

Kearney, Nebraska
July 11, 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 July 11, 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, Tami James Moore, and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Brenda Jensen, Assistant City Manager; Kayla James, Director of Finance; Amber Miller, Director of Development Services; Mike Young, Captain of Operations; Kevin Thompson, Police Captain, and Lauren Brandt, SportsPlex Manager, were also present. Members of the media present included: 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

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 were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

AMENDMENT TO THE LAND USE MAP FOR PROPERTY LOCATED AT 2400 EAST 32ND PLACE

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 Rovar Park, LLC a Nebraska Limited Liability Company for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from MDR, Medium Density Residential to MU2, Office/Commercial Retail Mixed Use for property described as a tract of land being part of Lot 1 and part of Lot 2, St. Luke's Good Samaritan Village, an addition to the City of Kearney, Buffalo County, Nebraska (2400 East 32nd Place) and consider Resolution No. 2023-100.

Craig Bennett, Miller & Associates, presented this matter to the Council. Mr. Bennett described the 2.87-acre undeveloped parcel, stating the adjacent zoning has a similar type of use. Mr. Bennett explained that the proposed development has unique drainage challenges, noting the Developers have worked closely with City staff to address the challenges.

Council member Tami James Moore questioned if the existing parking would still be allowed. Brenda Jensen, Assistant City Manager explained the parking spaces have been dedicated and would remain after the development.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2023-100 approving the application submitted by Miller & Associates for Rovar Park, LLC a Nebraska Limited Liability Company for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from MDR, Medium Density Residential to MU2, Office/Commercial Retail Mixed Use for property described as a tract of land being part of Lot 1 and part of Lot 2, St. Luke's Good Samaritan Village, an addition to the City of Kearney, Buffalo County, Nebraska (2400 East 32nd Place). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2023-100

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for:

A tract of land being part of Lot 1 and part of the Lot 2, St. Luke's Good Samaritan Village, an addition to the City of Kearney, Buffalo County, Nebraska, being more particularly described as follows: Beginning at the Southeast corner of Lot 2 and assuming that the East line of Lot 2 is bearing NORTH and all bearings contained herein are relative thereto; thence NORTH on the East line of Lot 2 a distance of 66.0 feet to the Northeast corner of said Lot 2, said point also being the southeast corner of Lot 1; thence continuing North and on the East line of Lot 1 a distance 23.6 feet; thence N 00°10' W and continuing on the East line of said Lot 1 a distance 228.1 feet; thence S 89°50' W

and continuing on the aforesaid East line a distance of 3.0 feet; thence N 00°10' W and continuing on the aforesaid East line a distance of 10.0 feet; thence N 89°50' E and continuing on the aforesaid East line a distance of 3.0 feet; thence N 00°10' W and continuing on the aforesaid East line a distance of 174.6 feet to the Northeast corner of said Lot 1; thence N 88°55'30" W and on the North line of Lot 1 a distance 476.7 feet to the ACTUAL PLACE OF BEGINNING; thence N 88°55'30" W and continuing on the North line of said Lot 1 a distance of 259.42 feet to the Northwest corner of Lot 1; thence S 01°37'30" W and on the West line of Lot 1 a distance to 434.6 feet to the Southwest Corner of Said Lot 1; thence S 89°48'30" E and on the South line of Lot 1 a distance of 262.05 feet to a point on the East line of Lot 3 (if extended northerly); thence N 01°11'30" E and on the East line of said Lot 3 (if extended northerly) a distance of 435.0 feet to the place of beginning; together with the North 44.0 feet of Lot 2 abutting the afore-described part of Lot 1 on the South. Containing 2.87 Acres more or less all located in Buffalo County, Nebraska (2400 East 32nd Place) from MDR, Medium Density Residential to MU2, Office/Commercial Retail Mixed Use; and

WHEREAS, the said application for changes in the Comprehensive Land Use Plan has been approved by the City Planning Commission, after a public hearing properly published and held; and

