

**Kearney, Nebraska**  
**August 22, 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 August 22, 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; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works; Scott Hayden, Director of Recreation Services; Eric Hellriegel, Director of Parks; Melissa Dougherty-O'Hara, City Planner; Shawna Erbsen, Director of Administrative Services; Luke Dutcher, Assistant Director of Public Works; Dan Lillis, Engineering Assistant II; Bryan Waugh, Chief of Police; Jason Koetters, Police Lieutenant; Gabe Kowalek, Police Lieutenant; Derek Luke, Police Lieutenant, and Anthony Faz, Police Officer were also present. Members of the media present included: Mike Konz, Kearney Hub and Brian Neben, NRG Media.

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 including Officers Justin McCoy, Alex Peyton, and Tracy Suchsland 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/RECOGNITIONS****OATH OF OFFICE TO POLICE OFFICERS GRANT BUSCHKOETTER AND MICHAEL REEVES**

Police Chief Bryan Waugh introduced Kearney Police Department Officers Grant Buschkoetter and Michael Reeves.

**REQUEST TO ADDRESS CITY COUNCIL REGARDING MEMORIAL FIELD BY MATT MUNDORF**

Matt Mundorf presented what he feels are safety issues at Memorial Field and discussed photos he submitted that are attached as Exhibit A. Mr. Mundorf feels the City does a great job on day-to-day maintenance but has concerns about larger, costly maintenance issues that he feels aren't being addressed. Mr. Mundorf feels addressing the concerns brought to light this evening could potentially result in increased tournaments at Memorial Field. Mr. Mundorf felt that future upkeep and maintenance are important for Memorial Field to stay competitive with surrounding communities.

Mayor Clouse asked if City Staff meets with facility users at the end of each season. Michael Morgan, City Manager stated that Staff does meet with coaches and the Athletic Department from Kearney High at the end of each season to hear their concerns pertaining to Memorial Field.

Council Member Randy Buschkoetter questioned if Mr. Mundorf had met with Staff to review the concerns presented this evening. Mr. Mundorf stated he had not met with Staff on these particular matters, and noted a few of the items could be fixed right away; however, items such as the turf were a bigger issue. Council Member Buschkoetter noted the turf has been included in the Capital Improvement Plan for several years and further stated the current turf is of higher quality than the previous turf with a life expectancy of 15 to 20 years; however, due to vandalism, the turf will need replacing soon. Council Member Buschkoetter further noted replacement padding for the backstop and dugout has been ordered and the City already had plans in place for a majority of the other issues Mr. Mundorf mentioned.

Mr. Mundorf stated that he has had communication with other citizens and coaches expressing similar concerns as his. Mr. Morgan stated the coaches, the High School and the Legion are aware of the City's plans for improvements at Memorial Field, as they meet with City Staff annually and noted City Staff had not been made aware of any additional concerns from citizens outside of the annual meetings.

Council Member Bruce Lear explained that maintaining Memorial Field is a priority for the City, noting that the appropriate time and resources will continue to be devoted to preserving its history and tradition, and thanked Mr. Mundorf for his presentation to Council.

Mr. Morgan encouraged all users to communicate with the coaches and officials who meet with City Staff annually.

Mayor Clouse thanked Mr. Mundorf for his presentation.

Marty Albrecht expressed his belief that the field turf needs immediate attention and reviewed his thoughts on the concerns Mr. Mundorf had presented.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

### **VACATION AND RELEASE OF EASEMENT LOCATED AT 2401 CENTRAL AVENUE**

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for Museum of Nebraska Art, Inc., Attn: Nichole Herden to vacate and release the 280.45-foot by 20-foot Utility easement for property described as the alley from the West line of Avenue "A" westerly to the East line of Central Avenue (now vacated) as the same abuts Lots 12, 13, 14, 15, 16 and 17 on the north and Lots 68, 69, 70, 71 and 72 on the south in Southwest Quarter School Section Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Vacated alley lying north, the north side of the existing MONA building, 2401 Central Avenue) and to consider Ordinance No. 8644.

Melissa Dougherty-O'Hara, City Planner presented this matter to the Council. Ms. Dougherty-O'Hara stated in 2021 MONA requested an alley vacation in relation to their construction project with the intent to vacate the remaining utility easement at a future date; after the utilities had been removed or relocated, during their construction process. The utilities have now been removed/relocated and MONA is now requesting the proposed vacation of the Utility Easement be approved.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Miller & Associates for Museum of Nebraska Art, Inc., Attn: Nichole Herden, and introduced Ordinance No. 8644 vacating and releasing the 280.45-foot by 20-foot Utility easement for property described as the alley from the West line of Avenue "A" westerly to the East line of Central Avenue (now vacated) as the same abuts Lots 12, 13, 14, 15, 16 and 17 on the north and Lots 68, 69, 70, 71 and 72 on the south in Southwest Quarter School Section Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Vacated alley lying north, the north side of the existing MONA building, 2401 Central Avenue) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Moore seconded the motion to close the hearing and suspend the rules for Ordinance No. 8644. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance

No. 8644 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Lear that Ordinance No. 8644 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8644 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.

### **PROPOSED PURCHASE OF PROPERTY IN TECH ONE FIRST SUBDIVISION**

Mayor Clouse opened the public hearing on the proposed purchase of property from Economic Development Council of Buffalo County, Inc described as a tract of land in Tech One First Subdivision, a subdivision being part of the north half of the Northwest Quarter of Section 29, Township 9 North, Range 16 West, of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2023-122.

