

*Kearney, Nebraska
December 12, 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 December 12, 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; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works; Bryan Waugh, Chief of Police; Kevin Thompson, Police Captain of Operations; Jason Whalen, Deputy Fire Chief/Fire Administrator; JoAnn Anderson, Fire Station Office Manager; Melissa Dougherty-O'Hara, Assistant Director of Development Services and Dan Lillis, Engineering Assistant II, were also present.

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/RECOGNITION

PRESENTATION OF KEARNEY VOLUNTEER FIRE DEPARTMENT SERVICE AWARDS

Fire Chief Aaron Jameson and Jason Whalen, Deputy Fire Chief/Fire Administrator, recognized Dillon M. Davis, Kent A. Hergott, Nathan A. Toof, Quincy T. Bennett, and Chris T. Hellerich for 5 years of service; Jon M. Schroeder for 10 years of service; Max J. Gintzler for 25 years of service; and Bradley S. Anderson for 30 years of service.

PRESENTATION OF FIREFIGHTER CERTIFICATES OF TRAINING FOR COMPLETING 2023 FIREFIGHTER I CLASS

Chief Aaron Jameson stated in January of each year KVFD hosts the Firefighter I class for both KVFD and other area Fire Departments. The Fire Fighter I class along with the requisite Hazardous Materials Operations Level Training and CPR Certification requires nearly 140 hours of training. New members also attend monthly squad trainings, emergency incidents, other offered trainings and public outreach events. Chief Jameson recognized Nate Smith as part of this year's Firefighter I Class.

Chief Jameson thanked Council Members, City Manager Mike Morgan, and City Staff for their continued support of KVFD's mission.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATION OF PROPERTY IN MERIDIAN WEST SECOND

Mayor Clouse opened the public hearing on the application submitted by Jeremy Feusner, Nebraska Public Power District, Applicant for Dan Schumacher, Schumacher Fencing, LLC to vacate a 153-foot by 15-foot Utility Easement located in part of Lot 2, Meridian West Second, an addition to the City of Kearney, Buffalo County, Nebraska (3103/3107 West Highway 30) and consider Ordinance No. 8657.

Jeremy Feusner, Land Surveyor Nebraska Public Power District presented this matter to the Council. Mr. Feusner reminded Council that the property owner, Dan Schumacher, recently rezoned and added a Planned District to the property. Mr. Schumacher owns both Lots 1 and 2; the 20-foot Utility Easement being discussed this evening is on Lot 2 and was platted on Meridian West Second. The easement was moved south of the current easement and will remain a 20-foot corridor. Mr. Feusner stated the purpose of the proposed vacation to create a more functional utility easement.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Jeremy Feusner, Nebraska Public Power District, Applicant for Dan Schumacher, Schumacher Fencing, LLC, and introduced Ordinance No. 8657 vacating a 153-foot by 15-foot Utility Easement located in part of Lot 2, Meridian West Second, an addition to the City of Kearney, Buffalo County, Nebraska (3103/3107 West Highway 30) 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. 8657. 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: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse abstained. 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. 8657 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse abstained. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8657 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse abstained. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8657 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 and the Kearney Public Library.

REZONING OF PROPERTY LOCATED SOUTH OF THE INTERSECTION OF EAST 65TH STREET AND AVENUE R

Public Hearings 2 through 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller and Associates Consulting Engineers, P.C., Applicant for Fox Creek Development, LLC, a Nebraska Limited Liability Company, Owner to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) for property described as a tract of land being part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska (south of the intersection of East 65th Street and Avenue R) and consider Ordinance No. 8658.

Craig Bennett, Miller & Associates presented this matter to the Council. Mr. Bennett described the 14-lot, 4.75-acre development and stated the rezoning request is consistent with the surrounding zoning and complies with the Future Land Use Map. Mr. Bennett reviewed the Infrastructure Feasibility Plan and the Annexation request.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by Miller and Associates Consulting Engineers, P.C., Applicant for Fox Creek Development, LLC, a Nebraska Limited Liability Company, Owner and introduced Ordinance No. 8658 rezoning from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) for property described as a tract of land being part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska (south of the intersection of East 65th Street and Avenue R) 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 Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8658. 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, Moore, Buschkoetter, Lear, Nikkila. 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. 8658 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8658 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8658 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 and the Kearney Public Library.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR ARBOR VIEW THIRD