WHEREAS, the City Council has held a public hearing upon the said revisions and voted in favor of a motion to approve the changes in the Land Use Plan as requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from MDR, Medium Density Residential to MU2, Office/Commercial Retail Mixed Use, the use classification for:

A tract of land being part of Lot 1 and part of the Lot 2, St. Luke's Good Samaritan Village, an addition to the City of Kearney, Buffalo County, Nebraska, being more particularly described as follows: Beginning at the Southeast corner of Lot 2 and assuming that the East line of Lot 2 is bearing NORTH and all bearings contained herein are relative thereto; thence NORTH on the East line of Lot 2 a distance of 66.0 feet to the Northeast corner of said Lot 2, said point also being the southeast corner of Lot 1; thence continuing North and on the East line of Lot 1 a distance 23.6 feet; thence N 00°10' W and continuing on the East line of said Lot 1 a distance 228.1 feet; thence S 89°50' W and continuing on the aforesaid East line a distance of 3.0 feet; thence N 00°10' W and continuing on the aforesaid East line a distance of 10.0 feet; thence N 89°50' E and continuing on the aforesaid East line a distance of 3.0 feet; thence N 00°10' W and continuing on the aforesaid East line a distance of 174.6 feet to the Northeast corner of said Lot 1; thence N 88°55'30" W and on the North line of Lot 1 a distance 476.7 feet to the ACTUAL PLACE OF BEGINNING; thence N 88°55'30" W and continuing on the North line of said Lot 1 a distance of 259.42 feet to the Northwest corner of Lot 1; thence S 01°37'30" W and on the West line of Lot 1 a distance to 434.6 feet to the Southwest Corner of Said Lot 1; thence S 89°48'30" E and on the South line of Lot 1 a distance of 262.05 feet to a point on the East line of Lot 3 (if extended northerly); thence N 01°11'30" E and on the East line of said Lot 3 (if extended northerly) a distance of 435.0 feet to the place of beginning; together with the North 44.0 feet of Lot 2 abutting the afore-described part of Lot 1 on the South. Containing 2.87 Acres more or less all located in Buffalo County, Nebraska (2400 East 32nd Place).

PASSED AND APPROVED THIS 11TH DAY OF JULY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

REZONE PROPERTY LOCATED AT 2400 EAST 32ND PLACE

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 Rovar Park, LLC a Nebraska Limited Liability Company, to rezone from District R-3/PD, Urban Residential Multi-Family District (Medium Density)/Planned Development Overlay District to District C-3, General Commercial District for property described as a tract of land being part of Lot 1 and part of Lot 2, St. Luke's Good Samaritan Village, an addition to the City of Kearney, Buffalo County, Nebraska (2400 East 32nd Place) and consider Ordinance No. 8636.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the Application submitted by Miller & Associates for Rovar Park, LLC a Nebraska Limited Liability Company and introduced Ordinance No. 8636 rezoning from District R-3/PD, Urban Residential Multi-Family District (Medium Density)/Planned Development Overlay District to District C-3, General Commercial District for property described as a tract of land being part of Lot 1 and part of Lot 2, St. Luke's Good Samaritan Village, an addition to the City of Kearney, Buffalo County, Nebraska (2400 East 32nd Place) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8636. 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, Nikkila, Moore. Buschkoetter, Lear. 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. 8636 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore. Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8636 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8636 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.

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 7 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held June 27, 2023.
2. Approve the following Claims:

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

911 Custom \$2,973.60 co; Agri Coop \$4,732.55 smcs; All City Garage Door \$564.00 smcs; All Copy \$155.28 smcs; All Makes Auto \$2,456.53 smcs; All Safe Industries \$1,187.27 smcs; Amax \$57.60 smcs; American Fence \$235.15 smcs; Ask Supply \$1,902.75 smcs; Aurora Coop \$538.88 smcs; AVFuel \$49,105.57 smcs; Baker & Taylor \$3,944.49 smcs; BlueCross BlueShield \$198,571.57 smcs; Booton, L \$299.00 smcs; Buffalo Co. Court \$268.76 ps; Builders \$188.00 smcs; Buysm Sod \$483.84 smcs; Cash Wa \$6,171.55 smcs; Certified Power \$5,222.10 smcs; Chavez, K \$161.00 smcs; Chesterman \$1,972.75 smcs; City Glass \$417.95 smcs; City of Kearney \$444,929.54 smcs,ps; Collinson Enterprises \$108.50 smcs; Comfy Bowl \$400.00 smcs; Comm. Health Agencies \$10.00 ps; Commonwealth Electric \$2,205.14 smcs; Community Action \$2,849.50 smcs; Compute North \$894,566.05 smcs; Contractor Services \$31,710.00 smcs; Country Partners \$87,407.57 smcs; Cutter & Buck \$447.19 smcs; Cypress Information \$926.10 smcs; Danko Emergency \$1,075.26 smcs; Dan's Plumbing \$267.75 smcs; Depository Trust \$370,783.75 smcs; DPC Industries \$38,217.12 smcs; Eagle Distributing \$1,709.58 smcs; Eakes \$2,812.06 smcs; Elliott Equipment \$5,658.00 smcs; Emergency Services \$3,137.00 smcs; Family Practice \$403.00 smcs,ps; Faz, A \$220.86 smcs; Give Nebraska \$10.00 ps; Glatter, D \$50.00 smcs; Greater NE Cities \$1,000.00 smcs; Haney, D \$50.00 smcs; HM Life \$54,895.56 smcs; Holiday Inn \$597.22 smcs; Hometown Leasing \$443.23 smcs; IRS \$218,113.58 ps; Jack's Uniforms \$903.49 smcs; Jaeger, T \$120.00 smcs; James, K \$304.10 smcs; JCB Delivery \$305.00 smcs; John T. Jones Const. \$1,974,365.84 co; Johnson Brothers \$1,834.50 smcs; Johnson Service \$5,220.00 smcs; Kearney Hub \$2,743.11 smcs; Kearney Winlectric \$55,593.53 co; Konica Minolta \$560.39 smcs; Larsen, R \$122.00 smcs; LCL Truck \$36,535.00 co; Leadership Kearney \$500.00 smcs; Lincoln Nat'l Life \$9,747.77 smcs; Logan Contractors \$2,292.87 co; Lopez, S \$145.00 smcs; Mac Tools \$158.09 smcs; Macqueen Equipment \$597,430.56 co; Magic Cleaning \$7,350.00 smcs; Marlatt Precision \$725.00 co; Marriott \$498.50 smcs; May, K \$100.00 smcs; McCartney, Erin Chpt. 13 \$157.00 ps; Mefferd, E \$620.00 smcs; Midwest Connect \$8,628.32 smcs; Miller, D \$100.00 smcs; Mission Square \$7,728.56 ps; Morey, K \$245.00 smcs; Municipal Emergency \$780.00 smcs; Najera, A \$122.00 smcs; NE Child Support \$1,594.65 ps; NE Dept. Revenue \$71,603.67 ps; NE Generator Service \$5,415.58 smcs; NE Library Commission \$2,424.67 smcs; NE Machinery \$925.70 smcs; Nebraskaland Distrib. \$2,646.40 smcs; Nelson, T \$40.00 smcs; Newsbank \$26,250.00 smcs; Northwestern Energy \$12,229.29 smcs; O&S Flying

