

**Kearney, Nebraska**  
**June 13, 2023**  
**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 June 13, 2023, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Peggy Eynetich, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, and Tami James Moore. Absent: Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Brenda Jensen, Assistant City Manager; Kayla James, Director of Finance; Tony Jelinek, Director of Utilities; Scott Hayden, Director of Recreational Services; Eric Hellriegel, Director of Parks; Amber Miller, Director of Development Services; Bryan Waugh, Chief of Police and several members of the Kearney Police Department, were also present. Members of the media present included: Taylor Leverett, NTV News.

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

## **I. ROUTINE BUSINESS**

### **INVOCATION/MOMENT OF SILENCE**

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

### **PLEDGE OF ALLEGIANCE**

Members of the Kearney Police Department Honor Guard presented and posted the colors. Council Members led the audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

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

### **ORAL COMMUNICATIONS/RECOGNITION**

#### **RECOGNITION CEREMONY FOR PROMOTION AND OATH OF OFFICE TO POLICE SERGEANT LOGAN MILLER**

Police Chief Bryan Waugh introduced Sergeant Logan Miller who has been with the Kearney Police Department for three years. Sergeant Miller is filling the Sergeant position left open after a recent retirement.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

### **FINAL PLAT AND SUBDIVISION AGREEMENT FOR ARBOR VIEW SECOND**

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Fox Creek Development, LLC, for the Final Plat and Subdivision Agreement for Arbor View Second, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 2 in Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (lying east of Avenue N and south of 65th Street) and consider Resolution No. 2023-90.

Craig Bennett, Miller and Associates presented this matter to the Council. Mr. Bennett described the location of the previously rezoned 4.3-acre property and stated the proposed final plat consists of 13 lots. The Developers are requesting the proposed plat be annexed into the City as well.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2023-90 approving the application submitted by Miller & Associates for Fox Creek Development, LLC, for the Final Plat and Subdivision Agreement for Arbor View Second, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 2 in Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (lying east of Avenue N and south of 65th Street). Roll call resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

### **RESOLUTION NO. 2023-90**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Arbor View Second, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of Government Lot 2 in Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at the Southwest Corner of Government Lot 2 in Section 19; thence N 00°14'22" E on the West line of said Government Lot 2, and all bearings contained herein are relative thereto, a distance of 940.03 feet to the Northwesterly extension of the Southwesterly line of Block 4, Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska and the Northwesterly extension of the Northeasterly line of Starostka Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 50°49'39" E on said Extension and on said Southwesterly line of Block 4 and said Northeasterly line of Starostka Estates Addition a distance of 291.64 feet to a 5/8" rebar w/cap at the Southeast corner of said Block 4 and the POINT OF BEGINNING; thence continuing S 50°49'39" E

on said Northeasterly line a distance of 593.64 feet to a 5/8" rebar w/cap; thence N 39°10'21" E a distance of 340.00 feet to a 5/8" rebar w/cap on the Southwesterly line of Block 3 in said Arbor View First; thence N 50°49'39" W on said Southwesterly line of Block 3 a distance of 474.16 feet to a 5/8" rebar w/cap at the Northwest corner of said Block 3 and on the South line of 65th Street as platted in said Arbor View First; thence N 89°42'02" W on said South line of 65th Street a distance of 153.46 feet to a 5/8" rebar w/cap at the Northeast corner of said Block 4; thence S 39°10'21" W on the Southeasterly line of said Block 4 a distance of 243.69 feet to the Point of Beginning. Containing 4.50 acres, more or less, 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 13TH DAY OF JUNE, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

### **ANNEXATION OF ARBOR VIEW SECOND**

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Fox Creek Development, LLC for the annexation of Arbor View Second, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 2 in Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (lying east of Avenue N and south of 65th Street) and consider Resolution No. 2023-91.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2023-91 approving the application submitted by Miller & Associates for Fox Creek Development, LLC for the annexation of Arbor View Second, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 2 in Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (lying east of Avenue N and south of 65th Street). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