Public Hearings 2 through 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller and Associates, Applicant for Fox Creek Development, LLC, a Nebraska Limited Liability Company, Owner for the Final Plat and Subdivision Agreement for Arbor View Third, an addition to the City of Kearney, Buffalo County, Nebraska, being a part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska (south of the intersection of East 65th Street and Avenue R) and consider Resolution No. 2023-170.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2023-170 approving the application submitted by Miller and Associates, Applicant for Fox Creek Development, LLC, a Nebraska Limited Liability Company, Owner for the Final Plat and Subdivision Agreement for Arbor View Third, an addition to the City of Kearney, Buffalo County, Nebraska, being a part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska (south of the intersection of East 65th Street and Avenue R). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2023-170

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Arbor View Third, an addition to the City of Kearney, Buffalo County, Nebraska being a part of a tract of land being part of

Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at the Southwest Corner of Government Lot 2 in Section 19; thence N 00°14'22" E on the West line of said Government Lot 2, and all bearings contained herein are relative thereto, a distance of 976.72 feet to the centerline of 65th Street, as platted in Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°42'02" E on said centerline a distance of 969.72 feet; thence continuing on said centerline Easterly on a tangent curve to the Right having a central angle of 08°53'06", a radius of 750.00 feet, an arc length of 116.31 feet, and a chord bearing of S 85°15'28" E a distance of 116.19 feet; thence continuing on said centerline Easterly on a tangent curve to the Left having a central angle of 01°37'59", a radius of 750.00 feet, an arc length of 21.38 feet, and a chord bearing of S 81°37'55" E a distance of 21.38 feet to the Northerly extension of the East line of Outlot A, Block 3 in Arbor View First; thence S 03°28'02" E on said Northerly extension of said East line of Outlot A, Block 3 a distance of 30.54 feet to a 5/8" rebar w/cap and the POINT OF BEGINNING; thence continuing S 03°28'02" E on said East line of Outlot A, Block 3 a distance of 97.74 feet to a 5/8" rebar w/cap; thence S 15°10'23" E continuing on said East line of Outlot A, Block 3 a distance of 243.38 feet to a 5/8" rebar w/cap; thence S 00°14'22" W continuing on said East line of Outlot A, Block 3 a distance of 234.45 feet to a 5/8" rebar w/cap; thence S 89°44'06" E a distance of 340.00 feet to a 5/8" rebar w/cap; thence N 00°14'22" E a distance of 620.80 feet to a 5/8" rebar w/cap on the Easterly extension of the South line of Lot 4, Block 2, Arbor View First; thence N 89°42'02" W on said Easterly extension of said South line a distance of 35.00 feet to a 5/8" rebar w/cap; thence S00°14'22" W on the Southerly extension of the East line of said Lot 4, Block 2 a distance of 60.00 feet to a 5/8" rebar on the South right-of-way line of said 65th Street; thence N 89°42'02" W on said South right-of-way line of a distance of 283.34 feet to a 5/8" rebar w/cap; thence Northwesterly on a tangent curve to the Right having a central angle of 06°49'24", a radius of 780.00 feet, an arc length of 92.89 feet, and a chord bearing of N 86°17'20" W a distance of 92.83 feet to the Point of Beginning.

Containing 4.75 acres, more or less, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved and that the President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

ANNEXATION OF ARBOR VIEW THIRD

Public Hearings 2 through 4 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller and Associates Consulting Engineers, P.C., Applicant for Fox Creek Development, LLC, a Nebraska Limited Liability Company, Owner for the annexation of Arbor View Third, an addition to the City of Kearney, Buffalo County, Nebraska, being a part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska (south of the intersection of East 65th Street and Avenue R) and consider Resolution No. 2023-171.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2023-171 approving the application submitted by Miller and Associates Consulting Engineers, P.C., Applicant for Fox Creek Development, LLC, a Nebraska Limited Liability Company, Owner for the annexation of Arbor View Third, an addition to the City of Kearney, Buffalo County, Nebraska, being a part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska (south of the intersection of East 65th Street and Avenue R). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2023-171

