

Kearney, Nebraska
September 26, 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 September 26, 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, Deputy City Manager; Kayla James, Director of Finance; Tony Jelinek, Director of Utilities; Bryan Waugh, Chief of Police; Mike Young, Captain of Operations; Sarah Sawin, Assistant Director of Utilities; Steve Hart, Sanitation Superintendent; Shauna Petzold, Household Hazardous Waste Coordinator, and Ivan Marshall, Sanitation Foreman, were also present. Members of the media present included: 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

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

None.

IV. CONSENT AGENDA

Moved by Nikkila seconded by Moore that Subsections 1 through 11 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Special Meeting held September 11, 2023 and approve minutes of Regular Meeting held September 12, 2023.

2. Approve the following Claims:

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

4imprint \$7,844.66 smcs; Acushnet \$1,916.79 smcs; Adam Marshall Land \$8,045.00 co; AdScreen Group \$1,625.00 smcs; Adventure Enterprises \$2,588.00 smcs; Agri Coop \$602.00 smcs; All City Garage \$4,298.00 smcs; All Makes Auto \$2,199.98 smcs,co; Allianz Travel \$27.72 smcs; Amazon \$17,445.91 smcs,co; American \$839.55 smcs; American Airlines \$888.76 smcs; American Assn. Notaries \$37.90 smcs; American Legion \$19.95 smcs; American Red Cross \$33.00 smcs; Anderson Ford Lincoln \$44,144.00 co; Apple \$3.96 smcs; Apple Market \$45.14 smcs; Aramark \$734.69 smcs; Arbico Organics \$567.82 smcs; Archway \$342.00 smcs; Arnold Motor Supply \$266.61 smcs; Arrow Seed \$1,997.50 co; Arrowhead Scientific \$1,814.87 smcs; Ask Supply \$3,763.77 smcs; AT&T \$1,248.59 smcs; Aussi Hydraulics \$1,346.60 smcs; Author Klovegreen \$261.90 smcs; Authorize.net \$10.00 smcs; Automationdirect.com \$196.88 smcs; AVFuel \$92,971.13 smcs; B&H Photo \$1,451.00 smcs,co; Baker & Taylor \$12,676.40 smcs; Baker's Candies \$347.00 smcs; Baristas \$192.00 smcs; Baye, S \$150.00 smcs; Bead Pro \$1,456.40 smcs; Beckenhauer, T \$19.02 smcs; Berens-Tate \$2,000.00 smcs; Blackstone Library \$2,917.97 smcs; BlueCross BlueShield \$32,045.84 smcs; Bluestreak Equipment \$2,232.89 smcs; Bomgaars \$1,038.33 smcs; Books Galore \$809.05 smcs; Bosselman \$21,268.20 smcs; Bossfuels \$26,366.23 smcs; Brackett Aircraft \$46.94 co; Brady Worldwide \$74.64 smcs; Broadfoot's \$6,715.33 smcs; Brown Construction \$25,578.00 co; Buckle \$53.49 smcs; Buffalo Co. Attorney \$18,750.00 smcs; Buffalo Co. Redi-Mix \$41,297.65 smcs,co; Buffalo Co. Register \$34.00 smcs; Buffalo Co. Sheriff \$597.50 smcs; Buffalo Co. Treasurer \$61.50 co; Buffalo Outdoor Power \$748.38 smcs; Buffalo Wild Wings \$50.00 smcs; Builders \$1,337.96 smcs,co; Cabela's \$322.75 smcs; Cal/Amp \$781.55 smcs; Caldwell Tanks \$282,690.00 co; Canva \$119.99 smcs; Card My Yard \$96.30 smcs; Casey's \$131.42 smcs; Cash Wa \$1,580.87 smcs; CCI Solutions \$509.35 smcs; CD Photo \$750.00 smcs; CDW \$110.57 smcs; Cenex Farmers \$117.80 smcs; Central Hydraulic \$375.96 smcs; Central NE Bobcat \$17,633.03 smcs,co; Central NE Rehab \$100.00 ps; Certified Power \$24,122.47 smcs; Cheddar's \$1,399.52 smcs; Chemsearch \$365.00 smcs; Chesterman \$1,245.50 smcs; Chicago Books \$141.69