**RESOLUTION NO. 2023-91**

WHEREAS, an Application has been submitted by Miller & Associates for Fox Creek Development, LLC for the inclusion of Arbor View Second, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of Government Lot 2 in Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at the Southwest Corner of Government Lot 2 in Section 19; thence N 00°14'22" E on the West line of said Government Lot 2, and all bearings contained herein are relative thereto, a distance of 940.03 feet to the Northwesterly extension of the Southwesterly line of Block 4, Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska and the Northeasterly line of Starostka Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 50°49'39" E on said Extension and on said Southwesterly line of Block 4 and said Northeasterly line of Starostka Estates Addition a distance of 291.64 feet to a 5/8" rebar w/cap at the Southeast corner of said Block 4 and the POINT OF BEGINNING; thence continuing S 50°49'39" E on said Northeasterly line a distance of 593.64 feet to a 5/8" rebar w/cap; thence N 39°10'21" E a distance of 340.00 feet to a 5/8" rebar w/cap on the Southwesterly line of Block 3 in said Arbor View First; thence N 50°49'39" W on said Southwesterly line of Block 3 distance of 474.16 feet to a 5/8" rebar w/cap at the Northwest corner of said Block 3 and on the South line of 65th Street as platted in said Arbor View First; thence N 89°42'02" W on said South line of 65th Street a distance of 143.53 feet to a 5/8" rebar w/cap at the Northeast corner of said Block 4; thence S 39°10'21" W on the Southeasterly line of said Block 4 a distance of 243.69 feet to the Point of Beginning. Containing 4.50 acres, more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on May 19, 2023 on the inclusion of Arbor View Second within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as part of Arbor View Second, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on June 13, 2023 who deemed the said Arbor View Second to be included within the corporate limits to be advantageous to and in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the land to be platted as Arbor View Second shall be included within the corporate limits of the City of Kearney, Buffalo County, Nebraska, that the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules and regulations of the City of Kearney.

BE IT FURTHER RESOLVED that the inclusion of Arbor View Second within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 13TH DAY OF JUNE, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

## IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 6 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

1. Approve Minutes of Regular Meeting held May 23, 2023.

2. Approve the following Claims:

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

5G Store \$1,303.46 smcs; Ag Dryer \$2,598.08 smcs; Agri Coop \$3,491.01 smcs; All Copy \$1,205.51 smcs; Alstrom, Jon \$150.00 smcs; Amax Contracting \$207.00 co; Arrow Seed \$2,124.50 smcs,co; Ask Supply \$1,533.35 smcs; Aurora Coop \$1,689.63 smcs; AvFuel \$132,532.74 smcs; Baker & Taylor \$5,960.73 smcs; Barcel Landscape \$7,027.00 smcs; Bieber, M \$463.87 smcs; Bluecross Blueshield \$141,150.13 smcs; Bosselman \$12,387.09 smcs; Bossfuels \$23,004.74 smcs; Buffalo Co. Court \$268.76 smcs; Buffalo Co. Extension \$540.00 smcs; Buffalo Co. Redi-Mix \$3,486.00 co; Buffalo Co. Treasurer \$6,668.00 ds; Builders \$1,908.48 smcs,co; Burkey, J \$696.00 smcs; Buysm Sod \$645.12 smcs; Cal/Amp \$781.55 smcs; Caldwell Tanks \$138,600.00 co; Callahan, K \$385.00 smcs; Carroll, A \$60.00 smcs; Cash Wa \$23,716.66 smcs; CDW Government \$13,865.31 smcs; Center Point \$79.86 smcs; Central NE Sod \$4,570.00 smcs,co; Chemsearch \$846.95 smcs; Chesterman \$4,892.50 smcs; City of Kearney \$444,094.43 smcs,ps; City of Kearney CRA \$209,616.94 smcs; CivicPlus \$295.00 smcs; Coldspring \$469.90 smcs; Comm. Action Mid NE \$1,640.50 smcs; Comm. Health Agencies \$10.00 ps; Commercial Recreation \$51.30 smcs; Cook, R \$3,000.00 co; Cook-Fong, S \$30.00 smcs; Cooper, C \$13.18 smcs; Core & Main \$3,125.26 smcs; Crystal Clean \$543.00 smcs; Cummins \$5,284.38 smcs; Cutter & Buck \$603.86 smcs; Cutting Edge \$237.00 smcs; Dan Roeder Concrete \$165,962.25 co; Danko Emergency \$240.28 smcs; Dan's Plumbing \$1,289.78 smcs; Dennis, N \$351.00 smcs; Digital Intelligence \$3,813.04 smcs; Dish \$131.46 smcs; Dmilaco \$425.56 smcs; Donkey Towing \$285.00 smcs; DPC Industries \$13,652.04 smcs; Eagle Distributing \$2,169.21 smcs; Eakes \$4,504.20 smcs; Ed M Feld Equip. \$4,432.13 smcs; Emblem Authority \$1,839.50 smcs; EMC Insurance \$3.51 smcs; Family Practice \$596.00 smcs,ps; Fiddelke \$156.00 smcs; Gale \$866.07 smcs; Garrett Tires \$6,698.24 smcs; Give Nebraska \$10.00 ps; Graczyk Lawn \$11,542.17 smcs; Great Plains Uniforms \$159.90 smcs; HM Life Insurance \$54,374.52 smcs; Hometown Leasing \$443.23 smcs; Hosick, D \$299.77 smcs; Hotsy \$224.50 smcs; Hub Int'l \$6,796.00 smcs; Huss, T \$145.00 smcs; Independent Travel \$1,000.00 smcs; Integrated Security \$9,993.50 co; IRS \$198,813.76 ps; Jack Lederman \$85.00 smcs; Jack's Uniforms \$6,269.38 smcs; Jacobsen, S \$45.85 smcs; JCB Delivery \$38.00 smcs; John T. Jones Const. \$1,591,259.17 co; Johnson, J \$50.00 smcs; Jun Kaneko Studio \$172,500.00 co; Jussel, M \$15.52 smcs; Kearney Animal Shelter \$14,775.66 smcs; Kearney Comm. Found. \$2,500.00 smcs; Kearney Concrete \$12,046.75 smcs,co; Kearney Hub \$1,397.44 smcs; Kearney Noon Rotary \$160.00 smcs; Kearney Visitors Bureau \$189,563.23 smcs;