WHEREAS, an Application has been submitted by Miller & Associates for Fox Creek Development, LLC, a Nebraska Limited Liability Company for the inclusion of Arbor View Third, an addition within the corporate boundaries of the City of Kearney said property described as being a part of a tract of land being part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at the Southwest Corner of Government Lot 2 in Section 19; thence N 00°14'22" E on the West line of said Government Lot 2, and all bearings contained herein are relative thereto, a distance of 976.72 feet to the centerline of 65th Street, as platted in Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°42'02" E on said centerline a distance of 969.72 feet; thence continuing on said centerline Easterly on a tangent curve to the Right having a central angle of 08°53'06", a radius of 750.00 feet, an arc length of 116.31 feet, and a chord bearing of S 85°15'28" E a distance of 116.19 feet; thence continuing on said centerline Easterly on a tangent curve to the Left having a central angle of 01°37'59", a radius of 750.00 feet, an arc length of 21.38 feet, and a chord bearing of S 81°37'55" E a distance of 21.38 feet to the Northerly extension of the East line of Outlot A, Block 3 in Arbor View First; thence S 03°28'02" E on said Northerly extension of said East line of Outlot A, Block 3 a distance of 30.54 feet to a 5/8" rebar w/cap and the POINT OF BEGINNING; thence continuing S

03°28'02" E on said East line of Outlot A, Block 3 a distance of 97.74 feet to a 5/8" rebar w/cap; thence S 15°10'23" E continuing on said East line of Outlot A, Block 3 a distance of 243.38 feet to a 5/8" rebar w/cap; thence S 00°14'22" W continuing on said East line of Outlot A, Block 3 a distance of 234.45 feet to a 5/8" rebar w/cap; thence S 89°44'06" E a distance of 340.00 feet to a 5/8" rebar w/cap; thence N 00°14'22" E a distance of 620.80 feet to a 5/8" rebar w/cap on the Easterly extension of the South line of Lot 4, Block 2, Arbor View First; thence N 89°42'02" W on said Easterly extension of said South line a distance of 35.00 feet to a 5/8" rebar w/cap; thence S00°14'22" W on the Southerly extension of the East line of said Lot 4, Block 2 a distance of 60.00 feet to a 5/8" rebar on the South right-of-way line of said 65th Street; thence N 89°42'02" W on said South right-of-way line of a distance of 283.34 feet to a 5/8" rebar w/cap; thence Northwesterly on a tangent curve to the Right having a central angle of 06°49'24", a radius of 780.00 feet, an arc length of 92.89 feet, and a chord bearing of N 86°17'20" W a distance of 92.83 feet to the Point of Beginning. Containing 4.75 acres, more or less, with said property identified on the attached map; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on November 17, 2023 on the inclusion of Arbor View Third within the corporate limits and recommended the Kearney City Council approve said application; and

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

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on November 17, 2023 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

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

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

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

FINAL PLAT AND SUBDIVISION AGREEMENT FOR PRAIRIE VIEW BUSINESS PARK THIRD

Mayor Clouse opened the public hearing on the application submitted by Buffalo Surveying Corporation, Applicant for WWS Land, LLC, by William R. Shapley, Owner for the Final Plat and Subdivision Agreement for Prairie View Business Park Third, a subdivision 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 East 45th Street) and consider Resolution No. 2023-172.

Mitch Humphrey, Buffalo Surveying Corp. presented this matter to the Council. Mr.

Humphrey described the 10-acre property proposed to be used by the Developer for his business. The property will be served by well and septic, but will contain the required utility easements for future connection to City utilities.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2023-172 approving the application submitted by Buffalo Surveying Corporation, Applicant for WWS Land, LLC, by William R. Shapley, Owner for the Final Plat and Subdivision Agreement for Prairie View Business Park Third, a subdivision 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 East 45th Street). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2023-172

