

Kearney, Nebraska
June 27, 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 27, 2023, in the Council Chambers at City Hall. Present were: Peggy Eynetich, City Clerk; Council Members Randy Buschkoetter, Tami James Moore, and Jonathan Nikkila. Absent: Stanley A. Clouse and Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Brenda Jensen, Assistant City Manager; Kayla James, Director of Finance; Amber Miller, Development Services Director; Tony Jelinek, Director of Utilities; Bryan Waugh, Chief of Police; Aaron Jameson, Fire Chief; Jason Whalen and Deputy Fire Chief; several members of the Kearney Volunteer Fire Department, 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

Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

RECOGNITION/ORAL COMMUNICATIONS

Jason Whalen, Fire Administrator and Deputy Fire Chief, stated Kearney Volunteer Fire Department (KVFD) has served the community for 140 years and is the largest volunteer Fire Department in the State of Nebraska. Mr. Whalen introduced Aaron Jameson, Kearney Volunteer Fire Department's 28th Fire Chief.

Mr. Jameson, recognized Fire Administrator, Jason Whalen who was elected Deputy Fire Chief, and introduced re-elected Battalion Chiefs 1 and 2 – Dave Krueger and John Sydow. Mr. Jameson noted Max Gintzler was elected Battalion Chief 3 and introduced

Lonny Reeder who was elected/promoted to Fire Chief and Connor Brown who was elected as a Lieutenant. Mr. Jameson listed the Corporate Officers re-elected for the upcoming year: President – Gene Beerbohm, Vice President – Brad Isaac, Secretary – Brad Anderson, Treasurer – Matt Ullman, Board of Directors – Todd Walton, Bryan Chase and Terry Eirich.

Vice-President Buschkoetter stated KVFD is one of the tremendous assets the community has and noted as Kearney celebrates its 150th Birthday, the Fire Department has played a huge part in Kearney's history. Council members joined Vice-President Buschkoetter in thanking the members and their family's for all they do for the community.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

None.

IV. CONSENT AGENDA

Vice-President Buschkoetter stated the Consent Agenda was amended on Monday, June 26, 2023, by adding Subsection 8.

Moved by Nikkila seconded by Moore that Subsections 1 through 8 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter. Nay: None. Clouse and Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held June 13, 2023.
2. Approve the following Claims:

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

1000bulbs.com \$119.52 smcs; 24 Hour Tees \$779.44 smcs; 4 All Promos \$350.11 smcs; 4Imprint \$1,849.10 smcs; 5Gstore \$70.08 smcs; 911 Custom \$1,689.45 smcs; Accucut \$359.17 smcs; Acushnet \$9,273.06 smcs; ADB Safegate \$249.56 smcs; Adobe \$885.94 smcs; Advanced Auto Parts \$208.64 smcs; Adventure Enterprises \$300.00 smcs; Alert All \$1,455.00 smcs; Alert Shirt \$240.55 smcs; Alfred Benesch \$54,570.86 co; All American Drain \$225.00 smcs; All Makes Auto \$1,213.91 smcs; All Makes Supply \$2,714.02 smcs; Allied Controls \$1,594.53 smcs; Altec \$856.69 smcs; Amax Contracting \$345.60 smcs; Amazon \$26,543.31 smcs,co; Ambassador Taxi \$38.52 smcs; American \$247.91 smcs; American Button \$106.61 smcs; American Fence \$235.15 smcs; American Water College \$359.98 smcs; Andersen Self Service \$29.01 smcs; Anderson

