated 3rd Avenue a distance of 95.47 feet to a hex rod on the present South high bank of the North Channel of the Platte River; thence N 76°00'43" W on said South high bank a distance of 79.31 feet to a 5/8" rebar; thence N 53°02'24" W continuing on said South high bank a distance of 71.70 feet to a 5/8" rebar; thence N 80°18'29" W continuing on said South high bank a distance of 215.48 feet to a 5/8" rebar; thence N 82°19'12" W continuing on said South high bank a distance of 82.23 feet to a 5/8" rebar; thence N 60°00'10" W continuing on said South high bank a distance of 175.31 feet to a 5/8" rebar w/cap at the Southeast corner of Outlot A, Younes Center Fourth Addition, an addition to the City of Kearney; thence S 65°03'59" W on the South line of said Outlot A a distance of 74.52 feet to a 5/8" rebar w/cap; thence N 87°20'30" W continuing on said South line of Outlot A a distance of 337.15 feet to a 5/8" rebar w/cap at the Southwest corner of said Outlot A and on the East line of Younes Center Sixth Addition, an addition to the City of Kearney; thence S 02°39'30" W on said East line Younes Center Sixth Addition a distance of 261.61 feet to a 5/8" rebar w/cap on said North line of 3rd Street; thence Easterly on

said North line of 3rd Street and on a non-tangent curve to the Left having a central angle of $04^{\circ}27'47''$, a radius of 2970.00 feet, an arc length of 231.35 feet, and a chord bearing of $S 85^{\circ}06'36'' E$ a distance of 231.28 feet to a 5/8" rebar w/cap; thence $S 87^{\circ}20'30'' E$ on said North line of 3rd Street a distance of 460.59 feet to the Point of Beginning. Containing 5.34 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 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

REVISED PLANNED DISTRICT DEVELOPMENT PLAN APPROVAL FOR PROPERTY LOCATED AT 7310 2ND AVENUE

Mayor Clouse opened the public hearing on the Application submitted by CBRE Advisory & Transaction Services for D & M Cowpoke, Inc. for a Revised Planned District Development Plan Approval for the proposed redevelopment of the existing commercial site on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (7310 2nd Avenue) and consider Resolution No. 2022-175.

Mitch Humphrey with Buffalo Surveying Corp. presented this matter to the Council. Mr. Humphrey described the location of the property and detailed the proposed plans for future development including: an equipment and materials storage yard; existing building expansion; six (6) foot privacy fence around the site; trees and landscaping; and relocated septic fields.

Mike Konz, Co-Chairman of Clearview Utilities Corp. requested that the septic leach field contained in the development proposal adhere to the State of Nebraska setback standards of 500-feet from the Clearview Utilities Corp. community well, for the safety of the drinking water in Clearview Subdivision. Mr. Konz provided the City Clerk with a letter that he requested be added to the permanent record (Exhibit A).

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2022-175 approving the Application submitted by CBRE Advisory & Transaction Services for D & M Cowpoke, Inc. for a Revised Planned District Development Plan Approval for the proposed redevelopment of the existing commercial site on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (7310 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2022-175

WHEREAS, CBRE Advisory & Transaction Services for D & M Cowpoke, Inc. has applied for Revised Planned District Development Plan Approval for the proposed redevelopment of the existing commercial site on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (7310 2nd Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of CBRE Advisory & Transaction Services for D & M Cowpoke, Inc. for Revised Planned District Development Plan Approval for the proposed redevelopment of the existing commercial site on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (7310 2nd Avenue) be approved subject to the following deviations:

1. Delay paving the remainder of 74th Street.
2. Outdoor storage area is to be unpaved, and a crushed rock surface be installed.
3. Delay construction of public sidewalks along 74th Street and 2nd Avenue.
4. Delay the planting of additional planned street trees along 74th Street.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

REZONING OF PROPEY LOCATED AT 4140 30TH AVENUE

Mayor Clouse 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). At the request of the Applicant and Developers, Buffalo Surveying Corp. for Jared and Mona Axmann, these items have been requested to be postponed to the September 27, 2022 City Council meeting.

Moved by Clouse seconded by Lear to postpone Public Hearing 3 pertaining to the rezoning of property located at 4140 30th Avenue to the September 27, 2022 City Council meeting. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

DEVELOPMENT OF FREEDOM HILLS ESTATES LOCATED AT 4140 30TH AVENUE

Mayor Clouse 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). At the request of the Applicant and Developers, Buffalo Surveying Corp. for Jared and Mona Axmann, these items have been requested to be postponed to the September 17, 2022 City Council meeting.

Moved by Clouse seconded by Lear to postpone Public Hearing 4 pertaining to the development of Freedom Hills Estates located at 4130 30th Avenue to the September 17, 2022 City Council meeting. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

DEVELOPMENT OF SORENSON PARK FIFTH ADDITION LOCATED AT 4910 AND 4920 3RD AVENUE

Mayor Clouse stated the developer notified the City that they were withdrawing the Applications submitted by Buffalo Surveying Corp. for CFT NV Developments, LLC, to vacate Lot 1, Sorensen Park Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the Final Plat for Sorensen Park Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with said tract of land being Lot 1, Sorensen Park Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with said Lot 1, Sorensen Park Second Addition, to be vacated (4910 and 4920 3rd Avenue). Therefore, no action was taken.

ONE & SIX YEAR STREET IMPROVEMENT PLAN

Mayor Clouse opened the public hearing on the adoption of the One & Six Year Street Improvement Plan and consider Resolution No. 2022-178.

Andy Harter, Public Works Director presented this matter to the Council. Mr. Harter stated the One & Six Year Street Improvement Plan has not changed since he presented it at the August 23, 2022 City Council meeting, nor has he received any input from citizens regarding the Plan.

