

**Kearney, Nebraska**  
**January 9, 2024**  
**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 January 9, 2024 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; Nate Mollring, Director of Information Tech; Shawna Erbsen, Director of Administrative Services; Jim Lynaugh, Airport Director; Steve Cole, Assistant Airport Director; Luke Dutcher, Assistant Director of Public Works; Melissa Dougherty-O'Hara, Assistant Director of Development Services; Dan Lillis, Engineering Assistant II; Bryan Waugh, Chief of Police; Mike Young, Police Captain of Services; Kevin Thompson, Police Captain of Operations, and several members of the Kearney Police Department were also present. Members of the media present included: Mike Konz, Kearney Hub.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the City Council and a copy of their acknowledgment or receipt of such notice is attached to these minutes. Availability of the Agenda was communicated in the advance notice and in the notice to the Mayor and City Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

## **I. ROUTINE BUSINESS**

### **INVOCATION/MOMENT OF SILENCE**

With the absence of a minister, the Council held a moment of silence.

### **PLEDGE OF ALLEGIANCE**

Members of the Kearney Police Department Honor Guard presented and posted the colors. Council members led the audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

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

### **ORAL COMMUNICATIONS/RECOGNITION**

### **RECOGNITION CEREMONY FOR PROMOTION AND OATH OF OFFICE TO POLICE SERGEANT ALEX PEYTON**

Police Chief Bryan Waugh introduced Sergeant Alex Peyton, and provided a brief

overview of Sergeant Peyton's nearly six years he has been with the Kearney Police Department. City Clerk Peggy Eynetich delivered the Police Sergeant Oath of Office to Sergeant Peyton followed by pinning of his badge by family.

### **PROCLAMATION FOR MICHAEL MORGAN APPRECIATION DAY**

Mayor Clouse read the Proclamation for Michael Morgan Appreciation Day and presented Mr. Morgan with the Key to the City. Mr. Morgan will retire on January 13th, which coincides with his 19th anniversary with the City of Kearney as City Manager.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

### **AMEND CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 335 CHERRY AVENUE**

Mayor Clouse opened the public hearing on the application submitted by Werner Construction, Inc., Applicant for Kappas Enterprises, Owner to amend Conditional Use Permit No. 2018-02 for a sand and gravel pumping operation and temporary batch plant on property zoned District AG, Agricultural District and described as Government Lots 1, 2, 3, 4 in Section 9, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (335 Cherry Avenue) and consider Ordinance No. 8242A.

Terry Wilhelms, Werner Construction, presented this matter to the Council. Mr. Wilhelms stated Werner Construction would like to bid on a State project that would require overnight work at the site; the proposed amendment to the existing Conditional Use Permit would allow for work overnight from Sunday night through Friday mornings.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Werner Construction, Inc., Applicant for Kappas Enterprises, Owner and introduced Ordinance No. 8242A amending Conditional Use Permit No. 2018-02 for a sand and gravel pumping operation and temporary batch plant on property zoned District AG, Agricultural District and described as Government Lots 1, 2, 3, 4 in Section 9, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (335 Cherry Avenue) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Moore seconded the motion to close the hearing and suspend the rules for Ordinance No. 8242A. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance

No. 8242A by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8242A be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8242A 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 78TH STREET AND WEST OF 2ND AVENUE**

Public Hearings 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Oak Creek Engineering, Applicant for Kenneth Richter, Owner to rezone from District AG, Agricultural District to District C-3, General Commercial District for property described as a tract of land located in the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 78th Street and West of 2nd Avenue) and consider Ordinance No. 8659.

Josh Gilbertson, Oak Creek Engineering, presented this matter to the Council. Mr. Gilbertson stated Developers are requesting to split the overall parcel into a smaller lot. The proposed rezone, and final plat of the smaller lot are for future development.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by Oak Creek Engineering, Applicant for Kenneth Richter, Owner and introduced Ordinance No. 8659 rezoning from District AG, Agricultural District to District C-3, General Commercial District for property described as a tract of land located in the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 78th Street and West of 2nd Avenue) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8659. 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. 8659 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. 8659 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. 8659 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 FOR ELKEN SECOND SUBDIVISION**

Public Hearings 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Oak Creek Engineering, Applicant for Kenneth Richter, Owner for the Final Plat and Subdivision Agreement for Elken Second Subdivision (formerly known as Tucker Subdivision), a subdivision being part of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 78th Street and West of 2nd Avenue) and consider Resolution No. 2024-1.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2024-1 approving the Final Plat and Subdivision Agreement for Elken Second Subdivision (formerly known as Tucker Subdivision), a subdivision being part of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 78th Street and West of 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

### **RESOLUTION NO. 2024-1**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Elken Second Subdivision (formerly known as Tucker Subdivision), a subdivision being part of the North Half of the Southeast Quarter of Section 14 in Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska being more particularly described as follows; Commencing at the Northwest Corner of the Southeast Quarter of said Section 14; thence N89°01'16"E a distance of 803.96 feet along the north line of the Southeast Quarter of said Section 14 to the point of beginning; thence S59°59'49"E a distance of 2017.53 feet to a point on the southern line of the vacated Railroad Right-Of-Way and westerly Right-Of-Way of 2nd Avenue; thence N0°37'47"E along the westerly Right-Of-Way of 2nd Avenue a distance of 152.62 Feet to a point on the vacated centerline of Railroad Right-Of-Way and westerly Right-Of-Way of 2nd Avenue; thence N59°59'49"W a distance of 1721.16 feet along the vacated centerline of Railroad Right-Of-Way; thence S89°01'16"W a distance of 258.37 feet along the north line of the Southeast Quarter of said Section 14 to the point of beginning. Containing 5.71 acres, more or less and is subject to any easements of right-of-way by record, duly made out, acknowledged and certified, and the same hereby is approved in

accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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 9TH DAY OF JANUARY, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