Brenda Jensen, Assistant City Manager presented this matter to the Council. Ms. Jensen stated the Economic Development Council of Buffalo County, current owner of the approximate 20 acres located in Tech One First Subdivision, would like to transfer the property back to the City of Kearney.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2023-122 approving the purchase of property from Economic Development Council of Buffalo County, Inc described as a tract of land in Tech One First Subdivision, a subdivision being part of the north half of the Northwest Quarter of Section 29, Township 9 North, Range 16 West, of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

### **RESOLUTION NO. 2023-122**

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for public purposes and voted in favor to proceed with the acquisition; and

WHEREAS, Economic Development Council of Buffalo County, Inc., a Nebraska Non-Profit Corporation has granted to the City of Kearney, Nebraska a Warranty Deed for public purposes for Parcel 1: Lot 1, Block 1 Tech One First Subdivision, a Subdivision being part of the North Half of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; Parcel 2: Lot 3, Block 1 Tech One First Subdivision, a Subdivision being part of the North Half of the Northwest Quarter

of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and Parcel 3: Lot 1, Block 2 Tech One First Subdivision, a Subdivision being part of the North Half of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Warranty Deed granted by Economic Development Council of Buffalo County, Inc., a Nebraska Non-Profit Corporation with the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 22ND DAY OF AUGUST, 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 9 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 August 8, 2023.

2. Approve the following Claims:

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

5.11 \$353.10 smcs; 2023 Governors Ag \$300.00 smcs; 4Imprint \$2,078.02 smcs; 5GStore \$588.77 smcs; A-1 Refrigeration \$1,049.85 smcs; Abos \$49.00 smcs; Ace Irrigation \$107.50 co; Acushnet \$3,715.54 smcs; Adam Marshall Auction \$4,781.27 smcs; Adventure Enterprises \$1,401.00 smcs; Airbnb \$2,479.76 smcs; Alert All \$1,535.00 smcs; All Makes Auto \$3,333.71 smcs; All Safe Industries \$3,790.92 co; Ally B Designs \$65.00 smcs; Amazon \$14,793.19 smcs,co; American \$37.10 smcs; American Legion Emblem \$26.90 smcs; American Library Assn. \$682.00 smcs; American Red Cross \$850.82 smcs; Andersen, B \$150.00 smcs; Anderson, S \$11.43 smcs; Animoto \$264.00 smcs; Apple \$114.17 smcs; Aquascape \$114.45 smcs; Aramark Uniform \$718.55 smcs; Arbico Organics \$541.70 smcs; Area Services \$737.50 smcs; Arnold Motor \$277.07 smcs; ARS Store \$461.04 smcs; Ask Supply \$3,433.96 smcs; At-A-Glance \$75.11 smcs; ATT \$1,248.59 smcs; Audation \$1,000.00 smcs; Aussie Hydraulics \$66.30 smcs; Authorize.net \$10.00 smcs; AVFuel \$155,643.66 smcs; Ayers, D \$15.23 smcs; B&H Photo \$5,077.94 co; Back Flow Repair \$655.20 smcs; Baird Holm \$3,000.00 smcs; Baker & Taylor \$4,923.50 smcs; Bakers Candies \$260.50 smcs; Banks, K \$2.13 smcs; Baristas Daily Grind \$23.00 smcs; Benne, E \$16.53 smcs; Blackstone Library \$1,446.97 smcs; Bluebean \$816.42 smcs; BlueCross BlueShield \$72,506.20 smcs; Blume, F \$80.00 smcs; Bombeck, B \$22.86 smcs; Bomgaars \$1,074.47 smcs; Boogaarts \$16.00 smcs; Bosselman \$25,979.93 smcs; BossFuels \$27,087.12 smcs; Bpad Group \$700.00 smcs;