Council Member Jonathan Nikkila stated there has been community excitement for the Avenue N and 56th Street improvements.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2022-178 approving the adoption of the One & Six Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Lear, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2022-178

WHEREAS, the City of Kearney, Nebraska is required by Section 39-2119 of the Nebraska Revised Statutes to adopt a One and Six Year Street Improvement Program.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, at a Public Hearing held at approximately 5:30 p.m. on September 13, 2022 in the Kearney City Council Chambers that the One Year City Street Plan for fiscal year ending September 30, 2023 and the Six Year City Street Plan ending September 30, 2029, are hereby adopted as listed on the Summary of One Year Plan and the Summary of Six Year Plan, marked as Exhibit "A" attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated there has been a request from a Council Member to remove Items 15 and 16 pertaining to award of the bids for Kearney Regional Airport Terminal Expansion project to Regular Agenda

Moved by Moore seconded by Lear that Subsections 1 through 14 and 17 through 24 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Moore, Lear, Buschkoetter, Nikkila. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held August 23, 2022.
2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental
 - CO Capital Outlay
 - DS Debt Service

911 Custom \$742.84 co; ACI Learning \$1,587.00 smcs; ADB Safegate \$316.44 smcs; Advance Media \$200.00 smcs; Agri Coop \$2,739.81 smcs; Air Cleaning Tech \$952.75 smcs; All City Garage Door \$3,536.25 smcs,co; All Copy \$900.24 smcs; All Makes Auto \$2,962.35 smcs; American Fence \$590.90 smcs; Anderson Bros. \$460.16 smcs; Appliance Pros \$85.00 smcs; Arrow Seed \$31.87 smcs; Ask Supply \$5,063.83 smcs;

Aurora Coop \$439.00 smcs; AvFuel Corp \$173,830.11 smcs; Axon Enterprise \$4,627.35 smcs; Baker & Taylor \$12,635.02 smcs; Bamford \$250.00 smcs; Barco Municipal \$3,475.82 smcs; Bauer, E. \$37.72 smcs; Baughman, E. \$269.00 smcs; Beehive Industries \$8,700.00 smcs; Bevard, H. \$23.04 smcs; BlueCross BlueShield \$325,637.39 smcs; Bosselman \$55,188.69 smcs; BossFuels \$28,829.83 smcs; Buffalo Co. Attorney \$18,750.00 smcs; Buffalo Co. Historical \$4,866.00 smcs; Buffalo Co. Redi-Mix \$4,266.00 co; Buffalo Co. Register \$144.00 smcs; Buffalo Co. Court \$412.36 ps; Buffalo Co. Sheriff \$244.50 smcs; Buffalo Outdoor Power \$4,800.00 smcs; Builders \$697.19 smcs,co; Byrne, D. \$161.00 smcs; Cal/Amp \$781.55 smcs; Caldwell Tanks \$372,895.65 co; Carroll Construction \$5,403.00 co; Cash-Wa \$4,922.79 smcs; Center Point \$77.91 smcs; Chesterman \$1,592.65 smcs; Cintas \$303.99 smcs; City of KY \$775.00 co; City of KY \$447,161.55 ps,smcs; CivicPlus \$1,295.00 smcs; Cold Spring \$1,223.15 smcs; Comm. Action Partnership \$17,161.36 smcs; Comm. Health Agencies \$42.00 ps; Compass \$3,000.00 smcs; Copycat Printing \$235.00 co; Core & Main \$32,443.01 co; Country Partners \$27,941.57 smcs; Creative Services \$348.95 smcs; Crystal Clean \$295.00 smcs; Cummins \$648.73 smcs; Cutter & Buck \$2,377.95 smcs; Cutting Edge Cleaning \$135.00 smcs; D & K Products \$7,616.41 smcs; Danko Emergency \$3,026.77 ps,smcs; Dan's Plumbing \$274.70 smcs; Deluxe \$83.54 smcs; Dmilaco \$156.00 smcs; Dowhy Towing \$303.50 smcs; DPC Industries \$32,568.87 smcs; Durrant, Taylor \$15.54 smcs; Dutton Lainson \$3,600.00 co; Eagle Distributing \$3,348.10 smcs; Eakes \$3,455.24 smcs,co; Ebsco Publishing \$4,371.00 smcs; Ed Broadfoot & Sons \$972.00 smcs; Elliott Equipment \$25,721.00 smcs; Emerson Manufacturing \$1,124.93 smcs; Eustis Body Shop \$100.00 smcs; Family Practice \$582.00 ps; Fiddelke Heating \$12,142.00 smcs; Frontier \$254.68 smcs; Frye, B. \$25.74 smcs; Galban, F. \$73.00 smcs; Gale/Cengage \$1,268.66 smcs; GD Concrete Const. \$8,340.00 co; General Collection \$106.80 smcs; Grand West \$141,081.49 co; Great Lakes Composite \$8,089.53 co; Greater NE Cities \$1,000.00 smcs; HD Arms \$29,416.59 co; Heartland Cleaning \$278.52 smcs; HelpCare Clinic \$3,000.00 smcs; Historical Info Gatherers \$1,530.00 smcs; HM Life Ins. \$43,725.65 smcs; Hockemeier, J. \$42.76 smcs; Holmes Plumbing \$2,247.00 smcs; Hotsy Equipment \$304.24 smcs; Huddleston, K. \$168.37 smcs; Integrated Security \$243.86 smcs; IRS \$373,471.11 ps; J&A Traffic Products \$521.50 smcs; Jack Lederman \$47.26 smcs; Jack's Uniforms \$3,068.98 smcs; Journal Communications \$6,500.00 smcs; KY Concrete \$14,725.47 co; KY Crete & Block \$89.60 co; KY Powersports \$26,586.00 co; KY Towing \$1,200.00 smcs; KY Visitors Bureau \$215,249.87 smcs; Kern, A. \$5,793.00 co; Kirkham Michael \$5,500.00 co; Kitchen Fresh Foods \$611.14 smcs; Klute, D. \$105.00 smcs; Knox Company \$576.00 smcs; Konica Minolta \$922.00 smcs; Kucera Painting \$2,953.00 co; Landmark Implement \$22,277.61 smcs; LaQuinta \$298.00 smcs; Lawn Builders \$551.88 co; League NE Municipalities \$4,167.00 smcs; Lincoln National \$8,355.25 smcs; Logan Contractors \$2,525.04 smcs; Lowry, R. \$100.00 smcs; Luke, D. \$282.00 smcs; Luth, J. \$8.60 smcs; M & E Plastic Repair \$700.00 smcs; Mac Tools \$26.50 smcs; Magic Cleaning \$7,350.00 smcs; Malone, David F. \$1,000.00 co; Matheson Tri-Gas \$85.55 smcs; May, K. \$50.00 smcs; McCartney, Erin Trustee \$454.00 ps; McDonald, C. \$400.00 smcs; Mellen, David-Valor Fire \$5,000.00 smcs; Menards \$240.36 smcs,co; Merryman Performing \$718.00 smcs; Mid-NE Garage Doors \$350.00 smcs; Midwest Connect \$9,445.73 smcs; Midwest Lightscaping \$1,665.00 co; Miller & Associates \$25,278.00 smcs,co; Miller Signs \$5,006.00 smcs,co; Miller, D. \$60.00 smcs; Milco Environmental \$457.50 smcs; Mirror Image \$375.31 smcs; Mission Square \$15,096.27 ps; Most Dependable Fount. \$4,845.00 co; Motorola Solutions \$9,950.00 co; Mumm, D. \$230.00 smcs; Municipal Supply \$9,069.07 smcs; Murphy Tractor \$6,313.14 smcs; Nat'l Business