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Prairie View Business Park Third, a subdivision 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, more particularly described as follows: referring to the Northeast Corner of the Southeast Quarter of Section 27 and assuming the East line of the Southeast Quarter of Section 27 as bearing S 00°05'55" E and all bearings contained herein are relative thereto; thence S 00°05'55" E on the East line of the Southeast Quarter of Section 27 a distance of 186.47 feet to the ACTUAL PLACE OF BEGINNING, said point being the Northeast Corner of a tract of land described on Warranty Deed filed as Document No. 2016-01022, recorded on February 25, 2016 in the office of the Register of Deeds of Buffalo County, Nebraska; thence continuing on the East line said Southeast Quarter of Section 27 and on the East line of the tract of land described on said Warranty Deed filed as Document No. 2016-01022, S 00°05'55" E a distance of 474.71 feet to the Northeast Corner of Prairie View Business Park, a subdivision being part of the North Half of the Southeast Quarter (N1/2 SE1/4), part of Government Lot 2 and part of Government Lot 3 located in Fractional Section Twenty-seven (27), Township Nine (9) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, said point also being the Northeast Corner of 45th Street, a street shown on the plat and dedication of said Prairie View Business Park; thence leaving the East line of said Southeast Quarter of Section 27, S 89°54'05" W and on the North line of said Prairie View Business Park and the North line of 45th Street a distance of 130.00 feet to a point of tangency; thence continuing on the North line of said Prairie View Business Park and the North line of 45th Street on a 533.00 foot radius curve to the left forming a central angle of 21°31'04" an arc distance of 201.09 feet to a point of tangency; thence continuing on the North line of said Prairie View Business Park and the North line of 45th Street S 68°23'00" W a distance of 210.23 feet to a point of tangency; thence continuing on the North line of said Prairie View Business Park and the North line of 45th Street on a 467.00 foot radius curve to the right forming a central angle of 21°31'04" an arc distance of 175.39 feet to a point of tangency; thence continuing on the North line of said Prairie View Business Park and the North line of 45th Street S 89°54'05" W a distance of 141.09 feet; thence leaving the North line of said Prairie View Business Park and the North line of 45th Street, non-tangent, and parallel with the East

line of said Southeast Quarter of Section 27, N 00°05'55" W a distance of 621.53 feet to a point on the North line of said tract of land described on Warranty Deed filed as Document No. 2016-01022; thence on the North line of said tract of land described on Warranty Deed filed as Document No. 2016-01022, N 89°54'05" E a distance of 834.27.00 feet to the place of beginning. Containing 10.50 acres, more or less, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved and that the President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

AFFORDABLE HOUSING ACTION PLAN FOR THE CITY OF KEARNEY

Mayor Clouse opened the public hearing on the adoption of the Affordable Housing Action Plan for the City of Kearney and consider Resolution No. 2023-173.

Melissa Dougherty-O'Hara, Assistant Development Services Director, presented this matter to the Council. Ms. Dougherty-O'Hara reviewed the Municipal Density and Missing Middle Housing Act adopted by Nebraska Legislature in 2020, which requires the City of Kearney to provide an Affordable Housing Report and an Affordable Housing Action Plan (AHAP). The Plan has 3 sections which Ms. Dougherty-O'Hara reviewed. Ms. Dougherty-O'Hara noted 35.49% of Kearney's land is zoned for Middle and Multi-family housing types and further stated more than 26% of households are cost-burdened or severely cost-burdened, which is a fairly low number. Over the past several months City Staff held listening sessions to develop the AHAP and found some Developers see Kearney as a higher risk for them and reviewed other findings of the listening sessions.

Council Member Jonathan Nikkila questioned why Developers feel Kearney is high risk for them? Ms. Dougherty-O'Hara stated the main issue is the cost of land.

Michael Morgan, City Manager, noted there is no comparison to real data as far as increased costs as; how Kearney does assessments and allows for Developers to develop here is very aggressive on the part of the City; many peer cities charge higher percentages and for numerous other things that Kearney does not charge for.

Brenda Jensen, Deputy City Manager explained some regulatory changes will come from potentially allowing more flexibility within zoning districts and will be seen in upcoming Code changes. Ms. Jensen stated examples include reducing minimum lot widths and having a transitional district between R-1 and R-2 that could allow for single family and duplexes; Staff is trying to allow more options for Developers.

Ms. Dougherty-O'Hara continued by reviewing the City's Goals and Action steps, as the Statute provides four requirements that have to be addressed in the Plan; 21 action steps were created, and implementation is slated to occur over the next 10 years. City Staff is considering the Plan as an additional guide for community partners and Developers and will be a supplement to the City of Kearney Comprehensive Plan and Kearney Housing Study.