smcs; Choice Marketing \$638.36 smcs; Cintas \$880.41 smcs; Ciox Health \$42.00 smcs; City of KY \$80,600.35 smcs,ps; City of Omaha \$11.00 smcs; City Plumbing \$1,167.16 smcs; Cloud Cover Music \$247.32 co; CNA Surety \$40.00 smcs; CNRA Parking \$25.00 smcs; Comm. Action Partn. \$4,200.00 smcs; Compute North \$156,121.40 smcs; Conoco \$29.72 smcs; Consolidated Mgmt. \$926.50 smcs; Constantcontact.com \$643.10 smcs; Construction Rental \$14,188.35 smcs,co; Control Yours \$110.00 smcs; Copycat Printing \$1,340.79 smcs; Core & Main \$12,989.99 smcs; Cornhusker Cleaning \$320.67 smcs; Country Partners \$29,548.30 smcs; Co Line Striping \$12,083.00 smcs; CourtReserve \$140.85 smcs; Crane Sales \$5,132.66 smcs; Cricut \$101.58 smcs; Critical Hire \$50.00 smcs; Culligan \$143.00 smcs; Dakota Pump \$24,170.30 co, smcs; Dallas Children's Advoc. \$825.00 smcs; Danko \$116.61 ps; Dan's Plumbing \$425.47 smcs; Dare Catalog \$367.84 smcs; Dawson Public Power \$46,717.81 smcs; Daylight Donuts \$612.60 smcs; Dell \$6,250.44 smcs,co; Demco \$655.77 smcs; Desert Cab \$29.09 smcs; DF Supply \$145.95 smcs; Digicert \$1,059.00 smcs; Dish \$260.86 smcs; Dollar General \$18.99 smcs; Dollar Tree \$196.91 smcs; Domino's \$75.54 smcs; Donkey Towing \$410.00 smcs; DTS Technology \$96.27 smcs; Eagle Distrib. \$3,385.47 smcs; Eakes \$11,247.50 smcs; Earl May \$267.89 smcs; Echo Electric \$105.32 smcs; Ecolab \$126.21 smcs; Eileen's Cookies \$54.00 smcs; Electric Pump \$1,730.00 smcs; Elliott Equipment \$1,488.87 smcs; Ensley Electrical \$5,272.60 smcs; Envirotech \$10,548.68 smcs; Epic Sports \$546.26 smcs; Epley, E \$245.00 smcs; Ernest, K \$33.18 smcs; Etsy \$52.13 smcs; Exxon Circle \$21.93 smcs; Eyemed \$4,124.81 smcs; EZ Cater \$51.61 smcs; Facebook \$183.59 smcs; Fairfield Inn \$1,384.50 smcs; Family Fresh \$73.05 smcs; Family Practice \$277.00 ps; Fastenal \$780.68 smcs; Foley, S \$54.00 smcs; Fring, J \$175.00 smcs; Frontier \$3,210.83 smcs; Fun Express \$646.57 smcs; Fyre \$66.20 smcs; Gale/Cengage \$577.25 smcs; Gammon Technical \$188.85 co; Garrett Tires \$1,271.00 smcs; Gear for Sports \$1,584.04 smcs; Get N Go \$50.45 smcs; Glowforge \$502.60 smcs; Gnuse Video \$1,696.20 smcs; Godaddy.com \$680.10 smcs; Golf Course Supt. \$1,080.00 smcs; Goodwin Tucker \$663.00 smcs; GPM Pump \$2,598.78 smcs; GPSHO \$1,400.00 smcs; Graham Tire \$1,121.84 smcs; Grainger \$953.86 smcs; Great Plains Comm. \$915.43 smcs; Greenpartstore.com \$99.28 smcs; Hampton Inn \$1,021.75 smcs; Hanes Gear \$4,552.44 smcs; Harbor Freight \$26.74 smcs; Heiman Fire Equip. \$5,819.00 smcs; Hilton Garden \$446.94 smcs; Historical Info. Gatherers \$1,550.00 smcs; Hobby Lobby \$199.75 smcs; Holmes Plumbing \$2,022.76 smcs; Home Depot \$1,500.33 smcs; Hooker Bros. \$1,260.16 smcs; Hullinger, R \$16.00 smcs; Humanities NE \$100.00 smcs; Hyatt Regency \$2,262.92 smcs; Hy-Vee \$197.63 smcs; IAEI \$336.00 smcs; IAPMO \$95.00 smcs; Impact Art \$7,200.00 smcs; Imperial Supplies \$585.78 smcs; lmyfone \$79.99 smcs; Integrated Security \$304.29 smcs; Interlight \$1,175.59 smcs; Int'l Code Council \$160.00 smcs; Invoicehome.com \$5.28 smcs; IRS \$197,409.93 ps; Izel Plants \$168.55 smcs; Jack Lederman \$417.75 smcs; Jack's Uniforms \$166.49 smcs; Jackson Services \$356.06 smcs; Johnson Brothers of NE \$1,281.00 smcs; Johnson Landscape \$359.28 smcs; Johnstone Supply \$2,072.21 smcs; Juice Stop \$108.00 smcs; Kanopy \$1,510.00 smcs; KY Ace \$1,063.08 smcs,co; KY Animal Shelter \$15,495.66 smcs; KY Chamber Comm. \$220.00 smcs; KY Concrete \$5,512.38 smcs,co; KY Crete & Block \$3,526.39 smcs,co; KY High School \$50.00 smcs; KY Literacy Council \$1,426.75 smcs; KY Power Sports \$129.80 smcs; KY Quality Sew \$139.98 smcs; KY Tire \$851.97 smcs; KY Towing \$449.80 smcs; KY Winlectric \$6,860.96 smcs,co; KY Winnelson \$1,976.40 smcs; Kelly Supply \$1,358.19 smcs,co; Key2Success \$74.99 smcs; Killion, C \$52.91 smcs; Killion, G \$16.08 smcs; Kings III Emergency \$829.62 smcs; Knox Company \$721.00 smcs; Konica Minolta \$527.86 smcs; Krarth, T \$21.61 smcs; KVFD \$2,000.00 smcs; Landmark