Furniture \$2,758.05 smcs; NE Child Support \$3,529.00 ps; NE Dept. of Revenue \$63,706.97 ps; NE Dept. Environmental \$7,500.00 smcs; NE Law Enforcement \$597.00 smcs; NE Library Commission \$4,265.59 smcs; NE Machinery \$3,476.95 smcs; NE Public Health \$996.00 smcs; NE Safety & Fire \$335.00 smcs; NE Salt & Grain \$15,931.34 smcs; Nebraskaland Distributing \$2,428.79 smcs; Nelson, Christy \$30.00 smcs; Newsbank \$3,190.00 smcs; Nielsen Contracting \$117,279.05 co; Northwest Electric \$19,895.93 smcs; Northwestern Energy \$7,912.66 smcs; Nova Fitness \$23,383.46 ps,co; Olsson \$13,283.65 co; One Call Concepts \$896.44 smcs; Onyx Blasting & Coating \$43,031.86 co; Outdoor Recreation \$508.48 co; Overhead Door \$1,346.00 smcs; Penny, C. \$40.13 smcs; Pep Co. \$200.00 smcs; Pioneer Athletics \$1,281.75 smcs; Pioneer Manufacturing \$1,866.95 smcs; Pohlman, K. \$68.50 smcs; Power DMS \$8,150.04 smcs,co; Powertech \$1,950.00 smcs; Presto-X \$272.74 smcs; Pro Track & Tennis \$20,596.00 co; Rasmussen Mechanical \$8,469.68 smcs; RDG Planning \$23,231.24 co; Ready Mixed Concrete \$17,462.39 co; Reams \$250.00 smcs; Red Willow Co. \$6,959.00 smcs; Reinke's \$560.26 smcs; Rheome Tree \$8,540.00 smcs; Ripp, Gene \$200.00 smcs; RMV Construction \$348,697.80 co; Romar \$250.00 smcs; Russell's Appliance \$1,098.00 co; Rutt's Heating \$290.58 smcs; S&J Construction \$11,220.50 co; Sapp Brothers \$33,903.70 smcs; Saylor Screen Printing \$3,780.00 smcs; School District #7 \$6,067.50 smcs; Schumacher Brothers \$3,654.00 smcs; Schwarz, Z. \$783.84 smcs; See Clear Cleaning \$1,300.00 smcs; Shredding Solutions \$56.93 smcs; SiteScapes \$3,682.63 co; Snap-on Tools \$1,667.75 co; SOS Portable Toilets \$362.00 smcs; Sostad, B. \$14.12 smcs; Springer Roofing \$1,985.00 smcs; State of NE/DAS \$58.59 smcs; Stefanowicz, D. \$150.00 smcs; Steinbrink's Landscaping \$13,050.00 smcs; Stutsman \$2,745.00 smcs; Suburban Fire \$36,869.13 smcs; Taillon, R. \$256.00 smcs; Tech Masters \$628.20 smcs; Tilley Sprinklers \$952.59 co; TK Elevator \$731.25 smcs; Tobiasson Hydro \$4,050.00 smcs; Tractor Supply \$3,699.99 smcs; Traveler's \$12,000.00 smcs; Tri City Concrete \$13,240.00 co; Tri-Cities Roofing \$351.05 smcs; Tumbleweed \$3,393.50 smcs; Twin City Hardware \$1,366.67 co; Tye & Rowling \$15,073.50 smcs; Tyler Technologies \$2,761.00 co; UL \$3,290.00 smcs; Union Bank & Trust \$192,824.83 ps,smcs; United Way \$202.00 ps; Van Diest Supply \$5,122.55 smcs; Verizon \$7,780.46 smcs; Village Uniform \$496.75 smcs; Waldinger Corp. \$1,144.27 smcs; Walters Electric \$973.12 co; Warren-T Plumbing \$190.00 smcs; Wilcac Life Ins. \$10.00 ps; Wilke Contracting \$167,225.01 co; Wilkins Architecture \$1,882.19 co; World Book \$2,522.00 smcs; Yellow Van Cleaning \$368.20 smcs; Young, J. \$282.00 smcs; Young, M. \$243.00 smcs; Payroll Ending 08/27/22 -- \$575,069.53 and Payroll Ending 09/10/22 -- \$571,133.21. 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. Approve the recommendation submitted by the Keno Committee on the allocation of non-departmental keno funds designed for outside agencies.
4. Adopt Resolution No. 2022-179 allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$164,457.55 which will be carried over to the 2022-2023 Budget as "Unused Budget Authority".