Bros. \$798.15 smcs; Apple \$3.96 smcs; Apple Market \$32.62 smcs; Aramark Uniform \$636.30 smcs; Arboico Organics \$1,388.37 smcs; Ares Hotels \$11.98 smcs; Arnold Motor \$341.79 smcs; Artisans Photography \$80.00 smcs; Ask Supply \$3,151.48 smcs; ASP Enterprises \$482.63 smcs; ATT \$1,129.27 smcs; Aurora Coop \$703.52 smcs; Aussie Hydraulics \$150.22 smcs; Authorize.net \$30.00 smcs; AVFuel \$72,744.85 smcs; B&H Photo \$1,900.07 smcs,co; Baker & Taylor \$2,285.13 smcs; Baker's Candies \$173.00 smcs; Ballard \$181.88 smcs; Battery Junction \$1,317.30 smcs; Beaver Machines \$76.15 smcs; Benck, L \$24.03 smcs; Big Apple \$100.00 smcs; Blackburn \$514.79 smcs; Blackstone Library \$1,072.71 smcs; Bliersch, R \$24.87 smcs; Blickart \$106.05 smcs; BlueCross BlueShield \$201,726.62 smcs; Board of Public Acct. \$200.00 smcs; Bomgaars \$2,108.86 smcs,co; Border States \$2.74 smcs; Bosselman \$13,388.56 smcs; Bossfuels \$67,123.18 smcs; Brackett Aircraft \$51.27 co; Brandt, D \$100.00 smcs; Broadfoot's \$2,580.40 smcs; Brown, D \$14.68 smcs; BSN Sports \$6,982.00 smcs; Buffalo Co. Court \$268.76 ps; Buffalo Co. Register \$74.00 smcs; Buffalo Co. Sheriff \$547.50 smcs; Buffalo Outdoor Power \$1,652.89 smcs,co; Builders \$4,438.71 smcs,co; Buzz's Marine \$28.35 smcs; Cab Store \$171.18 smcs; Caldwell Tanks \$81,000.00 co; Canva \$119.40 smcs; Casey's \$57.50 smcs; Cash Wa \$16,681.36 smcs; CD Photo \$1,500.00 smcs; Cenex \$85.50 smcs; Center Point \$79.86 smcs; Central Comm. College \$3,550.00 smcs; Central Hydraulic \$26.40 smcs; Central NE Bobcat \$77,933.87 smcs,co; Central States Wire \$4,458.75 smcs; Century Lumber \$29.49 smcs; Chavez, A \$171.65 smcs; Chemsearch \$365.00 smcs; Chesterman \$6,141.50 smcs; Cintas \$1,136.53 smcs; City of KY \$26,464.59 smcs,ps; Civicplus \$1,359.75 smcs; CNA Surety \$40.00 smcs; Coatney, M \$90.00 smcs; Cold Spring \$354.90 smcs; Collinson Enterp. \$378.50 smcs; Commercial Recreation \$1,834.00 smcs; Conoco \$76.26 smcs; Conrad, C \$27.91 smcs; Conroy, B \$31.00 smcs; Consolidated