Council Member Jonathan Nikkila questioned the step pertaining to changing Code to remove project size and planned development metrics and how that would help? Ms. Dougherty-O'Hara stated it is creating fewer barriers and costs for Developers and provided some examples of this.

Council Member Randy Buschkoetter questioned if fewer barriers could create less safeguards with development. Ms. Jensen stated as the Code has been updated throughout the years, care has been taken to ensure that proper safeguards are still in place.

Council Member Bruce Lear questioned if there would be as big of an impact on housing costs unless it is made smaller first and denser second. Ms. Jensen agreed and stated there is nothing the City can do to force affordable housing. Mr. Morgan noted smaller developments are available today, but most people do not want them.

Council Member Nikkila questioned how the development of the south campus at the college is going and if Developers are looking into doing this in other areas of Kearney. Ms. Jensen stated the City has not seen many local Developers take an interest in these types of projects elsewhere in Kearney.

Council Member Tami Moore stated she recently completed an inventory of rentals in Kearney and found other than the University Village rentals, everything is currently being rented and there aren't any openings to get into existing rental units in Kearney.

Ms. Jensen noted if this Plan was not submitted to the State, the Statute allows for the State to create a citywide mandate stating anywhere a single-family home is constructed, a middle housing type property, like a duplex or a four-plex, would also be allowed to be built.

Mr. Morgan thanked Ms. Dougherty-O'Hara and Staff that assisted her, for the work they contributed to this Plan.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2023-173 approving the adoption of the Affordable Housing Action Plan for the City of

Kearney. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2023-173

WHEREAS, in 2020, the Nebraska Legislature passed LB866, the Municipal Density and Missing Middle Housing Act (Neb. Rev. Stat. §19-5501 to 19-5506), that addresses issues of housing affordability and availability and finds ways to increase density where appropriate, in communities; and

WHEREAS, the Municipal Density and Missing Middle Housing Act is comprised of two compliance components for cities of the First Class: 1) provide an Affordable Housing Report every two years that outlines the current housing affordability conditions in the community and 2) cities with less than fifty thousand inhabitants shall adopt and provide an Affordable Housing Action Plan to the Urban Affairs Committee by January 1, 2024; and

WHEREAS, Staff has gathered historical permit data, population data, reviewed the previously approved Kearney Housing Study (2017), evaluated economic information, conducted five listening sessions with six different stakeholder groups, and gathered information from managers of high-density rental units via a target survey to better understand Kearney's current housing situation; and

WHEREAS, State Statute requires the plan address the City's goals for constructing new affordable housing units, goals for the percentage of areas in the City zoned for multi-family and middle housing types, plans for the use of financial opportunities from Federal, State, and local sources, and updating Kearney City zoning code to encourage affordable housing; and

WHEREAS, Kearney's Affordable Housing Action Plan provides goals and an action plan to assist development in Kearney and be a guide for the City, community partners, and Developers and acts as a supplement to the previously adopted City of Kearney Comprehensive Plan (2016) and the Kearney Housing Study (2017); and

WHEREAS, Planning Commission recommended adoption of the Affordable Housing Action Plan at their November 17, 2023 meeting.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Affordable Housing Action Plan be adopted for the City's compliance with LB866 and is hereby accepted and approved. The Affordable Housing Action Plan, marked as Exhibit 1 is attached hereto and made a part hereof.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse brought to the attention of Council, Consent Agenda Item 7 and noted the City is making improvements regarding concerns that were discussed previously.

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 13 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 Regular Meeting held November 28, 2023.