Implement \$1,893.64 smcs; Light & Siren \$7,023.45 smcs; Lion Group \$669.34 smcs; Liquor License Renewal \$935.73 smcs; Love's \$34.56 smcs; L-Tron \$35.50 co; Macqueen Equipment \$24,294.98 smcs,co; Mallory Safety \$392.50 smcs; Masek Golf Car \$293.46 smcs; Masters True Value \$621.25 smcs,co; Matheson \$25.30 smcs; McAtee, D \$95.98 smcs; McCartney, Erin Chpt. 13 \$157.00 ps; McCormack Dist. \$56.46 smcs; Medpinpatch \$32.85 smcs; Meier, N \$2.36 smcs; Menards \$9,101.54 smcs,co; Merrill Company \$469.98 smcs; Messing, E \$48.09 smcs; Michaels \$112.40 smcs; Mid American Signal \$7,827.00 smcs,co; Mid-Iowa Solid Waste \$236.17 smcs; Midlands Scientific \$1,705.67 smcs; Mid-State Engineering \$244.00 co; Midway \$130.00 smcs; Midwest Connect \$11,705.63 smcs; Midwest Petroleum \$3,838.27 smcs; Midwest Turf \$3,487.65 smcs; Mile High Falcons \$300.00 smcs; Miller Signs \$144.00 smcs; Mirror Image \$136.17 smcs; Mission Square \$8,171.95 ps; Mittlestaedt, M \$26.49 smcs; Moonlight Embroidery \$5,087.00 smcs; Municipal Supply \$52,891.35 smcs; Murcal \$535.12 smcs; Musco Sports \$93.41 smcs; Nat'l Tactical \$1,063.00 smcs; Nat'l Volunteer \$21.00 smcs; Nays Youth Sports \$20.00 smcs; NCH Software \$85.62 smcs; NE Child Support \$1,744.66 ps; NE Dept. Revenue \$54,503.15 smcs; NE Golf Assn. \$115.00 smcs; NE Machinery \$328,032.58 smcs,co; NE Municipal League \$477.00 smcs; NE Municipal Utilities \$140.00 smcs; NE Peterbilt \$185.73 smcs; NE Public Health \$1,977.00 smcs; NE Rec & Park Assn. \$320.00 smcs; NE Recycling Council \$400.00 smcs; NE Safety & Fire \$360.00 smcs; NE Secretary of State \$110.00 smcs; NE Society of CPAs \$55.00 smcs; NE State Treasurer \$1,023.60 smcs,ps; NE Truck Center \$6,068.34 smcs; Nebraskaland Dist. \$2,214.47 smcs; Nelsons' Furniture \$159.00 smcs; Network Solutions \$102.95 smcs; NI LCC \$47.87 smcs; Nielsen Contracting \$1,092,368.95 co; NJ Criminal \$1,194.00 smcs; NK Nails \$43.16 smcs; Northern Safety \$142.08 smcs; Northern Tool \$943.85 smcs; Northwestern Energy \$415.29 smcs; Nova Sports \$414.15 smcs; NRPA \$894.00 smcs; NSA/POAN \$910.00 smcs; Nutrien Ag \$3,789.01 smcs; NYTimes \$2,080.00 smcs; Office Depot \$1,825.69 smcs; Omaha Garage \$132.00 smcs; Omnify \$486.50 smcs; One Call Concepts \$878.58 smcs; O'Reilly Auto \$2,215.08 smcs; Overhead Door \$90.07 smcs; Paessler \$500.86 smcs; Panera Bread \$201.72 smcs; Papermart \$51.60 smcs; Patriotic Brands \$404.43 smcs; PB Leasing \$65.97 smcs; Peavey \$144.81 smcs; Pensxpress \$95.19 smcs; Penworthy \$862.34 smcs; Pep Co \$91.71 smcs; Pet Pickups \$453.69 smcs; Petsmart \$355.96 smcs; Phillips 66 \$110.58 smcs; Phoenix Formation \$1,865.75 co; Pickleball Central \$165.64 smcs; Ping \$706.14 smcs; Pitney Bowes \$1,035.00 smcs; Pizza Hut \$31.18 smcs; Plan It Software \$800.00 smcs; Platinum Awards \$193.70 smcs,co; Platte Valley Auto Mart \$729.58 smcs; Platte Valley Comm. \$75.00 smcs; Pond Guy \$311.30 smcs; POS Supply \$220.35 smcs; Power DMS \$8,679.79 smcs; Power Tech \$650.00 smcs; Prairie Nursery \$133.65 smcs; Presto-X \$546.79 smcs; Prime Secured \$1,849.06 smcs,co; Public Safety Compass \$20.00 smcs; Publication Printers \$4,992.03 smcs; Pump & Pantry \$32.16 smcs; Quill \$769.45 smcs; Rasmussen Mechanical \$14,183.31 smcs; RDG Planning \$29,173.79 co; Ready Mixed Concrete \$8,432.88 co; Reams \$3,128.00 smcs; Recon Power Bikes \$127.95 smcs; Redbox \$6.15 smcs; Redman's Shoes \$150.00 smcs; Remarkable \$5,959.90 smcs; Rentokil \$359.17 smcs; Rinder Printing \$980.92 smcs; Road Builders \$1,425.73 smcs; Rollcover \$2,716.60 co; Rotronic Instrument \$524.88 smcs; S&J Construction \$13,895.00 co; S&S Worldwide \$80.24 smcs; Safe Way Traction \$43.17 smcs; Safety Products \$114.57 smcs; Sahling Kenworth \$11.35 smcs; Sam's Club \$149.31 smcs; Sandry Fire \$3,582.70 smcs; Sapp Bros. \$13,979.74 smcs; Sawin, S \$37.62 smcs; Saylor Screenprinting \$293.74 smcs; Scholastic Education \$564.00 smcs; Schwan's Home Service \$1,677.99 smcs; See Clear Cleaning \$3,047.50 smcs; Select Sprayers \$3,383.16