Service \$17,056.76 smcs; Peerless Machine \$6,243.43 smcs; Penworthy \$455.22 smcs; Pep Co \$1,262.50 smcs; Pioneer Athletics \$998.00 smcs; Presto X \$144.18 smcs; Prime Secured \$67.50 co; Rapid Fire Protection \$225.00 smcs; RDG Planning & Design \$351,079.35 co; Reid, W \$900.00 smcs; Republican Nat'l \$482.00 smcs; RMV Construction \$322,392.00 co; Road Builders \$921.07 smcs; Safe Center \$147.00 smcs; Sampson Construction \$0.66 co; School District #7 \$595.00 smcs; Schwarz, S \$4,141.21 smcs; Scott Daake Masonry \$1,000.00 smcs; Secretary of State \$30.00 smcs; Southern Glazier's Wine \$3,892.06 smcs; State Fire Marshall \$100.00 smcs; State of Nebraska \$14.49 smcs; Stutsman \$1,098.00 smcs; Sunset Law Enforcement \$103.98 smcs; Titan Machinery \$404.57 smcs; Trade Well Pallet \$1,250.00 smcs; Treetop Products \$16,295.15 smcs; Tschetter, J \$80.00 smcs; Tye & Rowling \$15,530.68 smcs; Union Bank \$106,231.83 ps; United Way \$94.00 ps; V The Gypsy Cowbelle \$100.00 smcs; Vanco \$99.53 smcs; Vertive Services \$2,343.49 smcs; Walters Electric \$650.00 smcs; Warrington, D \$257.30 smcs; Weller, B \$567.00 smcs; Young, J \$122.00 smcs; Young, M \$245.00 smcs; Young, M \$204.00 smcs; Payroll Ending 07/01/2023 -- \$739,306.85. 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. 2023-101 approving Change Order No. 15 showing an increase in the amount of \$3,026.00 and Application and Certificate of Payment No. 11 in the amount of \$188,350.80 submitted by RMV Construction and approved by Wilkins ADP for the Yanney Heritage Park Pavilion and Parking Lot.

RESOLUTION NO. 2023-101

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. 15 showing an increase in the amount of \$3,026.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, RMV Construction, LLC of Kearney, Nebraska and Wilkins ADP have filed with the City Clerk Application and Certificate for Payment No. 11 in the amount of \$188,350.80 as shown on Exhibit "B" 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)	+ 532.00
Change Order No. 15 (07-11-2023)	<u>+ 3,026.00</u>
Contract Sum to Date	\$3,723,791.00
Gross Amount Due	\$2,837,504.00
Retainage Completed Work (10%)	185,087.00
Retainage Stored Materials (5%)	<u>- 49,331.70</u>
Amount Due to Date	2,603,085.30
Less Previous Certificates for Payment	<u>-2,414,734.50</u>
Current Payment Due	<u>\$ 188,350.80</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. 15, as shown on Exhibit "A" and Application and Certificate for Payment No. 11, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 11TH DAY OF JULY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the request for a location change submitted by B & B Research and Investments, LLC, dba The Game Room (formerly The Cup 1919) located at 2010 Central Avenue (new location) in connection with their Class CK-124010 liquor license.
5. Adopt Resolution No. 2023-102 approving the Grant Agreement between the City of Kearney and the Federal Aviation Administration in connection with AIP Project No. 3-31-0045-038-2023 for the Acquisition of Snow Removal Equipment Project (1. Carrier Vehicle with Snow Plow with Liquid Sprayer attachments and 2. Carrier Vehicle with Snow Broom Attachment) at the Kearney Regional Airport.

RESOLUTION NO. 2023-102

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR AIRPORT IMPROVEMENT PROGRAM PROJECT NO. 3-31-0045-038-2023 TO PROVIDE FOR THE ACQUISITION OF SNOW REMOVAL EQUIPMENT PROJECT (1. CARRIER VEHICLE WITH SNOW PLOW WITH LIQUID SPRAYER ATTACHMENTS AND 2. CARRIER VEHICLE WITH SNOW BROOM ATTACHMENT) AT THE KEARNEY REGIONAL AIRPORT.

WHEREAS, the City of Kearney, Nebraska has submitted a project application to the Federal Aviation Administration for Airport Improvement Program Project No. 3-31-0045-038-2023 to provide for the Acquisition of Snow Removal Equipment project (1. Carrier Vehicle with Snow Plow with Liquid Sprayer attachments and 2. Carrier Vehicle with Snow Broom Attachment) 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 Airport Improvement Program Project No. 3-31-0045-038-2023 to provide for the Acquisition of Snow Removal Equipment project (1. Carrier Vehicle with Snow Plow with Liquid Sprayer attachments and 2. Carrier Vehicle with Snow Broom Attachment) 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 are 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 11TH DAY OF JULY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

6. Adopt Resolution No. 2023-103 approving Change Order No. 2 showing an increase in the amount of \$583.50, Application and Certificate for Payment No. 5-FINAL in the amount of \$39,910.09 and accept the Certificate of Substantial Completion submitted by Precision Foundations, Inc. and approved by Miller & Associates for the 2022 City of Kearney Trail Projects; Lighthouse Point Trail, 19th Avenue Trail and Hillside Estates Trail.