2. Approve the following Claims:

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

Agri Coop \$1,394.27 smcs; All City Garage Door \$3,690.00 smcs; All Copy \$312.12 smcs; Arch, the \$75,000.00 smcs; Aurora Coop \$34.88 smcs; AvFuel \$91,342.93 smcs; Baker & Taylor \$2,365.35 smcs; Beehive \$21,258.00 smcs; Bieber, D \$31.00 smcs; Big Rack Shack \$3,750.00 smcs; BlueCross BlueShield \$131,661.46 smcs; Bossfuels \$21,403.14 smcs; Buffalo Co. Attorney \$18,750.00 smcs; Buffalo Co. Sheriff \$973.70 smcs; Builders \$71.23 smcs; Cal/Amp \$781.55 smcs; Cash Wa \$1,538.93 smcs; Chesterman \$418.00 smcs; Christensen, K \$203.50 smcs; City of KY \$427,700.23 smcs,ps; City of KY - CRA \$248,009.98 smcs; City Plumbing \$4,419.92 co; Community Action \$2,135.50 smcs; Community Health \$10.00 ps; Crowne Plaza \$300.00 smcs; D & K Products \$32,435.00 smcs; Danko \$578.28 smcs; Dan's Plumbing \$765.55 smcs; Dell \$3,254.58 co; Depository Trust \$9,350.00 smcs; Diamond Tours \$5,775.00 smcs; Double J Plumbing \$140.95 smcs; Eakes \$1,186.11 smcs; Enterprise Electric \$28,360.00 smcs; ESChat \$118.82 smcs; Expression Wear \$16.00 smcs; Family Practice \$1,740.00 ps; Fedex \$55.54 smcs; Finnlysport \$7,496.00 co; Five Points Bank \$248,009.98 ds; Friesen Ford \$23,200.00 co; Gale/Cengage \$877.61 smcs; Give NE \$10.00 ps; Greater NE Cities \$1,000.00 smcs; HM Life Insurance \$52,820.69 smcs; Hometown Leasing \$283.23 smcs; Hub Int'l \$6,796.00 smcs; Impact Art \$12,800.00 smcs; IRS \$216,598.81 ps; Jack Lederman \$1,296.01 smcs; Jack's Uniforms \$481.00 smcs; John T. Jones Const. \$1,367,498.84 co; Johnson, D \$800.00 smcs; Kart Man \$1,469.99 smcs; KY Storytelling \$350.00 smcs; KY Visitors Bureau \$253,644.04 smcs; KY Winlectric \$6,694.37 smcs,co; KGFW \$100.00 smcs; Konica Minolta \$347.27 smcs; Lincoln National \$12,292.13 smcs,ps; Magic Cleaning \$7,350.00 smcs; McCartney, Erin Chpt. 13 \$157.00 ps; MCL Construction \$702,431.40 co; Mclaughlin, P \$150.00 smcs; Midwest Connect \$3,572.28 smcs; Midwest Petroleum \$295.50 smcs; Midwest Turf \$71,227.00 smcs; Milco Environmental \$4,864.25 smcs; Miller & Associates \$16,876.45 co; Mission Square \$7,751.48 ps; Municipal Supply \$28,381.83 smcs; NE Child Support \$1,594.65 ps; NE Dept. of Revenue \$68,964.29 ps; NE Law Enforcement \$1,200.00 smcs; NE Library Commission \$2,812.73 smcs; NE Machinery \$130.56 smcs; NE Public Health \$682.00 smcs; NE Safety & Fire \$95.00 smcs; Nebraskaland Dist. \$143.88 smcs; Noetzelman, J \$150.00 smcs; Northwestern Energy \$8,577.82 smcs; Omnify \$486.50 smcs; One Call Concepts \$668.18 smcs; Overhead Door \$330.00 smcs; Paymentus \$1,251.25 smcs; PCAN \$100.00 smcs; Pep Co \$406.71 smcs; Pohlman, K \$96.28 smcs; Polydyne \$16,758.72 smcs; Presto-X \$144.18 smcs; Pro-Tint \$100.00 smcs; Rapid Fire Protection \$1,175.00 smcs; Rasmussen Mechanical \$2,577.91 smcs; Reams Sprinkler \$3,073.75 co; Reinke's Heating \$121.60 smcs; Resource Mgmt. \$5,475.75 smcs; Rheome Tree \$1,600.00 smcs; RW Sorensen \$3,253.00 smcs; S & J Construction \$12,858.00 co; S&B Heating \$112.50 smcs; School District #7 \$3,015.00 smcs; Schroer, J \$510.50 smcs; Sciachitano, D \$400.00 smcs; Shredding Solutions \$83.74 smcs; Sign