smcs; Seth Denney Painting \$8,050.00 co; Sherwin Industries \$1,028.66 smcs; Sherwin Williams \$132.13 smcs; Shredding Solutions \$104.66 smcs; Shutterstock \$31.04 smcs; Sign Center \$10,985.22 co; Sign Solutions \$230.08 smcs; Skeeter Barnes \$998.67 smcs; Skygeek.com \$195.62 smcs; Skyline Publishing \$270.00 smcs; SLA Corp. \$191.94 smcs; Smallcomb, H \$1,540.17 co; Smartsign \$2,508.62 smcs; Southern Glazers \$861.00 smcs; Southwest \$505.96 smcs; Spectrum \$825.41 smcs; Sporting Edge \$584.80 smcs; Sprinkler Warehouse \$1,879.80 smcs; Steinbrink's \$4,275.00 smcs; Stewart, N \$245.00 smcs; Stitch 3 \$1,053.00 ps; Stonebridge \$75.00 smcs; Stutsman \$2,196.00 smcs; Suburban Fire Protection \$33,289.58 smcs; Sun Gro Horticulture \$12,742.80 co; Sunbelt Rentals \$2,256.83 smcs; Superior Signals \$973.00 smcs; Supplyhouse.com \$1,135.06 smcs; Swartz, A \$110.00 smcs; Sybrant Machining \$75.00 smcs; T&T Mobile \$100.00 smcs; Target \$128.38 smcs; Teknophos \$28,098.30 co; Tennis Court Supply \$122.69 smcs; Terry's Transport \$16,700.00 smcs; Titan Machinery \$3,630.27 smcs; Tommy's Express \$225.00 smcs; Tractor Supply \$3,212.72 smcs; Trade Well Pallet \$2,500.00 smcs; Traffic Safety \$125.26 smcs; Train HR \$145.00 smcs; Train Video \$39.48 smcs; Transunion \$110.00 smcs; Tri Co Glass \$3,000.00 smcs; Tropicana Rooms \$521.56 smcs; Tsukiyama, G \$2,706.50 smcs; Turf Co. \$79.47 smcs; Turner Body Shop \$1,000.00 smcs; Twin City Hardware \$453.33 smcs; Uber \$151.72 smcs; Uline \$1,069.72 smcs; Underground Const. \$3,851.50 smcs; Union Bank & Trust \$105,836.50 smcs,ps; Unique Mgmt. \$104.85 smcs; United \$1,686.70 smcs; United States Profession \$574.00 smcs; UNL Lied \$119.00 smcs; UNO \$50.00 smcs; UPS \$381.51 smcs,co; Urban Librarians \$35.00 smcs; USPS \$330.00 smcs; Van Diest Supply \$483.31 smcs; Vanco \$95.28 smcs; Verizon \$13,503.38 smcs; Video Kingdom \$5,933.00 co; Village Services \$569.97 smcs; Vistaprint \$85.97 smcs; Waldinger Corp. \$762.17 smcs; Wal-mart \$2,518.05 smcs; Ward Laboratories \$514.50 smcs; WaterBridge Outreach \$2,500.00 smcs; Wells Fargo \$175.00 smcs; Whalen, R \$1,080.00 smcs; When to Work \$220.00 smcs; Wilkins Architecture \$1,461.44 co; Wilson Sporting \$880.90 smcs; Winzer \$477.73 smcs; Wix.com \$708.00 smcs; World Herald Newspaper \$21.99 smcs; WPCI \$606.67 ps; Xello \$815.00 smcs; Young, M \$198.00 smcs; YouTube \$424.66 smcs; Zimmerman Printing \$211.60 smcs; Zoom \$174.80 smcs; Zoro Tools \$1,145.49 smcs; Payroll Ending 09/09/2023 -- \$623,677.06. 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 October 10, 2023 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2023-139 revoking the prior Interlocal Financing Agreement dated September 28, 2021, and approving the updated Interlocal Financing Agreement between the County of Buffalo of the State of Nebraska and the City of Kearney providing for the shared payment of the costs of constructing Talmadge Street from 15th Avenue to Yanney Avenue and Yanney Avenue to the north.