Broadfoot's \$3,456.48 smcs; Broeker, T \$80.00 smcs; Brown Construction \$26,298.77 smcs; BSN Sports \$504.38 smcs; Buffalo Co. Redi-Mix \$19,014.69 smcs; Buffalo Co. Sheriff \$100.00 smcs; Buffalo Co. Treasurer \$52.25 smcs,ps; Buffalo Outdoor Power \$898.97 smcs; Builders \$1,230.42 smcs; Cabela's \$54.72 smcs; Cal/Amp \$781.55 smcs; Caldwell Tanks \$59,400.00 co; Carlson, K \$40.00 smcs; Carquest \$131.74 smcs; Casey's \$188.94 smcs; Cash Wa \$1,219.77 smcs; CDW \$4,578.08 smcs; Cenex \$20.33 smcs; Central Comm. College \$2,820.00 smcs; Central Hydraulic \$80.50 smcs; Central NE Bobcat \$1,626.34 smcs; Central NE Rehabilitation \$200.00 ps; Certified Power \$210.95 smcs; Chemsearch \$365.00 smcs; Chesterman \$2,016.00 smcs; CHI Good Sam. Found. \$2,500.00 smcs; City of KY \$16,951.54 smcs; Cloud Cover Music \$111.50 co; CNA Surety \$40.00 smcs; Cold Spring \$354.90 smcs; Community Action \$1,483.00 smcs; Consolidated Mgmt. \$861.25 smcs; Constantcontact.com \$125.00 smcs; Construction Rental \$1,100.52 smcs; Copycat Printing \$669.35 smcs; Core & Main \$5,411.59 smcs; Countie, M \$23.04 smcs; Country Partners \$102,864.99 smcs; Courtreserve \$141.30 smcs; Creative Services \$505.95 smcs; Culligan \$146.00 smcs; Cummins \$1,737.14 smcs; Cunningham's Journal \$47.44 smcs; Cutting Edge Cleaning \$175.00 smcs; Cymax \$1,392.97 smcs; Dan Roeder Concrete \$426,275.20 co; Danko Emergency \$7,834.69 smcs; Dare Catalog \$187.50 smcs; Davis, J \$40.00 smcs; Dawson Public Power \$44,373.90 smcs; Daylight Donuts \$206.26 smcs; Del City \$134.30 smcs; Dell \$1,441.90 co; Dero Bike Racks \$153.01 smcs; Deterdings \$738.40 smcs; Dish \$140.10 smcs; Dollar General \$8.00 smcs; Domino's \$146.25 smcs; Donkey Towing \$410.00 smcs; Dowhy Towing \$350.00 smcs; DPC Industries \$25,432.18 smcs; DTS Technology \$96.27 smcs; Dunkin \$55.96 smcs; Eagle Distributing \$2,487.62 smcs; Eakes \$3,581.74 smcs,co; Earl May \$1,502.85 smcs; Early Bird \$40.00 smcs; Ebay \$1,057.77 smcs,co; Ebsco Publishing \$4,556.00 smcs; Echo Electric \$37.68 smcs; Ecolab \$126.21 smcs; Eileen's Cookies \$102.00 smcs; Elliott Equipment \$163.85 smcs; EMC Insurance \$10.66 smcs; Entenmann-Rovin \$300.00 smcs; Enterprise \$297.72 smcs; Etsy \$5.00 smcs; Expression Wear \$48.00 ps; EZ Stop \$25.95 smcs; EZ Turf \$178.07 smcs; Facebook \$351.59 smcs; Family Fresh \$424.42 smcs; Faro Technologies \$3,640.00 smcs; Fastenal \$321.64 smcs; Feld Fire \$376.37 smcs; Flightaware \$1,000.00 smcs; Friesen Chevrolet \$5,625.20 smcs; Full Circle Training \$718.00 smcs; Fun Express \$219.97 smcs; Fyre Modern Grill \$57.78 smcs; Gale/Cengage \$832.23 smcs; Galls \$339.50 smcs; GameTime \$344.79 co; Gammon Village \$170.95 smcs; Garrett Tires \$6,642.31 smcs; Gibson, T \$30.00 smcs; Glass Doctor \$157.50 smcs; Global Aviation Navigator \$100.00 smcs; Godfrey's Indoor Ranges \$6,645.12 smcs; Graham Tire \$752.00 smcs; Grainger \$3,383.76 smcs, co; Great Plains Comm. \$915.43 smcs; Greeley, A \$40.00 smcs; Grove, S \$40.00 smcs; Hageman, M \$19.02 smcs; Hampton Inns \$3,050.29 smcs; Harbor Freight \$49.19 smcs; Haussler, D \$43.19 smcs; Head Penn Racquet \$3,415.18 smcs; Heartland Motor \$55.75 smcs; Hits 106 \$100.00 smcs; Hobby Lobby \$757.94 smcs; Holiday Inn \$1,498.47 smcs; Holmes Plumbing \$1,169.87 smcs; Holtz Industries \$927.99 smcs; Home Depot \$687.59 smcs; Hopkins, J \$80.00 smcs; Hub Int'l \$6,796.00 smcs; Huddleston, K \$168.37 smcs; Hunter Industries \$109.00 smcs; Hydroverge \$658.00 smcs; Hy-Vee \$214.73 smcs; Icon Enterprises \$160.00 smcs; Independent Travel \$1,000.00 smcs; Integrated Security \$296.00 smcs; Invoicehome.com \$5.28 smcs; Ipock, C \$19.67 smcs; Island Supply Welding \$143.25 smcs; It Straps On \$706.86 smcs; J&S Aviation \$200.00 smcs; Jack Lederman \$4,650.48 smcs; Jackson Services \$422.53 smcs; Jacobsen, S \$83.84 smcs; JCB Delivery \$176.00 smcs; JJ Keller \$742.13 smcs; Jmac Supply \$431.32 smcs; Johnson Brothers \$1,755.00 smcs; Johnston, G \$17.45 smcs; Johnstone Supply \$854.09 smcs; Jones, A \$80.00