RESOLUTION NO. 2023-103

WHEREAS, Precision Foundations, Inc. has performed services in connection with the 2022 City of Kearney Trail Projects; Lighthouse Point Trail, 19th Avenue Trail and Hillside Estates Trail, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an increase to the contract sum in the amount of \$583.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Precision Foundations, Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 5-FINAL in the amount of \$39,910.09 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 175,675.74</u>
Change Order No. 1 (11-22-2022)	+ 17,260.00
Change Order No. 2 (07-11-2023)	<u>+ 583.50</u>
Contract Sum To Date	193,519.24
Gross Amount Due	193,519.24
Retainage (0%)	<u>0.00</u>
Amount Due to Date	193,519.24
Less Previous Application for Payment	<u>- 153,069.15</u>
Current Payment Due	\$ 39,910.09

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of May 24, 2023, 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. 2, as shown on Exhibit "A", Application and Certificate for Payment No. 5-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 11TH DAY OF JULY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

7. Adopt Resolution No. 2023-104 confirming Carol Pelster to fulfill the term vacated by Tanya Wegner on the Community Redevelopment Authority Board.

RESOLUTION NO. 2023-104

WHEREAS, Resolution No. 2005-96 calls for Citizen Board/Commission member appointments to be made by resolution submitted by the Mayor to the City Council for final approval; and

WHEREAS, a vacancy currently exists on certain Boards/Commissions.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following person, as proposed by the City Manager of the City of Kearney, Nebraska, is hereby appointed to the designated Boards/Commissions for the term indicated:

COMMUNITY REDEVELOPMENT AUTHORITY

Carol Pelster appointed to fulfill the term of Tanya Wegner to July 31, 2025

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED THIS 11TH DAY OF JULY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

PRESENTATION OF PROPOSED SPORTSPLEX USER FEES AND RENTAL RATES

Mayor Clouse opened Regular Agenda Item 1 for Council to receive a presentation from City Staff on the proposed SportsPlex user fees and rental rates. This presentation was for informational purposes only.

Lauren Brandt, SportsPlex Manager, presented this matter to the Council. Ms. Brandt stated the proposed user fees and rental rates were developed using information from numerous comparable facilities throughout the Midwest. Ms. Brandt aimed the fees at delivering affordable user rates to the community, offering competitive rental rates to attract local, regional, and national events, maximizing the facility's usage, and generating adequate funding all help to achieve a balance between serving the community and creating a sports tourism destination.

Ms. Brandt provided a facility overview, and reviewed scheduling software, weekday and weekend rental user rates, drop-in rates, and updated facility renderings.

Michael Morgan, City Manager stated the SportsPlex would not charge admissions for events, instead allowing tournament organizers the opportunity, if they chose to.

Council Member Randy Buschkoetter questioned if rental rates would be negotiable for tournaments seeking multi-year rentals. Mr. Morgan stated the current rental rates are competitive enough that this should not be an issue, but noted Ms. Brandt will have discretion when scheduling events.

Ms. Brandt stated the groundbreaking ceremony for the SportsPlex will be August 1st, and further noted the development of the SportsPlex website and SportsPlex social media accounts.

Ms. Brandt thanked Council Members for their support.

VII. REPORTS

City Manager, Michael Morgan provided updates on various City projects, including the 2.0MG Water Tower, Airport Terminal, Airport Hangar, Yanney Park Pavilion, and 56th Street and N Avenue turn lane construction.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:11 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
CITY CLERK**