RESOLUTION NO. 2023-139

WHEREAS, the City of Kearney, Nebraska, and County of Buffalo of the State of Nebraska, did on September 28, 2021, enter into an Interlocal Financing Agreement concerning shared construction costs and improvements for West Talmadge Street and Yanney Avenue; and

WHEREAS, the described street improvements remain situated both inside and outside of the City of Kearney’s corporate limits resulting in mutually shared benefits for both the City of Kearney and Buffalo County; and

WHEREAS, changes to this project and additional costs have made it necessary to revoke and modify the prior Agreement approved on September 28, 2021; and

WHEREAS, the updated Interlocal Financing Agreement provides that the portion from the County of Buffalo of the State of Nebraska toward the shared project will be \$1,900,000.00; and

WHEREAS, it remains in the best interest of the City of Kearney to enter into the updated Interlocal Financing Agreement with the County of Buffalo of the State of Nebraska, under the terms and conditions noted in the updated Agreement.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the prior Interlocal Financing Agreement approved at the September 28, 2021 City Council meeting is hereby revoked; and

BE IT FURTHER RESOLVED by the President and Council of the City of Kearney, Nebraska that the updated Interlocal Financing Agreement, between the City of Kearney, Nebraska, and the County of Buffalo State of Nebraska, for the shared construction costs and improvements to Talmadge Street from 15th Avenue to Yanney Avenue and constructing Yanney Avenue to the north be accepted and the Mayor be authorized and directed to execute the updated Interlocal Financing Agreement and to do all necessary actions to carry out the provisions of the updated Interlocal Financing Agreement on behalf of the City of Kearney, Nebraska. A copy of the said updated Interlocal Financing Agreement, marked as Exhibit “A”, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 26TH DAY OF SEPTEMBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

5. Adopt Resolution No. 2023-140 to remove an approximate 80-foot section of parking on the west side of Central Avenue and east of Hobby Lobby (11 East 39th Street), beginning approximately 400 feet north of 39th Street, and continuing northerly to approximately 480 feet north of 39th Street.

RESOLUTION NO. 2023-140

WHEREAS, the Public Works Department and the Police Department have reviewed a request made by Hobby Lobby, building tenant, and JT. Development, LLC, property owner, of 11 West 39th Street, request for a ‘no parking’ restriction of an approximate 80-foot section of Central Avenue along the west side of Central Avenue and east of the building located at 11 West 39th Street, beginning approximately 400 feet north of 39th Street and continuing northerly to approximately 480 feet north of 39th Street to allow for clearer access to the existing facility dock doors; and

WHEREAS, the Public Works Department and the Police Department recommend that an approximate 80-foot section of Central Avenue along the west side of Central Avenue, and east of the building located at 11 West 39th Street, beginning approximately 400 feet north of 39th Street and continuing northerly to approximately 480 feet north of 39th Street be designated as a ‘No Parking’ zone any time.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that an approximate 80-foot section of Central Avenue along the west side of Central Avenue, and east of the building located at 11 West 39th Street, beginning approximately 400 feet north of 39th Street and continuing northerly to approximately 480 feet north of 39th Street be designated as a 'No Parking' zone any time; and

BE IT FURTHER RESOLVED that the City Manager be and is hereby instructed to place appropriate signs designating this area as directed by this Resolution.

PASSED AND APPROVED THIS 26TH DAY OF SEPTEMBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

6. Adopt Resolution No. 2023-132A setting the 2023 City of Kearney property tax request at a different amount than the preliminary property tax request set for the City of Kearney by the Buffalo County Clerk.

RESOLUTION NO. 2023-132A

WHEREAS, Nebraska Revised Statute 77-1632 provides that the City Council of the City of Kearney passes a majority vote on a resolution or ordinance setting the 2023 property tax request; and

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

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

1. The 2023-2024 General Fund property tax request be set at \$4,679,086.73 and the 2023-2024 Bond Fund property tax request be set at \$288,528.72.
2. The total assessed value of property differs from last year's total assessed value by 7.44%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed property value, would be \$.138566 per \$100 of assessed value.
4. The City of Kearney proposes to adopt a property tax request that will cause its tax rate to be \$.148870 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Kearney is less than the prior year by 5.87%.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2023.

Motioned by _____, seconded by _____
to adopt Resolution No. 2023-132A. Voting yes were _____.
Voting no were _____.

Dated this 26th day of September 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

7. Adopt Resolution No. 2023-141 approving a Real Estate Purchase Agreement between William G. Hines Jr. and Becky A. Hines, husband and wife, and the City of Kearney, a Municipal Corporation for the purchase of property described as Lot 5, Block 2, Tony H. Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2023-141

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the “Real Estate Purchase Agreement between William G. Hines Jr. and Becky A. Hines, husband and wife and the City of Kearney, Nebraska, a Municipal Corporation” for the purchase of real property which is legally described as:

Lot 5, Block 2, Tony H. 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 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 26TH DAY OF SEPTEMBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

8. Accept the proposals received for the Millennial Park Playground Structure and award the proposal submitted by Cunningham Recreation in the amount of \$85,000.00.

9. Accept the proposals received for the Millennial Park Splashpad and award the proposal submitted by Outdoor Recreation Products in the amount of \$124,221.98.