Center \$1,542.52 co; Sign Solutions \$6,018.54 smcs; Snap-On Tools \$308.00 smcs; Soccer Master \$20,362.00 co; State of NE-DAS \$34.02 smcs; Steinbrink's \$754,642.18 smcs,co; Stitch 3 \$439.00 smcs; Stutsman \$1,647.00 smcs; Thompson, J \$31.00 smcs; TK Elevator \$513.94 smcs; Turfwerks \$3,075.90 smcs; Two Rivers Public Health \$4,575.00 ps; Tye & Rowling \$17,257.27 smcs; UL \$9,294.00 smcs; Union Bank & Trust \$107,903.85 ps; United Way \$94.00 ps; US Bank \$245,444.59 smcs; Vanco \$104.63 smcs; Verdin Company \$545.00 smcs; Verizon \$13,550.21 smcs; Village Uniform \$219.70 smcs; Wessels, W \$6,560.00 smcs; WT Cox Subscriptions \$12,745.95 smcs; Longevity Pay for 2023 -- \$72,201.26; Payroll Ending 12/02/2023 -- \$633,907.11. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Adopt Resolution No. 2023-174 approving the Developer Constructed Infrastructure Agreement for Taylor Villas between the City of Kearney and Ashley Solt, Director of Mesner Development Co., a Nebraska Corporation, and Gene McElhinny and Deb McElhinny, Husband and Wife, for the construction of water main, sanitary sewer main, paving, and storm sewer improvements to serve Taylor Villas, an Addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2023-174

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Taylor Villas, an Addition to the City of Kearney, Buffalo County, Nebraska" between the City of Kearney and Ashley Solt, Director of Mesner Development Co., a Nebraska Corporation, and Gene McElhinny and Deb McElhinny, Husband and Wife for the construction of water main, sanitary sewer main, paving, and storm sewer improvements for Taylor Villas, 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 12TH DAY OF DECEMBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

4. Adopt Resolution No. 2023-175 approving the State/City Agreement between the State of Nebraska, Department of Transportation, the City of Kearney, Nebraska, and the Kearney Police Department involving the relocation of existing Automated License Plate Readers within the City to locations on State Highway right of way and infrastructure.

RESOLUTION NO. 2023-175

BE IT RESOLVED by the President and Council of the City of Kearney, that the President and Kearney Police Chief be and are hereby authorized and directed to execute the State/City Agreement between the State of Nebraska, Department of Transportation

and the City of Kearney, Nebraska and the Kearney Police Department authorizing the installation, operation, and maintenance of Automated License Plate Reader system on and/or along the State Highway, a copy of the Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

5. Rescind Resolution No. 2023-72 approved at the May 9, 2023 City Council meeting pertaining to a Kearney Regional Airport Lease Agreement between the City of Kearney, Nebraska, a Municipal Corporation, and Vertical Lift Maintenance Solutions, LLC, a Nebraska Limited Liability Company and adopt Resolution No. 2023-176 approving the Kearney Regional Airport Amended Lease Agreement between the City of Kearney, Nebraska, a Municipal Corporation, and Vertical Lift Maintenance Solutions, LLC, a Nebraska Limited Liability Company.

RESOLUTION NO. 2023-176

WHEREAS, at the May 9, 2023 Kearney City Council Meeting, Resolution No. 2023-72 was passed, approving the Kearney Regional Airport Lease Agreement between the City of Kearney, Nebraska, a Municipal Corporation and Vertical Lift Maintenance Solutions, LLC; and

WHEREAS, Resolution No. 2023-72 now needs to be rescinded due to an amendment to the Kearney Regional Airport Lease Agreement.

NOW THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Kearney Regional Airport Amended Lease Agreement located at 4970 Airport Road, between the City of Kearney, Nebraska and Vertical Lift Maintenance Solutions, LLC, a Nebraska Limited Liability Company. The Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

6. Adopt Resolution No. 2023-177 approving Change Order No. 4 showing a decrease in the amount of \$5,399.60 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. 2023-177

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. 4 showing a decrease to the contract sum in the amount of \$5,399.60 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows;

Original Contract Sum	<u>\$ 4,773,394.00</u>
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
Change Order No. 4 (12-12-2023)	<u>- 5,399.60</u>
Total New Revised Contract Amount	<u>\$ 4,827,158.52</u>

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, hereby find and determine that Change Order No. 4, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

7. Approve replacement of Memorial Field turf in the amount of \$307,158.00 submitted by Mid-America Sports Construction under the Sourcewell Cooperative Purchasing Program.