Kearney Winlectric \$38,543.53 smcs; Kiger, S \$50.00 smcs; Knoeller, N \$89.08 smcs; Konica Minolta \$521.90 smcs; Ladd, A \$80.22 smcs; LaQuinta \$98.00 smcs; Larson, E \$11.18 smcs; Lawn Builders \$213.43 co; Lerner Publishing Group \$113.94 smcs; Lincoln Nat'l Life \$11,020.88 smcs; Logan Contractors \$1,045.00 co; Loper Athletics \$1,286.25 smcs; Ludwig, B \$1.36 smcs; Luke, D \$103.71 smcs; Lundeen- Isaacson \$4,600.00 ps; M & E Plastic Repair \$4,200.00 co; Macqueen Equipment \$10,383.28 smcs; Magic Cleaning \$7,350.00 smcs; Mallory Safety \$2,643.98 smcs; McCartney, Erin Chpt. 13 \$157.00 ps; Menards \$687.18 smcs,co; Mena-Werth, P \$280.00 smcs; Mid American Signal \$1,180.00 smcs; Midlands Contracting \$1,665.54 co; Mid-State Engineering \$1,316.80 smcs; Midwest Connect \$10,537.44 smcs; Midwest Turf \$197.98 smcs; Milco Environmental \$9,608.75 smcs; Miller & Associates \$25,841.60 smcs,co; Miller, D \$50.00 smcs; Milligan, C \$50.00 smcs; Mission Square \$7,774.94 ps; Motorola \$75.00 smcs; Municipal Supply \$95,997.91 smcs; Musco Sports Lighting \$754.30 smcs; NE Chamber Foundation \$3,750.00 smcs; NE Child Support \$1,836.50 ps; NE Dept. Environment \$481,358.68 smcs,ds; NE Dept. Revenue \$43,886.75 smcs; NE Dept. Revenue \$68,812.55 ps; NE Public Health \$1,746.00 smcs; Nebraskaland Distributing \$4,089.38 smcs; Northwestern Energy \$21,447.06 smcs; Novus \$55.00 smcs; OCLC \$816.53 smcs; Ohri, R \$150.00 smcs; One Call Concepts \$984.08 smcs; Padilla, L \$26.95 smcs; Pelc, S \$180.09 smcs; Pep Co \$495.00 smcs; Pioneer \$1,096.30 smcs; Platinum Awards \$51.70 smcs; Platte Valley Comm. \$111.15 smcs; Polydyne \$16,758.72 smcs; Presto-X \$474.95 smcs; Rasmussen Mechanical \$16,610.00 smcs; Rauert, B \$31.00 smcs; RDG Planning \$61,972.34 smcs; Ready Mixed Concrete \$38,520.30 co; Reinke's \$343.03 smcs; Rheome Tree \$10,562.50 smcs; Ross, T \$2.45 smcs; Sandry Fire \$373.10 smcs; Sapp Bros. \$1,162.00 smcs; Schindler Elevator \$6,780.00 co; School District #7 \$330.00 smcs; Schroer, J \$253.00 smcs; Scorr Marketing \$1,156.25 smcs; See Clear Cleaning \$1,297.50 smcs; Sherwin William \$40.13 smcs; Sign Center \$1,222.71 co; SignIT \$137.00 smcs; Smith, V \$4.56 smcs; SOS Portable Toilets \$501.00 smcs; Southern Glazers \$675.00 smcs; Starostka Group \$69,250.23 co; State of NE/DAS \$28.35 smcs; Steffens, C \$120.00 smcs; Steinbrink's \$6,639.90 smcs; Stitch 3 \$142.32 smcs,co; Stover, T \$180.00 smcs; Streetlight Data \$4,400.00 smcs; Stryker Sales \$1,469.65 smcs; Stutsman \$4,392.00 smcs; SW Firefighting Foam \$3,294.65 smcs; Targetsolutions \$6,232.88 smcs; Telephone Systems \$644.00 smcs; Tidei, J \$1,000.00 smcs; TK Elevator \$2,703.69 smcs; Tri Co. Glass \$379.00 smcs; Turner Body Shop \$375.00 smcs; Tye & Rowling \$15,525.80 smcs; Underground Const. \$1,560.00 smcs; Union Bank & Trust \$105,058.08 ps; United Way \$94.00 ps; University of MO \$13,400.00 smcs; US Postmaster \$424.00 smcs; Valley Forklift \$200.50 smcs; Verizon \$12,181.95 smcs; Village Uniform \$227.24 smcs; Volaire Aviation \$2,000.00 smcs; Vrbka, K \$100.00 smcs; Warren-T Plumbing \$450.00 smcs; Wessels, W \$2,880.00 smcs; White, D \$12.19 smcs; Wilkins Architecture \$3,653.60 co; Wilson, T \$9.43 smcs; Wood, B \$2.22 smcs; World Theatre \$20.00 smcs; Young, A \$9.43 smcs; Payroll Ending 05/20/2023 -- \$634,768.22 and 06/03/2023 -- \$701,372.79. 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.** Adopt Resolution No. 2023-92 approving the Grant Agreement between the City of Kearney and the Federal Aviation Administration in connection with BIL/AIG Act Project No. 3-31-0045-039-2023 for the Box Hangar project at the Kearney Regional Airport.