10. Adopt Resolution No. 2023-142 approving Change Order No. 3 showing an increase in the amount of \$34,651.00 and an increase in the contract time for all Phases, twenty-one days submitted by RMV Construction LLC and approved by Alfred Benesch and Company for AIP/CARES Act Project No. 3-31-0045-036 in connection with the Terminal Building Expansion Project (re-bid) at the Kearney Regional Airport.

RESOLUTION NO. 2023-142

WHEREAS, RMV Construction, LLC of Kearney, Nebraska has performed services in connection with the Terminal Expansion Project (re-bid) at the Kearney Regional Airport (EAR) (Airport Improvement Program/CARES Act Project No. 3-31-0045-036), and the City's engineer, Alfred Benesch and Company, have filed with the City Clerk Change Order No. 3 showing an increase to the contract sum in the amount of \$34,651.14 and an increase in the Original Contract time of all Phases, 21 days as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows;

Original Contract Sum	\$ 4,773,394.00
Change Order No. 1 (03-28-2023)	+ 18,331.98
Change Order No. 2 (05-09-2023)	+ 6,181.00
Change Order No. 3 (09-26-2023)	+ 34,651.14
Total New Revised Contract Amount	\$ 4,832,558.12

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

PASSED AND APPROVED THIS 26TH DAY OF SEPTEMBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

11. Adopt Resolution No. 2023-143 approving the revised Park and Recreation Rules and Regulations as recommended by the Advisory Board of Park and Recreation Commissioners.

RESOLUTION NO. 2023-143

WHEREAS, on May 8, 1984 the City Council adopted Rules and Regulations for the Park & Recreation Department; and

WHEREAS, on September 13, 2011, June 10, 2014, October 14, 2014, and again on January 12, 2021 the Council approved the revised policy by Resolution Nos. 2011-115, 2014-107, 2014-213, and 2021-4 respectively; and

WHEREAS, it has become apparent that the Rules and Regulations need to be updated.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska that the Park & Recreation Rules and Regulations be and are hereby revised and adopted. A copy of the Rules and Regulations, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that Resolution No. 2021-4 be and is hereby repealed.

PASSED AND APPROVED THIS 26TH DAY OF SEPTEMBER, 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

PROPOSED REDEVELOPMENT PROJECT FOR PROPERTY AT 220 11TH AVENUE

Mayor Clouse opened Regular Agenda Item 1 for consideration of Resolution No. 2023-144 approving the redevelopment project submitted by Kearney Partnership, a non-profit consisting of the Economic Development Council of Buffalo County, the Kearney Visitors Bureau, and the Kearney Area Chamber of Commerce for Redevelopment Area #8 for an area described as Lot 1, Block 3 Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (220 11th Avenue).

Kayla James, Director of Finance, presented this matter to the Council. Ms. James stated

Kearney Partnership, a non-profit consisting of the Economic Development Council of Buffalo County, the Kearney Visitors Bureau, and the Kearney Area Chamber of Commerce, would like to construct a 12,400-square-foot single-level office building. The building's exterior finishes include brick veneer, fiber cement siding, metal wall panels, and an aluminum storefront. Kearney Partnership is in the process of purchasing the property from Talmadge Jam, LLC.

The total new valuation of the property upon completion is estimated to be \$1,950,665 and the current valuation of the property is \$28,725. The incremental valuation is estimated to be \$1,921,940. The annual increment in real estate taxes upon completion of the Project is estimated to be \$35,776.

On September 13, 2023, the CRA moved the Project be granted 100% of the annual increment in real estate taxes, not to exceed the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2024. The CRA approved estimated Project Costs totaling \$934,600 as follows:

Site grading, earthwork and silt fence	\$356,600
Paving of parking lot, sidewalks, curbs and gutters	\$255,000
Utilities – storm water, water and sewer	\$120,000
Electrical	\$98,000
Landscaping	\$80,000
Signage	\$25,000
Total	\$934,600

Council Member Jonathan Nikkila questioned why the property's assessed value was less than the estimated construction cost. Assessment valuation was discussed along with the CRA's 100 percent approval of annual increment in real estate taxes.