8. Authorize the City of Kearney's participation in the National Purchasing Cooperative Interlocal Participation Agreement between the National Purchasing Cooperative and the City of Kearney and approve the purchase of the SI1 Carbon Fiber Net System in the amount of \$91,251.39 from Sports Imports under the National Purchasing Cooperative for the SportsPlex.

9. Rescind the approval to purchase a 2024 Ford Super Duty F-350 SRW XL 4WD Crew Cab, submitted by National Auto Fleet Group under the Sourcewell Cooperative Purchasing Program in the amount of \$54,887.10 that was approved on November 28, 2023 Kearney City Council meeting, and approve the bid submitted by Platte Valley Auto Mart Kearney in the amount of \$54,887.10 to be used in the Utilities Department.

10. Adopt Resolution No. 2023-178 approving the extension of the Services Agreement between the City of Kearney and Flock Group Inc. for Automated License Plate Reader cameras for the City of Kearney and authorize the Chief of Police to execute the Services Agreement on behalf of the City.

RESOLUTION NO. 2023-178

BE IT RESOLVED by the President and Council of the City of Kearney, that the Chief of Police be and is hereby authorized and directed to execute the extension of the Services Agreement between the City of Kearney, Nebraska and Flock Group Inc., for the use of Automated License Plate Reader cameras for the City of Kearney, a copy of the Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2023.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

11. Adopt Resolution No. 2023-179 accepting the Certificate of Substantial Completion submitted by RMV Construction and approved by Wilkins ADP for the Yanney Heritage Park Pavilion and Parking Lot.

RESOLUTION NO. 2023-179

WHEREAS RMV Construction, LLC of Kearney, Nebraska has performed services in connection with Yanney Heritage Park Pavilion and Parking Lot, and the City's architect, Wilkins ADP, has filed with the City Clerk, the Certificate of Substantial Completion as shown on Exhibit "A" attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2023.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

12. Adopt Resolution No. 2023-180 approving the Application and Certificate for Payment – Final in the amount of \$5,000.00 and accept the Corporation Waiver of Construction Lien from Brown Construction submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.

RESOLUTION NO. 2023-180

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 & Design, has filed with the Application and Certificate for Payment - Final in the amount of \$5,000.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 7,250,100.00</u>
Change Order Nos. 1 & 2 (04/27/2021)	+ 7,506.22
Change Order Nos. 3 & 4 (10/12/2021)	+ 23,028.06
Change Order No. 5 (01/11/2022)	+ 62,196.09
Change Order No. 6 (03/22/2022)	+ 57,533.82
Change Order No. 7 (07/12/2022)	+ 13,436.47
Change Order No. 8 (02/14/2023)	+ 6,022.72
Change Order No. 9 (05/09/2023)	<u>+ 18,876.77</u>
Contract Sum to Date	\$ 7,438,700.15
Completed & Stored to Date	7,438,700.15
Less Retainage: 0.0%	<u>0.00</u>
Amount Due to Date	\$ 7,438,700.15
Less Previous Certificates for Payment	<u>7,433,700.15</u>
Amount Due this Application	\$ 5,000.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that the Application and Certificate for Payment - Final in the amount of \$5,000.00, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

13. Adopt Resolution No. 2023-181 approving Change Order No. 2 showing an increase in the amount of \$9,750.00 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the Booster Pump Stations, Renovations, and Associated Improvements.

RESOLUTION NO. 2023-181

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 Change Order No. 2 showing an increase in the amount of \$9,750.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 2,185,960.00
Change Order No. 1 (09/13/2022)	- 345,373.00
Change Order No. 2 (12/12/2023)	+ 9,750.00
Current Payment Due	\$ 1,850,337.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF DECEMBER, 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

OPEN ACCOUNT CLAIM

Moved by Clouse seconded by Nikkila that the Open Account Claim in the amount of \$15.00 payable to Grant Buschkoetter be allowed. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Lear. Nay: None. Buschkoetter abstained. Motion carried.

VII. REPORTS

TWO RIVERS PUBLIC HEALTH DEPARTMENT

Dr. Aravind Menon, Two Rivers Public Health Department (TRPHD), provided an overview of TRPHD's coverage area and the services they provide.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:24 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
CITY CLERK**