RESOLUTION NO. 2022-179

WHEREAS, on April 2, 1998 the Nebraska Legislature passed and approved LB 989 which imposes a two and one half percent lid on certain restricted funds for local governments; and

WHEREAS, Section 13-519.03 of the Nebraska Revised Statutes, as amended, allows governmental units to exceed the two and one half percent limit as provided in Section 13-519.01 of the Nebraska Revised Statutes, as amended, by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body; and

WHEREAS, the Mayor and City Council of the City of Kearney Nebraska hereby finds and determines that it is in the best interests of the City of Kearney that the City of Kearney exceed the limit as provided in Section 13-519.01 of the Nebraska Revised Statutes, as amended, by an additional one percent as allowed pursuant to Section 13-519.03 of the Nebraska Revised Statutes, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that the City of Kearney exceed the limit as provided in Section 13-519.03 of the Nebraska Revised Statutes, as amended, by an additional one percent.

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 October 1, 2022.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

5. Adopt Resolution No. 2022-180 repealing Resolution No. 2022-39 and adopt the 2022-2023 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2022-2023 year.

RESOLUTION NO. 2022-180

WHEREAS, the Mayor and City Council of the City of Kearney have established fees for items and services provided to its citizens; and

WHEREAS, the Comprehensive Fee Schedule setting forth the fees for such items and services to be provided during the 2021-2022 fiscal year was adopted by Resolution No. 2021-166 on September 14, 2021 by the City Council and amended by Resolution No. 2022-39 on February 8, 2022; and

WHEREAS, the Comprehensive Fee Schedule attached hereto as Exhibit "A" sets out the proposed fees for such items and services to be provided during the 2022-2023 fiscal year; and

WHEREAS, it is recommended that such Comprehensive Fee Schedule be adopted.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Comprehensive Fee Schedule attached hereto as Exhibit "A" is hereby approved and adopted with an effective date of October 1, 2022.

BE IT FURTHER RESOLVED that Resolution No. 2022-39 be and is hereby repealed in its entirety as of October 1, 2022.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

6. Adopt Resolution No. 2022-181 setting the 2022 City of Kearney property tax request at a different amount than the preliminary property tax request set for the City of Kearney by the Buffalo County Clerk.

RESOLUTION NO. 2022-181

WHEREAS, Nebraska Revised Statute 77-1632 provides that the City Council of the City of Kearney passes a majority vote a resolution or ordinance setting the 2022 property tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request;

NOW, THEREFORE, the City Council of the City of Kearney, resolves that:

1. The 2022-2023 General Fund property tax request be set at \$4,251,328.36 and the 2022-2023 Bond Fund property tax request be set at \$372,466.79.
2. The total assessed value of property differs from last year's total assessed value by 5.51%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.141098 per \$100 of assessed value.
4. The City of Kearney proposes to adopt a property tax request that will cause its tax rate to be \$.148870 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Kearney will exceed last year's by 27.99%.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2022.

Motioned by _____, seconded by _____
to adopt Resolution No. 2022-181. Voting yes were _____.
Voting no were _____.

Dated this 13th day of September 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

7. Approve the City of Kearney Offstreet Parking District No. 1 Budget for the 2022-2023 Fiscal Year and approve the budget statement as the Annual Appropriation Bill and adopt Resolution No. 2022-182.

RESOLUTION NO. 2022-182

A RESOLUTION TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR THE CITY OF KEARNEY OFFSTREET PARKING DISTRICT NO. 1; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES FOR THE CITY OF KEARNEY OFFSTREET PARKING DISTRICT NO. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that after complying with all procedures required by law, the budget for the City of Kearney Offstreet Parking District No. 1 presented and set forth in the budget statement (Annual Operating Budget and Program of Services for the Fiscal Year beginning October 1, 2022 through September 30, 2023) is hereby approved as the Annual Appropriation Bill. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Kearney Offstreet Parking District No. 1. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Buffalo County, Nebraska, for use by the levying authority.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

8. Adopt Resolution No. 2022-183 approving the Kearney Area Solid Waste Agency Budget for the 2022-2023 Fiscal Year.

RESOLUTION NO. 2022-183

A RESOLUTION TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR THE KEARNEY AREA SOLID WASTE AGENCY; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES FOR THE KEARNEY AREA SOLID WASTE AGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that after complying with all procedures required by law, the budget for the Kearney Area Solid Waste Agency presented and set forth in the budget statement (Annual Operating Budget and Program of Services for the Fiscal Year beginning October 1, 2022 through September 30, 2023) is hereby approved as the Annual Appropriation Bill. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the Kearney Area Solid Waste Agency. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Buffalo County, Nebraska, for use by the levying authority.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

9. Adopt Resolution No. 2022-184 authorizing the Mayor to sign the certification of the Municipal Annual Certification of Program Compliance Form 2022 to Nebraska Board of Public Roads Classifications and Standards as required by the Nebraska Department of Transportation.