smcs; Kaw Valley \$163.59 smcs; KY Ace \$307.86 smcs; KY Animal Shelter \$14,775.66 smcs; KY Chamber \$100.00 smcs; KY Concrete \$11,498.75 smcs,co; KY Crete & Block \$5,018.94 smcs,co; KY Hub \$2,292.03 smcs; KY Towing \$460.00 smcs; KY Truck \$59.67 smcs; KY Winlectric \$5,236.19 smcs; KY Winnelson \$757.52 smcs,co; Kelly Supply \$3,290.13 smcs,co; Kewanna Screen Printing \$350.46 smcs; KGFW \$200.00 smcs; Kociemba, T \$150.00 smcs; Ktown Cakery \$24.00 smcs; Landmark Implement \$4,207.02 smcs; Larsen, R \$118.99 smcs; Lawson Products \$353.54 smcs; LCL Truck Equipment \$747.87 smcs; League NE Municipalities \$60,610.00 smcs; Lerner \$263.88 smcs; Lilly, J \$40.00 smcs; Lincoln Chamber Comm. \$75.00 smcs; Lindner, L \$297.00 smcs; Lion Group \$1,622.63 smcs; Little Caesar's \$50.51 smcs; Love's \$67.55 smcs; L-Tron \$446.16 smcs; Lulzbot \$92.98 smcs; Lush, K \$120.00 smcs; Mac Tools \$75.46 smcs; Mackrill, R \$54.00 smcs; Macqueen Equipment \$222.49 smcs; Magic Cleaning \$400.00 smcs; Marketing Displays \$2,828.00 smcs; Marlatt Precision \$242.03 smcs; Masters True Value \$993.19 smcs,co; McCormack Distributing \$370.00 smcs; MCL Construction \$1,610,663.17 co; Medina, A \$31.00 smcs; Mefferd, E \$510.00 smcs; Menards \$5,668.02 smcs,co; Merrill Company \$54.15 smcs; Michaels \$11.74 smcs; Microsoft \$105.94 smcs; Mid-America Structures \$3,439.00 smcs; Mid-State Engineering \$476.00 co; Midwest Breathing Air \$98.45 smcs; Midwest Connect \$285.99 smcs; Midwest Turf \$23,647.58 smcs; Miller & Associates \$224.80 co; Miller Signs \$6,422.60 smcs; Miller, D \$50.00 smcs; Minitex \$3,114.00 smcs; Mirror Image \$109.67 smcs; Modern Cleaners \$22.40 smcs; Mom & Dads BBQ \$38.08 smcs; Moonlight Embroidery \$2,320.50 smcs; Morris, J \$50.00 smcs; Motorola \$110.00 co; MPLC.org \$298.60 smcs; Municipal Supply \$4,185.93 smcs; Murphy Tractor \$1,731.58 smcs; Nations Photo Lab \$4.95 smcs; NAVSEA \$2,100.00 smcs; NCH Software \$31.14 smcs; NCL of Wisconsin \$582.77 smcs; NDA Device \$278.22 smcs; NE Assn. Senior Centers \$110.00 smcs; NE Crane \$51.88 smcs; NE DMV \$114.80 smcs; NE Golf Assn. \$940.00 smcs; NE Harvest Center \$380.05 smcs; NE Machinery \$2,421.87 smcs; NE Salt & Grain \$10,650.22 smcs; NE Truck Center \$1,907.14 smcs; NE Turf Assn. \$200.00 smcs; Nebraskaland Dist. \$646.78 smcs; Network Solutions \$218.97 smcs; New Deal Deicing \$16,531.00 co; Newsbank \$9,500.00 smcs; NICP \$425.00 smcs; Nielsen Contracting \$458,012.45 co; Nivel Parts \$98.15 smcs; NLBA \$200.00 smcs; North American Gear \$150.68 smcs; Northern Safety \$71.04 smcs; Northgate Vet Clinic \$544.90 smcs; Northwestern Energy \$354.60 smcs; NRG Media \$205.00 smcs; NWEA \$690.00 smcs; O'Brien, J \$45.26 smcs; Odeys \$2,826.20 smcs; Office Depot \$1,094.07 smcs,co; Omaha Public Library \$17.27 smcs; Omnify \$486.50 smcs; One Call Concepts \$753.80 smcs; Online Training \$150.00 smcs; O'Reilly Auto \$897.13 smcs; Osborn, W \$253.40 smcs; Outdoor Rec Products \$5,813.00 co; Overhead Door \$88.38 smcs; Packer Brothers \$869.95 smcs; Panera bread \$112.97 smcs; Partsw.com \$34.46 smcs; Patriotic Brands \$3,833.49 smcs,co; Paypal\*Frontlinech \$325.00 smcs; Penworthy \$493.00 smcs; Pet Pickups \$2,931.45 smcs; Peterbuilt \$2,721.24 smcs; Petsmart \$93.96 smcs; Ping \$538.96 smcs; Pitney Bowes \$647.79 smcs; Pizza Ranch \$535.40 smcs; Platinum Awards \$54.35 smcs; Platte Valley Auto Mart \$441.34 smcs; Platte Valley Comm. \$999.55 smcs; Positive Concepts \$460.00 smcs; Presto-X \$601.87 smcs; Prime Secured \$337.50 smcs; Pro Track and Tennis \$34,900.00 co; ProQuest \$496.96 smcs; Provantage \$67.50 smcs; PSI Services \$350.00 smcs; Pump & Pantry \$71.17 smcs; Quicken \$76.97 smcs; Quill \$570.30 smcs; Raffaelli, C \$4.20 smcs; Rasmussen Mechanical \$5,006.50 smcs; RDG Planning & Design \$351,050.00 co; Ready Mixed Concrete \$8,046.68 co; Real Truck \$499.17 smcs; Reams Supply \$1,959.95 smcs; Red Equipment \$208.64 smcs; Redbox \$3.75 smcs; Reinke's \$128.80 smcs; Remarkable \$3,469.74 smcs; Rentokil \$212.73 smcs;

Reservations.com \$182.12 smcs; Resilite \$9,329.36 smcs; Rheome Tree \$7,600.00 smcs; Rhoades, K \$27.81 smcs; Rotronic Instrument \$1,189.63 co; S&S Worldwide \$92.68 smcs; Safariland Training \$2,985.00 smcs; Safelite Autoglass \$480.55 smcs; Safety Products \$238.53 smcs; Sam's Club \$170.30 smcs; Sandry Fire Supply \$5,338.50 smcs; Sanitation Products \$474.10 smcs; Sapp Bros. \$522.92 smcs; Schemper, S \$36.44 smcs; School Safety Council \$625.00 smcs; Schwan's \$3,158.08 smcs; See Clear Cleaning \$2,697.50 smcs; Select Sprayers \$4.74 smcs; Sensit Technologies \$40.00 smcs; SFM Boiler \$72.00 smcs; Sherwin Williams \$5,004.90 smcs; Shredding Solutions \$153.09 smcs; Shutterstock \$31.04 smcs; Siteone Landscape \$1,704.47 smcs; SLA Corp. \$191.94 smcs; Small Cakes \$193.00 smcs; Smith, M \$10.01 smcs; Solid Waste Assn. \$345.00 smcs; Sostad, B \$14.12 smcs; Southern Glazers \$243.00 smcs; Southwest \$479.97 smcs; Spectrum \$764.03 smcs; Sprinkler Warehouse \$1,506.36 smcs; Starbucks \$82.84 smcs; Steinbrink Landscaping \$1,084.27 smcs; Sterling, B \$26.86 smcs; Stitch Upholstery \$621.96 smcs; Stutsman \$1,599.00 smcs; Supply House \$373.29 smcs; Supply Solutions \$220.35 smcs; Sybrant Machining \$100.00 smcs; T&T Mobile Washing \$385.00 smcs; Target \$57.55 smcs; Thismighthurtfilm.com \$26.40 smcs; Thompson, K \$297.00 smcs; Titan Machinery \$116.50 smcs; Tommy's Express \$238.56 smcs; Torrez, B \$6.66 smcs; Tractor Supply \$1,982.78 smcs; Train Videos \$13.27 smcs; Transunion \$112.20 smcs; Tri Co. Glass \$561.00 smcs; Tropicana Rooms \$130.39 smcs; Turner Body Shop \$250.00 smcs; Uline \$1,668.55 co; Unique Mgmt. \$209.70 smcs; UNL Lied Center \$6,327.00 smcs; UNL Marketplace \$28.42 smcs; Uprinting \$159.64 smcs; UPS Store \$343.09 smcs; USGA Membership \$150.00 smcs; USPS \$945.62 smcs; Van Diest Supply \$1,277.68 smcs; Village Services \$255.54 smcs; Virgin Valley Cab \$29.59 smcs; Vogt, B \$40.00 smcs; Wagner, C \$40.00 smcs; Wagnitz, R \$500.00 smcs; Walgreens \$21.92 smcs; Wal-Mart \$2,984.13 smcs; Wedding Sisters \$198.00 smcs; Wessels, W \$1,960.00 smcs; Wiens, M \$40.00 smcs; Wilkins ADP \$3,653.60 co; Williams, C \$18.94 smcs; Wix.com \$414.00 smcs; Wonder Idea \$299.00 smcs; World Herald \$21.98 smcs; WPCI \$481.01 ps; Young, C \$24.75 smcs; YouTube TV \$422.18 smcs; Zapata, V \$14.68 smcs; Zero Waste \$887.91 smcs; ZOHO Corp. \$1,722.00 smcs; Zoro Tools \$239.98 smcs; Payroll Ending 08/12/2023 -- \$699,393.77. 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 September 12, 2023 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2023-123 approving the final allocation of levy authority in the amount of \$241,390.00 for the Community Redevelopment Authority of the City of Kearney for Fiscal Year 2023-2024 and the final allocation of levy authority in the amount of \$58,697.00 for Offstreet Parking District No. 1 for Fiscal Year 2023-2024.