Moved by Moore seconded by Lear the finding that the redevelopment project set forth in the application submitted by Kearney Partnership, a non-profit consisting of the Economic Development Council of Buffalo County, the Kearney Visitors Bureau, and the Kearney Area Chamber of Commerce, 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 100 percent of the annual increment in real estate taxes, up to the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2024 and to adopt Resolution No. 2023-144 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Kearney Partnership, a non-profit consisting of the Economic Development Council of Buffalo County, the Kearney Visitors Bureau, and the Kearney Area Chamber of Commerce. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2023-144

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and City of the First Class has determined it is desirable to undertake and carry out urban redevelopment projects in areas of the City that 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 Lot 1, Block 3, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580092980); and

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

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

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as Lot 1, Block 3, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580092980); is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

2. The City Council hereby determines that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of

tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project are found to be in the long-term interests of the community.

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

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as Lot 1, Block 3, Younes Center Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580092980); shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

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

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, of loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

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

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

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

PASSED AND APPROVED THIS 26TH DAY OF SEPTEMBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

STAFF UPDATE ON THE SANITATION DEPARTMENT AND RECEIPT OF NEBRASKA RECYCLING COUNCIL - GREEN TEAM OF THE YEAR AWARD.

Mayor Clouse opened for discussion the Regular Agenda Item 2 for a Staff update on the Sanitation Department and the Department's receipt of Nebraska Recycling Council - Green Team of the Year Award. This presentation was for informational purposes only.

Steve Hart, Sanitation Superintendent and Shauna Petzold, Household Hazardous Waste Coordinator, presented this matter to the Council.

Mr. Hart reviewed the growth of the Recycling Center throughout the years and explained the recycling process including commercial and residential collection, drop-off sites, sorting, baling, and shipping. Mr. Hart stated 215 semi-loads of recycled material are shipped from the Recycling Center.

Ms Petzold detailed the Household Hazardous Waste Collection Program and noted two 24-hour drop-off sites collect various items including paint, stain, used motor oil, fluorescent light bulbs, and batteries. Items collected that remain in good usable condition are made available to the public through the Restore store. Ms. Petzold stated the City of Kearney Sanitation Department received the Green Team of the Year Award from the Nebraska Recycling Council. A video created by Staff about the City of Kearney's recycling program and presented at the Nebraska Recycling Council Conference was shared with Council.

Council Member Nikkila questioned recycling trends in Nebraska and asked if the City had plans to handle food waste. Mr. Hart explained that agricultural chemicals are a common issue in Nebraska since these chemicals do not fall under Household Hazardous Chemicals. The City of Kearney is working with the State of Nebraska, the University of Nebraska at Lincoln, and the Nebraska Department of Environmental Energy to re-establish a program for agricultural chemicals. Mr. Hart additionally stated food waste such as vegetables and coffee grounds can be placed in residential yard waste containers.

Council Member Nikkila asked what the most common non-recyclable item i the Recycling Center receives is. Mr. Hart stated styrofoam is the most commonly received item that the facility does not process.

Council Member Randy Buschkoetter questioned how much plastic the Recycling Center cannot process. Mr. Hart stated that approximately 5 to 6 percent of the plastic materials received cannot be processed at this time but hopes to purchase equipment to aid in processing more rigid plastics in the future. Mr. Hart commended the citizens of Kearney on their participation in the City's Recycling Program.

Council Members thanked Mr. Hart and Ms. Petzold for their presentation.

OPEN ACCOUNT CLAIM

Moved by Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$120,144.58 payable to Nebraska Public Power District be allowed. Roll call resulted as

follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Michael Morgan, City Manager, reviewed the Millennial Park Playground and Splashpad, Yanney Pavilion, Talmadge paving, and Airport Hangar construction projects and reminded Council of the Airport Terminal Expansion Ribbon Cutting on November 1st. Mr. Morgan noted that Kearney's no-sort recycling policy provides for increased participation in the Recycling Program and commended Sanitation staff for the successes of both the Recycling and Household Hazardous Waste Programs.

Council Member Tami James Moore praised community participation in the Recycling Program.

Council Member Nikkila thanked Sanitation staff and Mr. Morgan.

Council Member Buschkoetter congratulated Mr. Morgan on his retirement, thanked Mr. Morgan for what he has done for the community, and commended the City's Recycling Program and its no-sort policy.

Mayor Clouse stated that the UNK Homecoming Parade is scheduled for September 30th and that the League of Nebraska Municipalities Annual Conference in Lincoln will be held September 27th through September 29th.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:01 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