RESOLUTION NO. 2022-184

WHEREAS, State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

WHEREAS, State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, the Mayor is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance form.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

10. Authorize the Mayor to execute the Release of Resolution and Easement recorded on April 4, 2022 at Documents 2022-02036 and 2022-02037 pertaining to 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. 2022-168A.

RESOLUTION NO. 2022-168A

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 Herrmann, Chairman of Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation, on the 11th day of March, 2022, and recorded on Document 2022-02037, in the office of the Register of Deeds of Buffalo County, Nebraska, on April 4, 2022; and

WHEREAS, Resolution No. 2022-65 authorizing the acquisition of the Permanent Trail Right-of-Way Easement consisting of 0.33 acres, was approved by City Council 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 the recordings of the Permanent Trail Right-of-Way Easement and City of Kearney Resolution, 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 2022-02037 and Resolution No. 2022-65 recorded on April 4, 2022 at Document 2022-02036 be and are hereby released. The Release of Resolution and Easement is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

11. Adopt Resolution No. 2022-185 approving Change Order No. 1 showing an increase in the amount of \$121,193.00 and increasing the Substantial Completion Date by 31 days and Application and Certificate for Payment No. 3 in the amount of \$92,835.41 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. 2022-185

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 Change Order No. 1 showing an increase in the amount of \$121,193.00 and increasing the Substantial Completion Date by 31 days as shown in Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Wilke Contracting Corp. and Oak Creek Engineering have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$92,835.41 as shown on Exhibit "B" 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	507,229.54
Retainage (10%)	- <u>50,722.95</u>
Amount Due to Date	456,506.59
Less Previous Certificates for Payment	- <u>363,671.18</u>
Current Payment Due	\$ 92,835.41

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A" and Application and Certificate for Payment No. 3, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

12. Adopt Resolution 2022-186 approving the Development Agreement for Lot 1, Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P. M., Buffalo County, Nebraska between Mary Classen, President of D & M Cowpoke Inc., a Nebraska Corporation and Paul LaFave, Manager of GPEAR, LLC, a Nebraska Limited Liability Company and the City of Kearney to further define development requirements for the property.

RESOLUTION NO. 2022-186

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Development Agreement on behalf of the City of Kearney, Nebraska with Mary Classen, President of D & M Cowpoke Inc., a Nebraska Corporation, being Sole Owner and Paul LaFave, Manager of GPEAR, LLC, a Nebraska Limited Liability Company, being future land owner and developer, for development of Lot 1, Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P. M., Buffalo County, Nebraska, a copy of the Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

13. Adopt Resolution No. 2022-187 approving Change Order No. 3 showing an increase in the amount of \$12,401.00 and increasing the Substantial Completion Date by one day to January 1, 2023 and Application and Certificate for Payment No. 3 in the amount of \$202,751.10 submitted by RMV Construction and approved by Wilkins ADP for the Harmon Park Sonatorium Restoration.

RESOLUTION NO. 2022-187

WHEREAS RMV Construction, LLC of Kearney, Nebraska has performed services in connection with Harmon Park Sonatorium Restoration, and the City's architect, Wilkins ADP, have filed with the City Clerk Change Order No. 3 showing an increase in the amount of \$12,401.00 and increasing the Substantial Completion Date by one day to January 1, 2023 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, RMV Construction, LLC and Wilkins ADP have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$202,751.10 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 1,301,400.00</u>
Change Order No. 1 (12-21-2021)	- 97,325.00
Change Order No. 2 (7-26-2022)	+ 3,566.00
Change Order No. 3 (12-21-2021)	<u>+ 12,401.00</u>

Contract Sum To Date	1,220,042.00
Gross Amount Due	348,479.00
Retainage (10%)	- 34,847.90
Amount Due to Date	<u>313,631.10</u>
Less Previous Certificates for Payment	- 110,880.00
Current Payment Due	<u>\$ 202,751.10</u>

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

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
 PEGGY EYNETICH
 DEPUTY CITY CLERK

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

14. Adopt Resolution No. 2022-188 approving Change Order No. 2 showing an increase in the amount of \$17,883.00 and Application and Certificate for Payment No. 3 in the amount of \$145,946.70 submitted by RMV Construction and approved by Wilkins ADP for the Yanney Heritage Park Pavilion and Parking Lot.

RESOLUTION NO. 2022-188

WHEREAS RMV Construction, LLC of Kearney, Nebraska has performed services in connection with Yanney Heritage Park Pavilion and Parking Lot, and the City's architect, Wilkins ADP, have filed with the City Clerk Change Order No. 2 showing an increase in the amount of \$17,883.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, RMV Construction, LLC and Wilkins ADP have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$145,946.70 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 3,653,600.00
Change Order No. 1 (7-26-2022)	+ 23,433.00
Change Order No. 2 (9-13-2022)	+ 17,883.00
Contract Sum To Date	<u>3,694,916.00</u>
Gross Amount Due	391,468.00
Retainage (10%)	- 39,146.80
Amount Due to Date	<u>352,321.20</u>
Less Previous Certificates for Payment	- 206,374.50
Current Payment Due	<u>\$ 145,946.70</u>

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

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
 PEGGY EYNETICH
 DEPUTY CITY CLERK

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

15. AT THE REQUEST OF A COUNCIL MEMBER, ITEM NO. 15. WAS MOVED UNDER REGULAR AGENDA FOR FURTHER DISCUSSION. Accept the bids received for the Kearney Regional Airport Terminal Expansion (AIP/CARES Act Project No. 3-31-0045-036) and adopt Resolution No. 2022-189 awarding the bid submitted by RMV Construction, LLC in the amount of \$4,773,394.00.