Mgmt. \$670.00 smcs; Constantcontact.com \$125.00 smcs; Construction Rental \$6,485.24 smcs,co; Control Yours \$110.00 smcs; Cooper, B \$25.00 smcs; Copycat Printing \$1,362.77 smcs; Core & Main \$15,740.01 smcs; Country Partners \$21,724.45 smcs; Court Reserve \$141.39 smcs; Creative New England \$380.95 smcs; Culligan \$2,526.74 smcs; Cummins \$14,664.80 smcs; Cutter & Buck \$1,842.52 smcs; D & K Products \$60.75 smcs; D & M Security \$70.50 smcs; Dairy Queen \$50.00 smcs; Danko Emergency \$2,141.16 smcs; Dan's Plumbing \$361.48 smcs; Dawson Public Power \$35,730.76 smcs; Decker Storage \$205.01 smcs; Deere & Company \$48,234.51 co; Del City \$311.46 smcs; DeLaet Electric \$1,431.85 co; Dell \$7,849.36 smcs,co; Depository Trust \$585,593.76 ds; Detectachem \$62.82 smcs; Deterding's \$47,180.08 smcs; Digi Key \$171.67 smcs; DigiCert \$578.00 smcs; Dish \$250.16 smcs; Ditch Witch \$193.75 smcs; Dmilaco \$140.50 smcs; Dolan Consulting \$125.00 smcs; Domini's \$300.75 smcs; Donovan, A \$0.75 smcs; Dowhy Towing \$65.00 smcs; DuFoe, M \$35.00 smcs; Dutton-Lainson \$289.49 smcs; Eagle Distributing \$1,872.57 smcs; Eakes \$4,680.73 smcs; Earl May \$19.99 smcs; Echo Electric \$133.30 smcs; Ecolab \$126.21 smcs; Eileen's Cookies \$1,245.60 smcs; Elf Enterprises \$1,193.05 smcs; Elliott Equipment \$7,902.11 smcs; Emblem Authority \$297.00 smcs; Engineered Controls \$2,150.00 smcs; Entenmann-Rovin \$337.50 smcs; ESChat \$178.23 smcs; ESO Solutions \$5,366.76 smcs; Etsy \$41.36 smcs; Expression Wear \$31.00 ps; EZ Turf \$263.00 co; Facebook \$232.96 smcs; Fairfield Inn \$191.50 smcs; Family Fresh \$46.87 smcs; Family Practice \$1,939.00 ps; Fastenal \$379.77 smcs; Federal Aviation \$5.00 smcs; Firehouse Subs \$50.00 smcs; Fort KY \$126.52 smcs; Frontier \$3,110.56 smcs; Fun Express \$398.09 smcs; Gale/Cengage \$117.85 smcs; Galls \$369.74 smcs; Gamma Sports \$1,869.78 smcs; Garrett Tires \$18,784.31 smcs; Glaser, A \$702.98 smcs; Glowforge \$388.65 smcs; Golden Ticket \$16.92 smcs; Goodwin Tucker \$907.50 smcs;