### **RESOLUTION NO. 2023-123**

WHEREAS, Neb. Rev. Stat. Section 77-3443.03, (R.R.S. 1943), as amended), requires Community Redevelopment Authorities and Offstreet Parking Districts to submit a preliminary request for levy allocation, on or before August 1, to the City Council; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney submitted to the City, on July 26, 2023, a preliminary request for levy allocation in the amount of \$241,390.00; and

WHEREAS, the Downtown Improvement Board, on behalf of Offstreet Parking District No. 1, submitted to the City, on July 11, 2023, a preliminary request for levy allocation in the amount of \$58,697.00; and

WHEREAS, Neb. Rev. Stat. Section 77-3443.04, as amended, requires the City Council to adopt, by September 1, a resolution (by a majority vote of members present) which determines a final allocation of levy authority to the Community Redevelopment Authority and Offstreet Parking District No. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), as amended, that a final allocation of levy authority of \$241,390.00 is hereby approved for the Community Redevelopment Authority of the City of Kearney for 2023 and a final allocation of levy authority of \$58,697.00 is hereby approved for Offstreet Parking District No. 1 for 2023.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), that the City Clerk is ordered to forward a copy of this resolution to the chairperson of the Community Redevelopment Authority of the City of Kearney and the chairperson of the Downtown Improvement Board.

BE IT FURTHER RESOLVED that all ordinances and resolutions or parts if ordinances and resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect September 1, 2023, and shall be published in pamphlet form.

PASSED AND APPROVED THIS 22ND DAY OF AUGUST, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

5. Adopt Resolution No. 2023-124 accepting the Certificate of Substantial Completion pertaining to the grounds, irrigation and seeding, submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.

**RESOLUTION NO. 2023-124**

WHEREAS, Brown Construction of Kearney, Nebraska has performed services in connection with the construction of the Community Tennis Facility, and the City's engineer, RDG Planning and Design, have now certified to the City Clerk that work is completed as of July 19, 2023 pertaining to the grounds, irrigation and seeding as shown on the Certificate of Substantial Completion shown on Exhibit "A" attached hereto and made a part hereof and is hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF AUGUST, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

6. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-125893 liquor license application and manager application for Trevor Reeder submitted by Drake Room Entertainment, LLC dba Whistlin' Wolf located at 10 and 12 East 21st Street.

7. Approve the recommendations from the Development Services Department on the annual renewal of the manufactured home court license for Valley View Mobile Home Court, 2701 and 2801 Grand Avenue, until May 31, 2023 and extending the current manufactured home court licenses for East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue an additional 14 days to correct deficiencies.

8. Adopt Resolution No. 2023-125 approving Application and Certificate for Payment No. 5 in the amount of \$27,503.87 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the Booster Pump Stations, Renovations and Associated Improvements.

**RESOLUTION NO. 2023-125**

WHEREAS, Midlands Contracting, Inc of Kearney, Nebraska has performed services in connection with Booster Pump Stations, Renovations and Associated Improvements, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 5 in the amount of \$27,503.87 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 2,185,960.00</u>
Change Order No. 1 (09/13/2022)	<u>- 345,373.00</u>
Contract Sum To Date	1,840,587.00
Gross Amount Due	790,471.82
Retainage (10%)	<u>- 79,047.18</u>
Amount Due to Date	711,424.63
Less Previous Certificates for Payment	<u>683,920.76</u>
Current Payment Due	<u>\$ 27,503.87</u>

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

PASSED AND APPROVED THIS 22ND DAY OF AUGUST, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

9. Adopt Resolution No. 2023-126 approving Certificate for Payment No. 12 in the amount of \$1,235,436.18 and Change Order No. 2 showing an increase in the amount of \$21,141.00 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

**RESOLUTION NO. 2023-126**

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. 12 in the amount of \$1,235,436.18 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	20,461,876.23
Retainage	<u>- 1,764,648.62</u>
Amount Due to Date	18,697,227.61
Less Previous Certificates for Payment	<u>- 17,461,791.43</u>
Current Payment Due	<u>\$ 1,235,436.18</u>
Balance to finish, including retainage	\$ 16,521,139.39

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 Change Order No. 2 in the amount of \$21,141.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 35,218,367.00</u>
Change Order No. 1 (07-12-2022)	- 639,633.00
Change Order No. 2 (08-22-2023)	<u>+ 21,141.00</u>
Contract Sum To Date	<u>\$ 35,239,508.00</u>

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 11, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF AUGUST, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