16. AT THE REQUEST OF A COUNCIL MEMBER, ITEM NO. 16. WAS MOVED UNDER REGULAR AGENDA FOR FURTHER DISCUSSION. Accept the bids received for the Kearney Regional Airport Terminal Expansion Furniture, Fixtures and Equipment (AIP/CARES Act Project No. 3-31-0045-036) and award the Bid submitted by encompass in the amount of \$21,829.31.

17. Approve the recommendations from the Development Services Division on annual renewal of the manufactured home court license for Valley View Mobile Home Court, 2701 and 2801 Grand Avenue, until May 31, 2023.

18. Adopt Resolution No. 2022-190 Change Order No. 5 showing a decrease in the amount of \$2,227.00, Application and Certificate for Payment No. 7-Final in the amount of \$82,508.70 and accept the Certificate of Substantial Completion submitted by Duncan Theis Construction, Inc. and approved by Olsson for the Yanney Park Maintenance Building.

RESOLUTION NO. 2022-190

WHEREAS, Duncan Theis Construction, Inc. of Kearney, Nebraska has performed services in connection with Yanney Park Maintenance Building, and the City’s engineer, Olsson, have filed with the City Clerk Change Order No. 5 showing a decrease to the contract sum in the amount of \$2,227.00 as shown on Exhibit “A” attached hereto and made a part hereof by reference; and

WHEREAS, Duncan Theis Construction, Inc. and Olsson have filed with the City Clerk Application and Certificate for Payment No. 7-Final in the amount of \$82,508.70 as shown on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 514,038.00</u>
Change Order No. 1 (1/25/2022)	+ 0.00
Change Order No. 2 (3/22/2022)	+ 3,146.00
Change Order No. 3 (6/28/2022)	+ 1,393.00
Change Order No. 4 (7/12/2022)	+ 577.00
Change Order No. 5 (9/13/2022)	<u>- 2,227.00</u>
Contract Sum To Date	516,927.00
Gross Amount Due	516,927.00
Retainage (0%)	<u>- 0.00</u>

Amount Due to Date	516,927.00
Less Previous Certificates for Payment	<u>- 434,418.30</u>
Current Payment Due	<u>\$ 82,508.70</u>

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of August 19, 2022, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

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. 5, as shown on Exhibit "A", Application and Certificate for Payment No. 7-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

19. Adopt Resolution No. 2022-191 approving Change Order No. 1 showing a decrease in the amount of \$2,072.70, Application and Certificate for Payment No. 4-Final in the amount of \$89,735.43 and accept the Certificate of Substantial Completion submitted by Ensley Electrical Services and approved by Olsson for 2021 Part 4 Improvements; Traffic Signal at the Intersection of 15th Avenue and 11th Street.

RESOLUTION NO. 2022-191

WHEREAS, Ensley Electrical Services of Grand Island, Nebraska has performed services in connection with 2021 Part 4 Improvements; Traffic Signal at Intersection of 15th Avenue and 11th Street, and the City's engineer, Olsson, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$2,072.70 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Ensley Electrical Services and Olsson have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$89,735.43 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 231,276.00</u>
Change Order No. 1 (9/13/2022)	<u>- 2,072.70</u>
Contract Sum To Date	229,203.30
Gross Amount Due	229,203.30
Retainage (0%)	<u>- 0.00</u>
Amount Due to Date	229,203.30
Less Previous Certificates for Payment	<u>- 139,467.87</u>
Current Payment Due	<u>\$ 89,735.43</u>

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of August 23, 2022, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

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", Application and Certificate for Payment No. 4-Final, as shown on Exhibit "B" and

the Certificate of Substantial Completion as shown on Exhibit “C” be and are hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

20. Adopt Resolution No. 2022-192 approving the Developer Constructed Infrastructure Agreement for 30th Avenue Storage between the City of Kearney and Nancy Norwood, Owner of NP Self Storage, LLC, a Nebraska Limited Liability Company, for the construction of a water main to serve Lot 1, Knapp’s Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.

RESOLUTION NO. 2022-192

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled “Developer Constructed Infrastructure Agreement for 30th Avenue Storage Water Main (1700 30th Avenue)” between the City of Kearney and Nancy Norwood, Owner of NP Self Storage, LLC, a Nebraska Limited Liability Company for the construction of a water main (fire hydrants) to serve Lot 1, Knapp’s Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska 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 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

21. Adopt Resolution No. 2022-193 approving Change Order No. 1 modifying the location of fiber placements, replacing existing vaults, adding slack cable and amending the Substantial and Final Completion dates submitted by Great Plains Communication, LLC and approved by Miller and Associates for the Water Communication Line.

RESOLUTION NO. 2022-193

WHEREAS, Great Plains Communication of Blair, Nebraska has performed services in connection with the Water Utility Communication Line, and the City’s engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing no change in the contract sum but showing additional work consisting of changing the location of where the fiber will cross Avenue N, adjusting pull box locations for equal spacing, moving slice tray location, allowing Great Plains to share the City’s conduit from stations 10+45 to 45+15, replace existing vaults with larger vaults in 4 locations, provide 100-feet of slack cable in 24-inch x 36-inch vaults, provide additional slack at Sta 91+32 for future use, and

changing of the Substantial Completion Date to September 9, 2022 and Final Completion Date to October 7, 2022, as shown on Exhibit "A" attached hereto and made a part hereof by reference.

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" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

22. Adopt Resolution No. 2022-194 approving Application and Certificate for Payment No. 4 in the amount of \$654,210.00 submitted by Caldwell Tank and approved by Miller & Associates for the 2MG Elevated Water Tower.