GPM Pump \$553.65 smcs; Graham Tire \$26.00 smcs; Grainger \$2,948.40 smcs; Grand Kubota \$227.05 smcs; Great Plains Comm. \$904.93 smcs; Great Plains Safety \$200.00 smcs; Greenpartstore.com \$105.61 smcs; Gross, J \$52.50 smcs; H6 Tactical \$247.75 smcs; Habitat for Humanity \$100.00 smcs; Hach \$763.16 smcs; Hali-Brite \$997.58 smcs; Hall, L \$37.50 smcs; Harbor Freight \$367.98 smcs; Heiman Fire \$5,048.30 smcs; Hilti \$1,325.03 co; Hireright \$10.45 smcs; Hobby Lobby \$401.63 smcs; Holiday Inn \$161.45 smcs; Holmes Plumbing \$794.35 smcs,co; Home Depot \$4,977.97 smcs; Hooker Bros. Sand \$627.22 smcs; Hotels.com \$1,246.08 smcs; Husker Irrigation \$1,748.96 smcs; Hyatt Regency \$586.65 smcs; Hy-Vee \$2,086.41 smcs; IACA \$25.00 smcs; IAEI \$312.51 smcs; Idsecurityonline.com \$64.31 smcs; Impact Plastics \$935.11 smcs; Institute IIA \$190.00 smcs; Integrated Security \$750.00 smcs; Interlight \$828.90 smcs; Interstate Police \$1,685.00 smcs; Int'l Assn. \$300.00 smcs; Invoicehome.com \$5.28 smcs; IRS \$215,176.82 ps; ISA \$246.37 smcs; Jack Lederman \$742.18 smcs,co; Jack's Small Engines \$515.14 smcs; Jack's Uniforms \$2,099.34 smcs; Jackson Services \$357.27 smcs; Jacobi's \$1,272.00 smcs; Jaeger, T \$313.88 smcs; JCB Delivery \$211.00 smcs; Jensen, J \$41.92 smcs; Jimmy Johns \$148.29 smcs; Johnson Brothers \$1,900.00 smcs; Johnson Landscape \$6,309.73 smcs; Johnson, A \$145.00 smcs; Johnstone Supply \$951.66 smcs; Jones Automotive \$381.36 smcs; Jorgenson Lockers \$626.40 smcs; Kart-Man \$2,697.83 smcs; Kaul, R \$169.49 smcs; Kaw Greenhouse \$567.55 smcs; KY Ace \$382.73 smcs; KY Chamber \$2,000.00 smcs; KY Cinema 8 \$100.00 smcs; KY Concrete \$137.25 smcs; KY Crete & Block \$1,939.57 smcs; KY Hub \$1,564.90 smcs; KY Police Dept. \$550.00 smcs; KY Towing \$250.00 smcs; KY Winlectric \$9,729.50 smcs,co; KY Winnelson \$2,318.32 smcs,co; Kelly Supply \$1,974.82 smcs; Kewanna Screen \$1,292.64 smcs; Kimball Midwest \$431.43 smcs; Kings III Emergency \$776.67 smcs; Kiplinger Editors \$79.18 smcs; Kitt's Coffee \$204.95 smcs; Konica Minolta \$239.68 smcs; Kully Supply \$236.32 smcs; Landmark Implement \$4,883.35 smcs; Law Enforcement \$425.00 smcs; Lawson Products \$1,184.71 smcs; LCL Truck \$3,180.37 smcs; Lee Advertising \$490.98 smcs; Lewis, R \$15.93 smcs; Lifeguard Store \$734.47 smcs; Limbach, B \$3,000.00 co; Lindner, L \$144.43 smcs; Lodge at Deadwood \$314.07 smcs; Luke, D \$157.85 smcs; Lulzbot \$5,239.21 smcs; Macqueen Equipment \$4,690.28 smcs; Marlatt Precision \$124.53 smcs; Marlow White Uniforms \$1,135.20 smcs; Marriott \$693.25 smcs; Masters True Value \$1,393.42 smcs,co; Matheson \$112.27 smcs; McCartney, Erin Chpt. 13 \$157.00 ps; McCormack Distributing \$56.50 smcs; McFarland, K \$62.75 smcs; MCL Construction \$1,631,115.46 co; Menards \$11,305.14 smcs,co; Merrill Company \$891.79 smcs; Microsoft \$211.88 smcs; Mid American Signal \$580.00 co; Midland Scientific \$536.14 smcs; Midwest Connect \$595.73 smcs; Midwest Turf \$557.27 smcs; Miller Signs \$108.00 smcs; Miller, S \$200.00 smcs; Mirror Image \$29.91 smcs; Mission Square \$7,752.42 ps; Moonlight Embroidery \$1,317.00 smcs; Most Dependable Fount. \$444.66 smcs; Mostek Electric \$1,802.94 smcs; Municipal Emergency \$78.52 ps; Municipal Supply \$51,599.79 smcs; Murcal \$338.42 smcs; Murphy Tractor \$660.65 smcs; MyRec \$6,375.00 smcs; Nat'l School Resource \$40.00 smcs; Nature's Educators \$92.65 smcs; Navigator Motorcoaches \$250.00 smcs; Nays Online \$276.96 smcs; NDEE \$300.00 smcs; NE Child Support \$1,836.50 ps; NE Dept. Revenue \$51,044.86 smcs; NE Furniture Mart \$761.80 co; NE Generator Service \$39,180.00 co; NE Golf Assn. \$1,288.00 smcs; NE Machinery \$2,036.55 smcs; NE Municipalities League \$583.00 smcs; NE Peterbilt \$237.31 smcs; NE Public Health \$1,026.00 smcs; NE Safety & Fire \$635.00 smcs; NE Society of CPAs \$1,390.08 smcs; NE Truck Center \$2,157.24 smcs; NEACN \$30.00 smcs; Nebraskaland Dist. \$4,047.96 smcs; Network Solutions \$147.94 smcs; NFPA \$175.00 smcs; Nguyen, H \$26.03 smcs; NI SFM Elevator \$720.00