**V. CONSENT AGENDA ORDINANCES**

**ORDINANCE NO. 8643 REPEALING ORDINANCE NO. 8627 AND AMEND THE SALARY ORDINANCE REFLECTING PAY PLAN ADJUSTMENTS.**

Council Member Clouse introduced Ordinance No. 8643 repealing Ordinance No. 8627 and amending the Salary Ordinance reflecting pay plan adjustments, 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 Nikkila seconded the motion to suspend the rules for Ordinance No. 8643. 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. 8643 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 Nikkila seconded by Moore that Ordinance No. 8643 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. 8643 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

## **VI. REGULAR AGENDA**

### **REZONE PROPERTY LOCATED AT 116 AND 118 WEST 27TH STREET AND 2615 2ND AVENUE**

Council Member Moore introduced Ordinance No. 8637 rezoning from District R-3, Urban Residential Multi-Family District (Medium Density) to District UC, Mixed Use Urban Corridor District for property described as Lot 246 and Lot 247, Southwest Quarter School Section Addition and part of Lot 6, Perkins and Harfords Strip Addition to the City of Kearney, Buffalo County, Nebraska (116 and 118 West 27th Street; 2615 2nd Avenue), and moved that the statutory rules requiring ordinances to be read by title on two different days be suspended and said ordinance 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 second reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules for Ordinance No. 8637. 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, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8637 by number. Roll call of those in favor of the passage of said ordinance on the second reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8637 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8637 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.

**REZONE PROPERTY WEST OF IMPERIAL AVENUE AND NORTH OF 45TH STREET**

Council Member Buschkoetter introduced Ordinance No. 8638 rezoning from District AG, Agricultural District to District M-1, Limited Industrial District for property described as a tract of land being part of the North Half of the Southeast Quarter of Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (West of Imperial Avenue and North of 45th Street), and moved that the statutory rules requiring ordinances to be read by title on two 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 second reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8638. 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. 8638 by number. Roll call of those in favor of the passage of said ordinance on the second reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8638 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. 8638 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.

**CONDITIONAL USE PERMIT FOR PROPERTY LOCATED WEST OF 7310 2ND AVENUE**

Council Member Nikkila introduced Ordinance No. 8639 granting a Conditional Use Permit to operate a Resource Extraction site on property zoned District AG, Agricultural District, and described as a tract of land being part of the Southwest Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (West of 7310 2nd Avenue), and moved that the statutory rules requiring ordinances to be read by title on two 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 second reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules for Ordinance No. 8639. 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, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8639 by number. Roll call of those in favor of the passage of said ordinance on the second reading resulted as follows: Aye:

Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8639 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8639 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.

### **REZONE PROPERTY LOCATED AT 2050 EAST 39TH STREET**

Council Member Lear introduced Ordinance No. 8640 rezoning from District AG, Agricultural District to District R-2, Urban Residential Mixed-Density District for property described as a tract of land located in part of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; Ordinance No. 8641 rezoning from District AG, Agricultural District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District for property described as a tract of land located in part of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and Ordinance No. 8642 rezoning from District AG, Agricultural District to District R-3, Urban Residential Multi-Family District (Medium Density) for property described as a tract of land located in part of the Southeast Quarter of Section 30, Township 9 North, Range 15 West of the 6th p.m., Buffalo County, Nebraska (2050 East 39th Street), and moved that the statutory rules requiring ordinances to be read by title on two 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 second reading and then upon its final passage. Council Member Buschkoetter seconded the motion to suspend the rules for Ordinance Nos. 8630, 8641, and 8642. President of the Council asked for discussion or if anyone in the audience was interested in the ordinances. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, 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 Nos. 8640, 8641, and 8642 by number. Roll call of those in favor of the passage of said ordinances on the second reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinances were read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance Nos. 8640, 8641, and 8642 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 Nos. 8640, 8641, and 8642 are declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

**AMEND THE LEGAL DESCRIPTION AND MAP OF THE ENHANCED EMPLOYMENT AREA RELATING TO A GENERAL BUSINESS OCCUPATION TAX AGREEMENT FOR KEARNEY INVESTMENT CORPORATION**

Regular Agenda Items 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened for discussion the amendment to Resolution No. 2018-135 amending the legal description and map of the Enhanced Employment Area relating to a General Business Occupation Tax Agreement for a Redevelopment Project undertaken by Kearney Investment Corporation and consider Resolution No. 2018-135A.

Brenda Jensen, Assistant City Manager presented this matter to the Council. Ms. Jensen stated the same amendments were approved at prior CRA and Council meetings as they pertained to Redevelopment Area #2 and #8. The requested amendments this evening pertain to the Resolution and Ordinance for the prior General Business Occupation Tax (GBOT) Agreement and levy to reflect the amended legal description and map; the amendment pertains only to the legal description and map for both the Resolution and Ordinance.

Moved by Clouse seconded by Nikkila to approve Resolution No. 2018-135A amending Resolution No. 2018-135 amending the legal description and map of the Enhanced Employment Area relating to a General Business Occupation Tax Agreement for a Redevelopment Project undertaken by Kearney Investment Corporation Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**RESOLUTION NO. 2018-135A**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, AMENDING A GENERAL BUSINESS OCCUPATION TAX AGREEMENT FOR A REDEVELOPMENT PROJECT UNDERTAKEN BY KEARNEY INVESTMENT CORPORATION, AS SET FORTH IN THE "AMENDMENT TO THE AREA 2 AND AREA 8 REDEVELOPMENT PLANS OF THE CITY OF KEARNEY, NEBRASKA (YOUNES REDEVELOPMENT PROJECT)".