RESOLUTION NO. 2022-194

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. 4 in the amount of \$654,210.00 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	1,383,963.50
Retainage (10%)	<u>- 138,396.35</u>
Amount Due to Date	1,245,567.15
Less Previous Certificates for Payment	<u>- 591,357.15</u>
Current Payment Due	\$ 654,210.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 4, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

23. Adopt Resolution No. 2022-195 approving Application and Certificate for Payment No. 3 in the amount of \$270,293.55 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. 2022-195

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. 3 in the amount of \$270,293.55 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	648,207.64
Retainage (10%)	<u>- 64,820.76</u>
Amount Due to Date	583,386.88
Less Previous Certificates for Payment	<u>- 313,093.33</u>
Current Payment Due	<u>\$ 270,293.55</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. 3, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

24. Adopt Resolution No. 2022-196 accepting the bids received for the Booster Pump Station, Renovations & Associated Improvements approving Change Order No. 1 showing a decrease in the amount of \$345,373.00 and awarding the bid to Midlands Contracting, Inc. in the amount of \$1,840,587.00.

RESOLUTION NO. 2022-196

WHEREAS, Millers & Associates and the City of Kearney have reviewed the sealed bids which were opened on August 16, 2022 at 2:00 p.m. for the Booster Pump Station, Renovations & Associated Improvements; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$1,630,960.00; and

WHEREAS, Midlands Contracting, Inc. and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$345,373.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Millers & Associates and the City have recommended the bid offered by Midlands Contracting, Inc. of Kearney, Nebraska in the amount of \$1,840,587.00 be accepted as the lowest responsible bid for Booster Pump Station, Renovations & Associated Improvements.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer's recommendation is hereby accepted, that Midlands Contracting, Inc. be and is the lowest responsible bidder for the Booster Pump Station, Renovations & Associated Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting, Inc. in the amount of \$1,840,587.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost

for Bid B in the amount of \$1,630,960.00 be and is hereby accepted.

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

BE IT FURTHER 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", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

* *Any item listed on the Consent Agenda may, by the request of any single Council member, be considered as a separate item under the Regular Agenda Section of the Agenda.*

V. CONSENT AGENDA ORDINANCES

Mayor Clouse stated there has been a request from a Council Member to remove the two Consent Agenda Ordinances (Ordinance Nos. 8599 and 8600) to Regular Agenda. Therefore, these two items will be moved under Regular Agenda for further discussion.

VI. REGULAR AGENDA

PRESENTATION BY NEBRASKA PUBLIC POWER DISTRICT ON POTENTIAL 115KV TRANSMISSION LINE PROJECT

Mayor Clouse opened Regular Agenda Item 1 for Council to receive a presentation by Nebraska Public Power District regarding the first phase of potential line segments for an upcoming 115kV transmission line project in the Kearney area.

Ron Starzec, Land Manager for Nebraska Public Power District (NPPD) presented this matter to the Council. Also present were Jason Hofer, Lines Engineer; and Grant Otten, Corporate Communications, all with NPPD.

Mr. Starzec detailed an overview of NPPD which included their chartered territory that encompasses all or parts of 84 of Nebraska's 93 counties. NPPD owns and operates over 5,000 miles of transmission and sub-transmission lines; provides service to 500,000 people in Nebraska; and are a member of the Southwest Power Pool (which includes all or parts of 14 states). NPPD has been a member of SPP since April, 2009.

Mr. Starzec stated that with the cooperation of SPP, NPPD has determined a 115kV transmission line from the TechOne Substation on the east side of Kearney to the Tower substation on the west side of Kearney would be the best option to support future electrical load growth. The new 115kV transmission line will increase the system's capacity to meet increasing demand; provide increased operational flexibility, additional reliability and enhanced resiliency to the Kearney area; and offer a necessary second path between the two substations serving Kearney and the surrounding area.

NPPD plans to hold two (2) public open houses offering community members the opportunity to learn more about the project, ask questions and share information. The first public open house will share preliminary route segments whereas the second open house will share an alternative and a preferred route with the public. Following the open houses, a public hearing will be held with the presentation of the proposed route. No less than 30 days following the public hearing, NPPD will announce a final route.

Council Member Nikkila questioned the material and type of transmission pole that would be used for the project. Mr. Starzec stated NPPD anticipates using single pole or H-frame, wood or steel poles, noting that specific routes may present opportunities for different structures.

Council Member Nikkila questioned if the transmission line structures would be placed in public right-of-way or on private property. Mr. Starzec explained private property is typically preferred to allow room for future road widening projects.

Council Member Buschkoetter questioned if the shortest route along 56th street would be the preferred route. Mr. Starzec stated the shortest route is not always the best route, noting public input may introduce constraints

OPEN ACCOUNT CLAIM

Moved by Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$14,195.41 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Nikkila, Moore, Lear. Nay: None. Clouse abstained. Motion carried.

ACCEPT THE BIDS RECEIVED FOR THE KEARNEY REGIONAL AIRPORT TERMINAL EXPANSION AND THE BIDS RECEIVED FOR THE KEARNEY REGIONAL AIRPORT TERMINAL EXPANSION FURNITURE, FIXTURES AND EQUIPMENT (FORMERLY UNDER CONSENT AGENDA AS ITEM NOS. 15 AND 16)

Council Member Nikkila requested an update on the revised project plans for the Kearney Regional Airport Terminal Expansion. Director of Parks, Eric Hellriegel stated the initial project plans exceeded funding and have since been revised by simplifying construction means and methods without compromising design goals. The expansion adds approximately 4,300 square feet to the existing 6,940 square feet, allowing additional space for TSA checkpoints; baggage screening device; space for outbound and inbound baggage; restrooms; and secured holding area increasing capacity to approximately 100 passengers.