smcs; NI State Payport \$1.02 smcs; Nivel Parts \$216.96 smcs; Northern Safety \$91.76 smcs; Northgate Vet Clinic \$218.50 smcs; Northwest Electric \$301.00 smcs; Northwestern Energy \$375.00 smcs; NYRP \$46.03 smcs; Office Depot \$849.45 smcs; Omaha Airport \$24.00 smcs; Omnify \$479.50 smcs; Optics Planet \$247.32 smcs; O'Reilly Auto \$1,540.54 smcs; OTC Brands \$116.73 smcs; Outdoor Recreation \$699.00 smcs; Overhead Door \$76.38 smcs; Panera Bread \$275.21 smcs; Papa John's \$43.42 smcs; Park, D \$24.20 smcs; Paymentus \$1,209.45 smcs; PB Leasing \$65.97 smcs; Peerless Machine \$12,860.77 smcs; Pensxpress \$181.60 smcs; Pep Co. \$91.71 smcs; PetSmart \$289.88 smcs; PGA of America \$667.00 smcs; Phillips 66 \$30.26 smcs; Ping \$2,322.12 smcs; Pioneer Athletics \$1,096.30 smcs; Pitney Bowes \$517.50 smcs; PJs Supply \$1,419.86 smcs; Platinum Awards \$378.02 smcs; Platte Valley Auto Mart \$612.37 smcs; Point Emblems \$2,005.00 smcs; Poleish Sports \$199.96 smcs; Prairie Moon Nursery \$303.02 smcs; Precision Printing \$722.00 smcs; Prestige Flag \$48.06 smcs; Presto-X \$250.16 smcs; Protex Central \$45.00 smcs; Pro-Tint \$250.00 smcs; Public Safety Store \$602.90 smcs; Quick Care Medical \$33.20 ps; Quill \$883.26 smcs; Quizizz \$468.00 smcs; Raising Canes \$204.50 smcs; Rasmussen Mechanical \$8,097.46 smcs; Rasmussen, T \$0.91 smcs; Ravenna News \$37.00 smcs; Reams Supply \$2,884.09 smcs; Redbox \$10.69 smcs; Redman's Shoes \$539.97 smcs,co; Reinke's \$345.98 smcs; Rentokil \$493.26 smcs; Resource Mgmt. \$3,953.25 smcs; Rev Fire Parts \$25,350.00 co; Rheome Tree \$525.00 smcs; RMV Construction \$1,171,499.05 co; Rosebud Casino \$40.00 smcs; S&B Heating \$45.00 smcs; S&S Worldwide \$416.32 smcs; Sampson Construction \$95,928.09 co; Sandhill Oil \$94.34 smcs; Sandhill Plastics \$42.46 smcs; Sandry Fire \$1,590.50 smcs; Sanitation Products \$948.47 smcs; Sayler Screenprinting \$1,719.00 smcs; Scantling, E \$450.00 smcs; Scarlet Hotel \$173.94 smcs; Schindler Elevator \$2,322.08 smcs; Schirmer, B \$16.73 smcs; Scholastic Education \$327.20 smcs; Schumacher Fencing \$448.11 smcs; Schwan's Home \$995.53 smcs; Sciachitano, M \$500.00 smcs; Secretary of State - NE \$30.00 smcs; See Clear Cleaning \$1,700.00 smcs; Select Sprayers \$146.37 smcs; Sensit \$40.00 smcs; Shanks Lawn \$170.48 smcs; Shell Oil \$134.84 smcs; Sherwin Williams \$5,058.85 smcs,co; Shore Power \$228.62 smcs; Shredding Solutions \$192.41 smcs,co; Sign Center \$256.64 co; Sign Solutions \$114.51 smcs; Sinister Mfg. \$2,781.40 smcs; Siteone Landscape \$5,481.87 smcs; SLA Corp. \$178.23 smcs; SOS Portable Toilets \$830.50 smcs; Spectrum \$794.72 smcs; Sporting Edge \$1,259.56 smcs; Sports ETA \$304.98 smcs; Spracklen Built \$364.00 smcs; Springer Roofing \$1,886.00 smcs; Springhill Suites \$383.22 smcs; Sprinkler Warehouse \$2,977.26 smcs; Steinbrink Landscaping \$3,345.75 smcs; Stephens, E \$208.00 smcs; Stitch 3 \$1,137.00 smcs; Stomp Chomper \$416.00 smcs; Stutsman \$2,745.00 smcs; Summit \$1,450.00 smcs; Superior Signals \$223.00 smcs; Swim Outlet \$1,334.62 smcs; Swingsetmall.com \$106.85 smcs; Target \$297.35 smcs; Titan Machinery \$15.25 smcs; Totally Promotional \$302.00 smcs; Tractor-Supply \$1,403.64 smcs,co; Trade Well Pallet \$1,250.00 smcs; Traffic Safety Store \$3,593.15 smcs; Transunion \$110.80 smcs; Traveler's Insurance \$830.00 smcs; Tri-Cities Roofing \$1,158.30 smcs; Trittech Forensics \$131.60 smcs; Tucker Hunter \$850.00 smcs; Twin City Hardware \$1,525.20 smcs; Tyler Technologies \$7,632.07 smcs; Uber \$26.48 smcs; Ubiquiti \$311.35 smcs; Underground Construction \$4,016.80 smcs; Union Bank & Trust \$1,166,565.51 ds,ps; Union Pacific \$100.00 er; Unique Management \$174.75 smcs; UNK \$300.12 smcs; UNO \$500.00 smcs; UPS \$448.41 smcs; USA Blue Book \$1,541.92 smcs; USPS \$560.40 smcs; Verizon \$14,495.14 smcs; Video Kingdom \$1,572.87 co; Village Services \$324.42 smcs; Villars, C \$39.41 smcs; VVS \$53.78 smcs; Wadkins-Meyer,Morgan \$855.00 smcs; Waldinger Corp \$1,058.95 smcs; Wal-Mart \$3,120.23 smcs,co; Ward Laboratories