**RESOLUTION NO. 2023-92**

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR BIPARTISAN INFRASTRUCTURE LAW/AIRPORT INFRASTRUCTURE GRANT PROJECT NO. 3-31-0045-039-2023 TO PROVIDE FOR THE BOX HANGAR PROJECT AT THE KEARNEY REGIONAL AIRPORT.

WHEREAS, the City of Kearney, Nebraska has submitted a project application to the Federal Aviation Administration for Bipartisan Infrastructure Law/Airport Infrastructure Grant Project No. 3-31-0045-039-2023 to provide for the Box Hangar project at the Kearney Regional Airport; and

WHEREAS, the Federal Aviation Administration has approved the project for the Kearney Regional Airport.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that:

1. The City of Kearney shall enter into a Grant Agreement with the Federal Aviation Administration for Bipartisan Infrastructure Law/Airport Infrastructure Grant Project No. 3-31-0045-039-2023 to provide for the Box Hangar project at the Kearney Regional Airport. The Grant Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

2. The Mayor or President of the Council of the City of Kearney is hereby authorized and directed to execute said Grant Agreement on behalf of the City of Kearney and the City Clerk is hereby authorized to attest said execution.

PASSED AND APPROVED THIS 13TH DAY OF JUNE, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

4. Adopt Resolution No. 2023-93 approving Change Order No. 10 showing an increase in the amount of \$5,560.00 and increasing the contract time by two days for a new Substantial Completion Date of September 7, 2023; Change Order No. 11 showing an increase in the amount of \$5,241.00 and increasing the contract time by two days for a new Substantial Completion Date of September 9, 2023; Change Order No. 12 showing an increase in the amount of \$1,261.00 and increasing the contract time by two days for a new Substantial Completion Date of September 11, 2023; Change Order No. 13 showing an increase in the amount of \$3,671.00; and Change Order No. 14 showing an increase in the amount of \$532.00 submitted by RMV Construction and approved by Wilkins ADP for the Yanney Heritage Park Pavilion and Parking Lot.

**RESOLUTION NO. 2023-93**

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, has filed with the City Clerk Change Order No. 10 showing an increase in the amount of \$5,560.00 and increasing the contract time by two days for a new Substantial Completion Date of September 7, 2023 as shown on Exhibit "A" attached hereto; Change Order No. 11 showing an increase in the amount of \$5,241.00

and increasing the contract time by two days for a new Substantial Completion Date of September 9, 2023 as shown on Exhibit “B” attached hereto; Change Order No. 12 showing an increase in the amount of \$1,261.00 and increasing the contract time by two days for a new Substantial Completion Date of September 11, 2023 as shown on Exhibit “C” attached hereto; Change Order No. 13 showing an increase in the amount of \$3,671.00 as shown on Exhibit “D” attached hereto; and Change Order No. 14 Showing an increase in the amount of \$532.00 as shown on Exhibit “E” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 3,653,600.00</u>
Change Order No. 1 (7-26-2022)	+ 23,433.00
Change Order No. 2 (9-13-2022)	+ 17,883.00
Change Order No. 3 (10-11-2022)	+ 395.00
Change Order No. 4 (01-10-2023)	- 7,195.00
Change Order No. 5 (01-10-2023)	+ 3,947.00
Change Order No. 6 (01-10-2023)	+ 9,676.00
Change Order No. 7 (03-14-2023)	+ 1,348.00
Change Order No. 8 (04-11-2023)	+ 611.00
Change Order No. 9 (04-11-2023)	+ 802.00
Change Order No. 10 (06-13-2023)	+ 5,560.00
Change Order No. 11 (06-13-2023)	+ 5,241.00
Change Order No. 12 (06-13-2023)	+ 1,261.00
Change Order No. 13 (06-13-2023)	+ 3,671.00
Change Order No. 14 (06-13-2023)	<u>+ 532.00</u>
Contract Sum to Date	<u>\$3,720,765.00</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. 10, as shown on Exhibit “A”; Change Order No. 11, as shown on Exhibit “B”; Change Order No. 12, as shown on Exhibit “C”; Change Order No. 13, as shown on Exhibit “D”; and Change Order No. 14, as shown on Exhibit “E” be are hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF JUNE, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

5. Adopt Resolution No. 2023-94 approving Application and Certificate for Payment No. 12 in the amount of \$81,000.00 submitted by Caldwell Tank and approved by Miller & Associates for the 2.0 MG Elevated Water Tower.

**RESOLUTION NO. 2023-94**

WHEREAS, Caldwell Tank of Louisville, Kentucky and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 12 in the amount of \$81,000.00 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>
Change Order (10-11-2022)	<u>- 10,991.50</u>
Contract Sum To Date	4,962,008.50
Gross Amount Due	4,214,008.50
Retainage (10%)	<u>- 421,400.85</u>
Amount Due to Date	3,792,607.65
Less Previous Certificates for Payment	<u>- 3,711,607.65</u>
Current Payment Due	\$ 81,000.00

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

PASSED AND APPROVED THIS 13TH DAY OF JUNE, 2023.

ATTEST:  
 PEGGY EYNETICH  
 CITY CLERK

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

6. Approve the recommendations from the Development Services Division on the annual renewal of the manufactured home court license for L&M Properties (1110 Central Avenue) until May 31, 2024, and extend the current manufactured home court licenses for East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue and Valley View Mobile Home Court, 2701 and 2801 Grand Avenue, an additional 60 days to correct deficiencies.

**V. CONSENT AGENDA ORDINANCES**

None.