Council Member Tami Moore questioned if there would be a covered ramp included in the expansion. Mr. Hellriegel stated the expansion will allow for new exit and entry points for boarding and de-boarding passengers which will decrease the walking distance by approximately 50%.

Moved by Moore seconded by Lear that Resolution No. 2022-189 accepting the bids received for the Kearney Regional Airport Terminal Expansion and awarding the bid

submitted by RMV Construction, LLC in the amount of \$4,773,394.00; and accepting the bids received for the Kearney Regional Airport Terminal Expansion Furniture, Fixtures and Equipment and awarding the bid by encompass in the amount of \$21,829.31, both in connection with AIP/CARES Act Project No. 3-31-0045-036, be approved. Roll call resulted as follows: Aye: Clouse, Moore, Lear, Buschkoetter, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2022-189

WHEREAS, Alfred Benesch and Company and the City of Kearney have reviewed the sealed bids which were opened on September 1, 2022 at 2:00 p.m. for the Terminal Expansion project at the Kearney Regional Airport Re-Bid (Airport Improvement Program/CARES Act Project No. 3-31-0045-036); and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$7,264,703.50; and

WHEREAS, Alfred Benesch and Company and the City have recommended the bid offered by RMV Construction, LLC of Kearney, Nebraska in the amount of \$4,773,394.00 be accepted as the lowest responsible bid for Terminal Expansion project at the Kearney Regional Airport Re-Bid (Airport Improvement Program/CARES Act Project No. 3-31-0045-036), contingent upon RMV Construction, LLC submitting and FAA approval of the Buy American Waiver Request and DBE percentage acceptance and FAA concurrence; and

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer's recommendation is hereby accepted, that RMV Construction, LLC be and is the lowest responsible bidder for the Terminal Expansion project at the Kearney Regional Airport Re-Bid (Airport Improvement Program/CARES Act Project No. 3-31-0045-036) to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of RMV Construction, LLC in the amount of \$4,773,394.00, contingent upon RMV Construction, LLC submitting and FAA approval of the Buy American Waiver Request and DBE percentage acceptance and FAA concurrence, be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$7,264,703.50 be and is hereby accepted.

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

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:
PEGGY EYNETICH
DEPUTY CITY CLERK

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

ORDINANCE NO. 8599 ADOPTING THE CITY OF KEARNEY BUDGET FOR THE 2022-2023 FISCAL YEAR

Council Member Nikkila stated he requested this item be moved to Regular Agenda to allow for potential, additional discussion and thanked Wendell Wessels, Finance Director, for his diligence in creating a budget that allowed for no property tax increases.

Council Member Nikkila introduced Ordinance No. 8599 adopting the City of Kearney Budget for the 2022-2023 Fiscal Year and approving the budget statement as the Annual Appropriation Bill, 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. 8599. 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, Lear, Buschkoetter, 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. 8599 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Lear, Buschkoetter, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8599 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Buschkoetter, 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. 8599 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

ORDINANCE NO. 8600 REPEALING ORDINANCE NO. 8594 AND ADOPTING THE ANNUAL SALARY ORDINANCE

Council Member Nikkila stated he requested this item be moved to Regular Agenda to allow for potential, additional discussion.

Council Member Nikkila introduced Ordinance No. 8600 repealing Ordinance No. 8594 and classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for payment of vehicle allowance; and provide for payment of health and dental benefits for active full-time employees; to provide for payment of health benefits for early retiree employees pursuant to Resolution No. 2019-68A, 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. 8600. 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, Lear, Buschkoetter, 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. 8600 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Lear, Buschkoetter, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8600 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Buschkoetter, 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. 8600 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.

VII. REPORTS

City Manager, Michael Morgan stated there will be an open house on October 5, 2022 at 4:00 p.m. at Kearney Flight Services for Denver Air Connection meet and greet and ribbon cutting with the Kearney Area Chamber of Commerce for the new Kearney Flight Services Fixed-Base Operator (FBO). Plans for the Airport Terminal Expansion project will also be on display for the public to view.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:09 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
DEPUTY CITY CLERK**

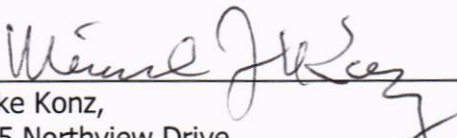
Clearview Utilities Corp.
115 E. 52nd St.
Kearney, NE 68847

Kearney City Council
and Department of Developmental Services

As representatives of the Clearview Utilities Corp., we request that this statement be entered into the minutes for the Sept. 13, 2022 Kearney City Council meeting regarding the Application submitted by CBRE Advisory & Transaction Services for D & M Cowpoke, Inc. for a Revised Planned District Development Plan Approval for the proposed redevelopment of the existing commercial site on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (7310 Second Ave.)

Our organization, Clearview Utilities Corp. operates a community water well (PWS ID: Ne3120029) that serves 26 households in the Clearview Subdivision. Our subdivision is on the east side of Second Avenue, opposite the proposed development by CBRE Advisory & Transaction Services for D & M Cowpoke, Inc. that is on the west side of Second Ave. on the north side of Kearney.

Our interest in submitting this statement is to protect the safety of our drinking water source, and so we request that the septic leach field contained in the development proposal adhere to state of Nebraska setback standards of 500 feet from Clearview Utilities Corp.'s community well. Clearview Utilities Corp. wishes CBRE Advisory & Transaction Services and D & M Cowpoke, Inc. good luck and safety for this development.



Mike Konz,
325 Northview Drive
Co-Chairman, Clearview Utilities Corp. Date: 9-13-22



Jan Giffin
115 Clearview Drive
Co-Chairman, Clearview Utilities Corp. Date: 9/13/2022