\$107.50 smcs; Wastecorp Pumps \$613.95 smcs; Waters Company \$1,663.68 smcs; West, L \$45.36 smcs; Westheffer Co. \$202.19 smcs; White Cap Supply \$213.43 co; Wilcac Life \$5.00 ps; Windy Prairie Systems \$500.00 smcs; Worden Safety \$73.43 co; World Theatre \$31.00 smcs; WPCI \$1,480.00 ps; WT Cox Information \$64.30 smcs; Yanda's Music \$87.00 smcs; Youtube TV \$418.91 smcs; Zimco Supply \$2,550.00 smcs; Zoom \$160.39 smcs; Zoro Tools \$148.66 smcs; Payroll Ending 06/17/2023 -- \$729,793.06. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set July 11, 2023 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2023-96 approving Application and Certificate for Payment No. 10 in the amount of \$1,974,365.84 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

RESOLUTION NO. 2023-96

WHEREAS, John T. Jones Construction Co. has performed services in connection with WWTP Phase II Improvements; Water Resource Recovery Facility, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 10 in the amount of \$1,974,365.84 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 35,218,367.00</u>
Contract Sum To Date	35,218,367.00
Gross Amount Due	16,898,897.39
Retainage	<u>- 1,646,264.94</u>
Amount Due to Date	15,252,632.45
Less Previous Certificates for Payment	<u>13,278,266.61</u>
Current Payment Due	\$ 1,974,365.84
Balance to finish, including retainage	\$ 19,965,734.55

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 10, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF JUNE, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

5. Authorize the Vice-President to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Mitchell Young submitted by Blazin Wings, Inc dba Buffalo Wild Wings #584 located at 5208 North 2nd Avenue in connection with their Class I-112992 liquor license.

6. Adopt Resolution No. 2023-97 approving the Developer Constructed Infrastructure Agreement for Sun West Fifth Addition, Lot 2; between the City of Kearney and Mike Lewis, Member of Old Towne Enterprises, LLC, a Nebraska Limited Liability Company for the construction of a water main for a fire hydrant to serve Lot 2, Sun West Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2023-97

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled “Developer Constructed Infrastructure Agreement for “Sun West Fifth Addition, Lot 2” between the City of Kearney and Mike Lewis, Member of Old Towne Enterprises, LLC, a Nebraska Limited Liability Company for the construction of a fire hydrant to serve Lot 2, Sun West Fifth Addition, an addition to the City of Kearney, 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 Vice-President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 27TH DAY OF JUNE, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

7. Adopt Resolution No. 2023-98 approving the Developer Constructed Infrastructure Agreement for Younes Center – 11th Avenue, between the City of Kearney and Paul Younes, Member of SEDO Hospitality, Inc., a Nebraska Corporation for the construction of water, sanitary sewer, paving, and storm sewer infrastructure for Younes Center Ninth Addition and Younes Center Seventh Addition.