**VI. REGULAR AGENDA**

**PROPOSED REDEVELOPMENT PROJECT FOR YOUNES CENTER NINTH ADDITION**

Mayor Clouse opened Regular Agenda Item 1 for consideration of Resolution 2023-95 approving the redevelopment project submitted by SEDO Hospitality for Redevelopment Area #8 for an area described as Lot 1, Block 2 Younes Center Ninth Addition, to the City of Kearney, Buffalo County, Nebraska.

Kayla James, Finance Director, presented this matter to the Council. SEDO Hospitality, Inc. is considering constructing a four-story dual-brand (Tru / Home 2 Suites) hotel totaling 97,663 square feet situated on 3.84 acres that will be located at 230 11th Avenue.

The current valuation of the property is \$214,500. The total new valuation once the project is completed is estimated to be \$11,001,760 and the estimated annual increment in real estate taxes upon completion is \$200,802. On June 5, 2023, the Community Redevelopment Authority moved that the Project be granted 95% of the annual increment in real estate taxes, not to exceed the lessor of \$2,861,426, or the certified eligible Project

Costs over a period not to exceed fifteen years beginning with Tax Year 2024. The Project costs include the following:

Grading/dirt work	\$898,779
Utilities - 11th Ave N of Talmadge - water	\$146,625
Utilities – 11th Ave N of Talmadge - sewer	\$118,783
Paving and storm sewer – 11th Ave N of Talmadge	\$367,946
Landscaping	\$158,650
Public parking	\$467,366
Sidewalks	\$ 84,924
Exterior lighting	\$105,000
Utilities to the building	\$451,162
<b>Total</b>	<b>\$2,799,235</b>

Moved by Clouse seconded by Moore finding that the redevelopment project set forth in the application submitted by SEDO Hospitality, Inc. would not be economically feasible without the use of tax-increment financing, that the proposed redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing and, that the costs and benefits of the proposed redevelopment project are found to be in the long term best interests of the community; and further move that the redevelopment project be granted 95 percent of the annual increment in real estate taxes, not to exceed the lessor of \$2,861,426, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2024 and to adopt Resolution No. 2023-95 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with SEDO Hospitality, Inc. Roll call resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

**RESOLUTION NO. 2023-95**

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1991, as amended (the “Act”), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the “Authority”), has prepared a Redevelopment Plan for Area #8 pursuant to Section 18-2111 of the Act (“Redevelopment Plan”), and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, if any, to the Authority, pursuant to Section 18-2114 of the Act; and

WHEREAS, in accordance with Section 18-2114 of the Act, the Authority submitted its recommendation, along with the recommendation from the Planning Commission to the City Council; and

WHEREAS, following consideration of the recommendations of the Planning Commission and the Authority, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as Lot 1, Block 2, Younes Center Ninth Addition, to the City of Kearney, Buffalo County, Nebraska; (Parcel ID 580095500); and

WHEREAS, the City Council has determined that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project have been found to be in the long-term best interests of the community.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that:

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as Lot 1, Block 2, Younes Center Ninth Addition, to the City of Kearney, Buffalo County, Nebraska; (Parcel ID 580095500); is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

2. The City Council hereby determines that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project are found to be in the long-term interests of the community.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as Lot 1, Block 2, Younes Center Ninth Addition, to the City of Kearney, Buffalo County, Nebraska; (Parcel ID 580095500); shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

a. That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, of loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or

indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

c. Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The President and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Buffalo County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project substantially in the form attached hereto as Exhibit "B" with appropriate insertions.

6. Recognizing that, after the date of this Resolution, circumstances may arise necessitating changes, additions or deletions to the specific legal description of the Redevelopment Project (described in Paragraphs 1 and 4 above and the attached Exhibit "B"), the City Manager is hereby authorized to make such changes, additions or deletions to the legal description as the City Manager deems reasonable or necessary, together with the authority to execute all documents, certificates or instruments necessary in connection therewith, specifically including the execution of an Amended Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project.

PASSED AND APPROVED THIS 13TH DAY OF JUNE, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

**PRESENTATION FROM KEARNEY PUBLIC SCHOOLS REGARDING MEMORIAL FIELD**

Mayor Clouse opened Regular Agenda Item 2 for Council to receive an informational presentation from Kearney Public Schools (KPS) regarding Memorial Field.