WHEREAS, the Mayor and City Council of the City of Kearney, Nebraska (the "City"), previously approved a redevelopment plan amendment entitled "Amendment to the Area 2 and Area 8 Redevelopment Plans of the City of Kearney, Nebraska (Younes Redevelopment Project)" (the "Plan"); and

WHEREAS, the Plan set forth the designation of an "enhanced employment area" (the "EEA"), as defined in section 18-2103(11) of Nebraska Revised Statutes sections 18-2101 et seq., as amended (the "Act"), providing for the implementation of a general business occupation tax to offset a portion of the eligible costs of the redevelopment project set forth in the Plan; and

WHEREAS, on August 14, 2018, via Resolution No. 2018-135, the Mayor and City Council of the City approved and entered into that certain "General Business Occupation Tax Agreement", by and between Kearney Investment Corporation ("Redeveloper"), the

City and the Community Redevelopment Authority of the City (the "CRA"), with respect to the redevelopment project specified in the Plan and application of the proceeds generated from the general business occupation tax levied within the EEA; and

WHEREAS, pursuant to the request of Redeveloper, and in accordance with the Act, the Mayor and City Council of the City subsequently adopted and approved an amendment to the Plan which revised the boundaries of the EEA at the August 8, 2023 City Council meeting; and

WHEREAS, in accordance with said amendment to the Plan, the CRA, City and Redeveloper now wish to amend the description of the Enhanced Employment Area set forth in Resolution No. 2018-135 and the General Occupation Tax Agreement on Exhibit A "Description of Enhanced Employment Area" to reflect the revised boundaries of the EEA that were previously approved at the July 26, 2023 CRA meeting and the August 8, 2023 City Council meeting; and

WHEREAS, in accordance with the foregoing, the Mayor and City Council of the City has for its consideration, attached hereto as Exhibit 1 and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Kearney, Nebraska amend Resolution No. 2018-135 and the General Occupation Tax Agreement Exhibit A "Description of Enhanced Employment Area" to reflect the revised boundaries of the EEA, in the form presented, is hereby acknowledged and approved. The Mayor and City Clerk are hereby authorized to execute said Amendment in substantially the form presented but with such changes as they shall deem appropriate or necessary. The execution and delivery by the Mayor of the Amendment, or any such documents, instruments, agreements or certifications relating to such matters contained in the Amendment, shall conclusively establish their authority with respect thereto and the authorization and approval thereof.

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_  
PASSED AND ADOPTED THIS 22ND DAY OF AUGUST, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

**AMEND THE LEGAL DESCRIPTION AND MAP OF THE ENHANCED EMPLOYMENT AREA RELATING TO THE LEVY OF A GENERAL BUSINESS OCCUPATION TAX FOR KEARNEY INVESTMENT CORPORATION**

Regular Agenda Items 5 and 6 were discussed together but voted on separately.

Council Member Nikkila introduced Ordinance No. 8277A amending the legal description and map of the Enhanced Employment Area relating to the levy of a General Business Occupation Tax for a Redevelopment Project undertaken by Kearney Investment Corporation, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that

the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Moore seconded the motion to suspend the rules for Ordinance No. 8277A. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8277A by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8277A be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8277A 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.

**CONSIDER APPROVAL OF THE GENERAL BUSINESS OCCUPATION TAX PROJECT AGREEMENT FOR YOUNES LANDING, LLC**

Regular Agenda Items 7 and 8 were discussed together but voted on separately.

Mayor Clouse opened for discussion the General Business Occupation Tax (GBOT) Agreement submitted by Younes Landing, LLC, a Nebraska Limited Liability Company for Redevelopment Areas #8 for an area described as Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot 6, Block 2, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Lot 2, Lot 4, and Lot 5, Block 3, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Lot 2, Block 1, Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Block 2, Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Gealey's Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Part of Government Lots 3, 6, 7, and 9, and accretions thereto, all in Section 11, and part of the Northeast Quarter of Section 14, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2023-127.

Brenda Jensen, Assistant City Manager presented this matter to the Council. Ms. Jensen stated the Resolution and Ordinance are for a second GBOT and Enhanced Employment Area (EEA) that is fully in Redevelopment Area #8. Collection of the second GBOT revenue is anticipated to begin January 1, 2025.

Moved by Lear seconded by Buschkoetter to approve Resolution No. 2023-127 approving the General Business Occupation Tax (GBOT) Agreement submitted by Younes Landing, LLC, a Nebraska Limited Liability Company for Redevelopment Areas #8 for an area described as Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot 6, Block 2, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Lot 2, Lot

4, and Lot 5, Block 3, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Lot 2, Block 1, Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Block 2, Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Gealey's Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Part of Government Lots 3, 6, 7, and 9, and accretions thereto, all in Section 11, and part of the Northeast Quarter of Section 14, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

### **RESOLUTION NO. 2023-127**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, APPROVING A GENERAL BUSINESS OCCUPATION TAX AGREEMENT FOR A REDEVELOPMENT PROJECT UNDERTAKEN BY YOUNES LANDING, LLC, AS SET FORTH IN THE "AMENDMENT TO THE AREA 8 REDEVELOPMENT PLAN OF THE CITY OF KEARNEY, NEBRASKA (2023 YOUNES EXPANSION PROJECT)".

WHEREAS, the Mayor and Council of the City of Kearney, Nebraska (the "City"), previously approved a redevelopment plan amendment entitled "Amendment to the Area 8 Redevelopment Plan of the City of Kearney, Nebraska (2023 Younes Expansion Project)," as hereafter may be supplemented and amended (the "Plan"); and

WHEREAS, via its adoption, the Plan sets forth the designation of an "enhanced employment area" as defined in section 18-2103(11), Nebraska Revised Statutes sections 18-2101 et seq., as amended (the "Act"); and

WHEREAS, in accordance with the establishment of the enhanced employment area, said area is eligible for the levy of a general business occupation tax upon all non-exempt businesses and users of space therein to reimburse Younes Landing, LLC ("Redeveloper"), for certain eligible costs of the redevelopment project(s) set forth in the Plan pursuant to the Act; and

WHEREAS, the Mayor and City Council for the City has for its consideration, attached hereto and incorporated herein as Exhibit "A", a proposed form of the "General Business Occupation Tax Agreement" by and between Redeveloper, the Community Redevelopment Authority of the City (the "CRA"), and the City, with respect to a redevelopment project specified in the Plan and application of the proceeds generated from the general business occupation tax levied, or to be levied, within the enhanced employment area.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Kearney, Nebraska, that the General Business Occupation Tax Agreement by and between Redeveloper, the CRA, and the City, in the form presented, is hereby acknowledged and approved. The Mayor and City Clerk are hereby authorized to execute said General Business Occupation Tax Agreement in substantially the form presented but with such changes as they shall deem appropriate or necessary. The execution and delivery by the Mayor of the General Business Occupation Tax Agreement, or any such

documents, instruments, agreements or certifications relating to such matters contained in the General Business Occupation Tax Agreement, shall conclusively establish their authority with respect thereto and the authorization and approval thereof.