RESOLUTION NO. 2023-98

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled “Developer Constructed Infrastructure Agreement for Younes Center – 11th Avenue” between the City of Kearney and Paul Younes, Member of SEDO Hospitality, Inc., a Nebraska Corporation for the construction of water, sanitary sewer, paving, and storm sewer to serve Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit “A” is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 27TH DAY OF JUNE, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

8. ADDENDUM ITEM: Approve the purchase of marked police vehicles, using donated funds not to exceed \$1.8 million, submitted by Anderson Ford, Lincoln Nebraska, under the Nebraska Administrative Services – Material Division for Police Vehicles for each police officer assigned to the Uniform Patrol Bureau.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

REDEVELOPMENT PROJECT FOR MJ DEVELOPMENT, LLC AND YOUNES LANDING, LLC FOR PROPERTY LOCATED IN YOUNES CENTER SEVENTH ADDITION

Vice-President Buschkoetter opened Regular Agenda Item 1 for consideration of Resolution No. 2023-99 approving the redevelopment project submitted by MJ Development, LLC, a Nebraska Limited Liability Company and Younes Landing, LLC, a Nebraska Limited Liability Company for Redevelopment Area #8 for an area described as the West 30 feet of the North 808 feet of Lot 1, all of Lots 2, 3, and 4 and the North 78 feet of Lot 5, Block 2, Younes Center Seventh an addition to the City of Kearney, Buffalo County, Nebraska. Containing 6.77 acres (South of Talmadge Street on 11th Avenue).

Kayla James, Finance Director, presented this matter to the Council. MJ Development, LLC/ Younes Landing, LLC is considering the construction of two steel and wood constructed, two-story buildings that will each have several restaurants and retail spaces. The total square footage for each building is 36,501 and will be situated on 6.77 acres located south of Talmadge Street on 11th Avenue.

Upon completion, total new valuation of the property is estimated to be \$10,788,080. The current valuation is \$96,415 and the annual increment in real estate taxes after completion is estimated to be \$199,022. On June 20, 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 \$189,071, 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:

Utilities – 11th Ave S of Talmadge – water	\$332,135
Utilities – 11th Ave S of Talmadge – sewer	\$546,622
Paving and storm sewer – 11th Ave S of Talmadge	\$1,215,315
Public parking	\$985,336
Total	\$3,079,408

Moved by Moore seconded by Buschkoetter finding that the redevelopment project set forth in the application submitted by MJ Development, LLC, and Younes Landing, LLC 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 \$2,836,068.00, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2024 and to adopt Resolution No. 2023-99 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Younes Landing, LLC. Roll call resulted as follows: Aye: Moore, Buschkoetter, Nikkila. Nay: None. Clouse and Lear absent. Motion carried.

RESOLUTION NO. 2023-99

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 the West 30 feet of the North 808 feet of Lot 1, all of Lots 2, 3, and 4 and the North 78 feet of Lot 5, Block 2, Younes Center Seventh an addition to the City of Kearney, Buffalo County, Nebraska, containing 6.77 acres; (Parcel ID's 580127030, 580127040, 580127050, and 6.39 acres of 580127060); 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 Vice-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 the West 30 feet of the North 808 feet of Lot 1, all of Lots 2, 3, and 4 and the North 78 feet of Lot 5, Block 2, Younes Center Seventh an addition to the City of Kearney, Buffalo County, Nebraska, containing 6.77 acres; (Parcel ID's 580127030, 580127040, 580127050, and 6.39 acres of 580127060); 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 the West 30 feet of the North 808 feet of Lot 1, all of Lots 2, 3, and 4 and the North 78 feet of Lot 5, Block 2, Younes Center Seventh an addition to the City of Kearney, Buffalo County, Nebraska, containing 6.77 acres; (Parcel ID's 580127030, 580127040, 580127050, and 6.39 acres of 580127060); 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 Vice-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 27TH DAY OF JUNE, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

PRESENTATION OF PROPOSED SPORTSPLEX USER FEES AND RENTAL RATES

Vice-President Buschkoetter stated Regular Agenda Item 2 is postponed to the July 11, 2023, Council meeting.

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$109,054.88 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Nikkila, Moore. Nay: None. Clouse and Lear absent. Motion carried.

VII. REPORTS

VIII. ADJOURN

Moved by Buschkoetter seconded by Nikkila that Council adjourn at 5:50 p.m. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter. Nay: None. Clouse and Lear absent. Motion carried.

ATTEST:

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

PEGGY EYNETICH
CITY CLERK