Jason Mundorf, KPS Superintendent, presented this matter to the Council. Mr. Mundorf stated KPS approached the City regarding their interest in purchasing Memorial Field. Mr. Mundorf clarified that KPS proposed the purchase of Memorial Field to the City as it was not for sale. If the sale is granted by the City, Mr. Mundorf outlined KPS' 3 to 5 year improvement plan and further noted that Memorial Field would continue to be available for use by Kearney Catholic High School (KCHS) and the Legion Baseball Team.

Council Member Randy Buschkoetter questioned what benefit the purchase would provide KPS if granted. Mr. Mundorf stated the acquisition would solidify the baseball cooperative, thereby assuring the continuation of one baseball team in Kearney. The purchase would also allow KPS to make needed improvements to Memorial Field.

Council Member Tami Moore noted her concerns regarding potential Title IX issues that could be created with the sale to KPS. Mr. Mundorf stated he does not foresee any Title IX issues due to the outstanding softball facility at Patriot Park that is currently used for softball.

Council Member Buschkoetter questioned if Patriot Park is an adequate facility for softball

as KPS, KCHS, and UNK all use it, noting Patriot Park was primarily designed as a youth facility and further questioned if instead, there would be a benefit to building another softball field that could be used by KPS, KCHS, and UNK? Mr. Mundorf stated he is not aware of issues with the current use of Patriot Park, and noted if there had been issues, the School Board would have been approached to consider creating an additional softball field at another park already. Mr. Mundorf further stated UNK plays at Dryden Park and expressed KPS' willingness to participate in future discussions, if they were to occur, regarding expanding Dryden Park's facility for softball. Mr. Mundorf stated KPS' primary focus is purchasing Memorial Field and improving it; thereafter, a softball field could be another strategic objective to consider.

Council Member Bruce Lear asked Scott Hayden, Director of Recreational Services for the City, to discuss the logistical challenges of housing two baseball programs at Memorial Field. Mr. Hayden stated the potential challenges of a single field were initially discussed when the high school baseball programs began and further noted that Legion Baseball also uses the Field. Mr. Hayden stated logistically it is difficult without going late into the evening.

Council Member Moore provided a question was from Council Member Jonathan Nikkila. Council Member Nikkila questioned how the sale to KPS would benefit the community, not just the school. Mr. Mundorf stated the planned facility upgrades would be a boon to the community as well as the players that play there. Additionally, there wouldn't be as many rainouts, and the number of games and tournaments KPS hosted could be increased. The purchase would also allow for the continuation of one community baseball team which was the original intent and that KPS would like to carry on.

Mayor Clouse noted that Council would not be taking action on this item this evening and thanked Mr. Mundorf for his presentation.

### **STAFF PRESENTATION ON UPCOMING 150TH BIRTHDAY CELEBRATION EVENTS**

Mayor Clouse opened Regular Agenda Item 3 for Council to receive an informational presentation from City Staff on the upcoming 150th birthday celebration events.

Brenda Jensen, Assistant City Manager, presented this matter to the Council. Ms. Jensen stated several celebrations will be occurring in June for Kearney's Sesquicentennial Birthday and noted the Kearney Visitors Bureau has a list of all of the events going on throughout the year on their webpage. June festivities include: Taste of Downtown, with a 150th Birthday celebration theme; Pub Quizzes; a Timeless Tribute at Nestspace; a social at The Brickwalk Gallery; and the 150th Birthday Party that will take place Downtown on June 24th. The daytime Birthday Party events on June 24th will include food options and family-friendly activities that several community organizations and the City of Kearney will participate in. Evening events beginning at 6:00 p.m. will include two different musical groups playing until 11:00 p.m. Ms. Jensen stated numerous, amazing organizations have been putting a lot of effort into celebrating Kearney's Sesquicentennial Birthday.

Council Members and Michael Morgan, City Manager thanked Ms. Jensen for her presentation.

**VII. REPORTS**

None.

**VIII. ADJOURN**

Moved by Clouse seconded by Buschkoetter that Council adjourn at 6:15 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

**ATTEST:**

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

\_\_\_\_\_  
**PEGGY EYNETICH  
CITY CLERK**