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_  
PASSED AND ADOPTED THIS 22ND DAY OF AUGUST, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

**CONSIDER APPROVAL OF THE LEVY FOR A GENERAL BUSINESS OCCUPATION TAX (GBOT)**

Regular Agenda Items 7 and 8 were discussed together but voted on separately.

Council Member Buschkoetter introduced Ordinance No. 8645 providing for the levy of a General Business Occupation Tax (GBOT); providing for the administration, imposition and collection of such GBOT and specifying the use of GBOT revenue for an area described as Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, and Lot 6, Block 2, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Lot 2, Lot 4, and Lot 5, Block 3, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Lot 2, Block 1, Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Block 2, Younes Center Ninth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Lot 1, Gealey's Addition, an addition to the City of Kearney, Buffalo County, Nebraska; Part of Government Lots 3, 6, 7, and 9, and accretions thereto, all in Section 11, and part of the Northeast Quarter of Section 14, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules for Ordinance No. 8645. 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, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8645 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8645 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8645 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.

**REVIEW OF THE ONE & SIX YEAR STREET IMPROVEMENT PLAN**

Mayor Clouse opened for discussion the review of the One- & Six-Year Street Improvement Plan and set the public hearing date for September 12, 2023, to adopt the One- and Six-Year Street Improvement Plan.

Andy Harter, Director of Public Works presented this matter to the Council. Mr. Harter reviewed the summary of the One Year Plan and the Six Year Plan below:

SUMMARY OF ONE YEAR PLAN			
2024			
		As of	08/16/23
Project Name	Location	Type	Est. Total Cost
28th St Improvements	28th Street, from Avenue I to Avenue L, 800'	City	\$ 797,000.00
		<b>TOTAL</b>	\$ 797,000.00

SUMMARY OF SIX YEAR PLAN					
2024-2030					
		As of	08/16/23		
Project Name	Location	Type	Est. Total Cost	Special Sales Tax Funding Year	Bonding Year
A Ave Imp	Avenue A, from 31st Street to 35th Street, 1280'	City	\$ 1,320,000.00	2025	
30th St Imp	30th Street, from Avenue E to Avenue I, 1330'	City	\$ 1,380,000.00	2025	
Hwy 30	Highway 30 and University Drive Roundabout Improvements	City/NDOT/UNK	\$ 1,500,000.00		2026
16th St Imp	16th Street, from 5th Avenue to 9th Avenue, 1500'	City	\$ 1,340,000.00	2026	
16th St Imp	16th Street, from 1st Avenue to 5th Avenue, 1500'	City	\$ 1,400,000.00	2027	
18th St Imp	18th Street from Central Avenue to 1st Avenue - Storm	City	\$ 1,164,000.00	2028	
1st Ave Imp	1st Avenue from 18th Street to South Railroad Street - Storm	City	\$ 2,300,000.00	2028	
39th St Imp	39th Street, from 17th Avenue to 22nd Avenue	City	\$ 2,200,000.00	2029	
30th Ave Imp	30th Avenue Bridge Expansion	City	\$ 3,100,000.00	2030	
39th Street Imp	39th Street, from 500' west of R Avenue to X Avenue, 2000'	City	\$ 2,000,000.00	TBD	
3rd Street Imp	10th Avenue to Yanney Avenue	TBD	\$ 1,992,000.00	TBD	
Talmadge St Imp	Talmadge Street, from Yanney Avenue to 30th Avenue	TBD	\$ 3,100,000.00	TBD	
30th Ave Imp	3th Avenue, from 1500' south of 11th Ave to Talmadge St	TBD	\$ 2,925,000.00	TBD	
		<b>TOTAL</b>	\$25,721,000.00		

Mr. Harter stated as in past years, the 6-year plan is fluid and noted the Highway 30 and University Drive Improvements are a new project in conjunction with NDOT and UNK for improvements to the intersection at Highway 30 and University Drive.

Council Member Jonathan Nikkila questioned if University Drive was originally planned to be a straight intersection across Highway 30. Mr. Harter stated that that had been requested but was installed as an off-set intersection instead. Council Member Nikkila inquired if both University Drive intersections would have a roundabout and what the timeframe for the project would be. Mr. Harter stated only the furthest east intersection entrance would have a roundabout; construction is projected to begin in 2025.

Mr. Harter noted the ongoing resurfacing projects not shown on the list will continue as scheduled.

Moved by Nikkila seconded by Moore to set the public hearing date for September 12, 2023, to adopt the One- and Six-Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Absent: None. Motion carried.

**OPEN ACCOUNT CLAIM**

Moved by Moore seconded by Lear that the Open Account Claim in the amount of \$161,523.24 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained. Motion carried.

**VII. REPORTS**

Council Member Buschkoetter applauded KPD’s hiring process and extensive training for Officers and expressed his pride in Officer Grant Buschkoetter taking his oath of office.

Council Member Nikkila congratulated Council Member Buschkoetter and his family on Police Officer Grant Buschkoetter’s swearing-in.

Council Member Tami James Moore stated there is a need to address deviations to lot sizing for future developments and stated in the future, justification should be required for lot size deviations showing how the deviations assist with affordable housing.

Mayor Clouse stated the Kearney Outdoor Education Complex ribbon cutting was a great success.

**VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 6:25 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**ATTEST:**

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

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