**PROPOSED CREATION OF A NEW CHAPTER AND AMENDMENTS TO CHAPTERS/SECTIONS OF THE CITY CODE**

Mayor Clouse opened the public hearing on the Proposed creation of a new Chapter and amendments to the following chapters/sections of the City Code as follows:

- Section 14-102 "Establishment of Districts" of Chapter 14 "Zoning District Regulations", to add R-1D, Residential District;
- Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" "Agricultural and Residential Types" to add R-1D to the list of "Use Types" and corresponding permitted use;
- Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" "Civic Use Types" to add R-1D to the list of "Use Types" and corresponding permitted use;
- Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" "Office Use Types" to add R-1D to the list of "Use Types";
- Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" "Commercial Use Types" to add R-1D to the list of "Use Types" and corresponding permitted use;
- Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" "Parking and Transportation Use Types" to add R-1D to the list of "Use Types";
- Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" "Industrial and Miscellaneous Types" to add R-1D to the list of "Use Types" and corresponding permitted use;
- Create a new Chapter; Chapter 17 "District RR-2, Rural Residential District (Intermediate Standards)";
- Chapter 18 "District RR-2, Rural Residential District (Intermediate Standards)" to amend Chapter title to "District R-1, Urban Residential Single-Family District (Low Density)"; to amend 19-101 - "Purpose" to 18-101 "Purpose" and 19-102 "Site Development Regulations" to 18-102 - "Site Development Regulations"; and
- Chapter 19 "District R-1, Urban Residential Single-Family District (Low Density)" to amend Chapter title to "R-1D, Residential District"; to amend Sections 19-101 -

“Purpose” and 19-102 “Site Development Regulations” to add R-1D Residential District purpose and regulations.  
and consider Ordinance No. 8660.

Melissa Dougherty-O’Hara, Assistant Director of Development Services, presented this matter to the Council. Ms. Dougherty-O’Hara detailed the new R-1D Residential District zoning Chapter of the City Code and stated it allows for a gentle transition from R-1 Single-Family and R-2 Mixed-Density.

Mayor Clouse asked if any feedback had been received from developers or realtors. Ms. Dougherty-O’Hara stated there has been little feedback, but believes the additional zoning will help create unique developments.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing and introduced Ordinance No. 8660 on the Proposed creation of a new Chapter and amendments to the following chapters/sections of the City Code as follows:

- Section 14-102 “Establishment of Districts” of Chapter 14 “Zoning District Regulations”, to add R-1D, Residential District;
- Table 14-1 “Use Matrix” of Chapter 14 “Zoning District Regulations” “Agricultural and Residential Types” to add R-1D to the list of “Use Types” and corresponding permitted use;
- Table 14-1 “Use Matrix” of Chapter 14 “Zoning District Regulations” “Civic Use Types” to add R-1D to the list of “Use Types” and corresponding permitted use;
- Table 14-1 “Use Matrix” of Chapter 14 “Zoning District Regulations” “Office Use Types” to add R-1D to the list of “Use Types”;
- Table 14-1 “Use Matrix” of Chapter 14 “Zoning District Regulations” “Commercial Use Types” to add R-1D to the list of “Use Types” and corresponding permitted use;
- Table 14-1 “Use Matrix” of Chapter 14 “Zoning District Regulations” “Parking and Transportation Use Types” to add R-1D to the list of “Use Types”;
- Table 14-1 “Use Matrix” of Chapter 14 “Zoning District Regulations” “Industrial and Miscellaneous Types” to add R-1D to the list of “Use Types” and corresponding permitted use;
- Create a new Chapter; Chapter 17 “District RR-2, Rural Residential District (Intermediate Standards)”;
- Chapter 18 “District RR-2, Rural Residential District (Intermediate Standards)” to amend Chapter title to “District R-1, Urban Residential Single-Family District (Low Density)”; to amend 19-101 - “Purpose” to 18-101 “Purpose” and 19-102 “Site Development Regulations” to 18-102 - “Site Development Regulations”; and
- Chapter 19 “District R-1, Urban Residential Single-Family District (Low Density)” to amend Chapter title to “R-1D, Residential District”; to amend Sections 19-101 - “Purpose” and 19-102 “Site Development Regulations” to add R-1D Residential District purpose and regulations

and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City

Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8660. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8660 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8660 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8660 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.

#### **IV. CONSENT AGENDA**

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

1. Approve Minutes of Regular Meetings held December 12, 2023 and December 19, 2023.

2. Approve the following Claims:

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

1000bulbs.com \$387.31 smcs; Accent Wire-Tie \$1,200.62 smcs; Accessories Ford \$10.65 smcs; Action Targets \$352.37 smcs; Acushnet \$10,699.74 smcs; Adobe \$219.33 smcs; Advance Auto Parts \$37.50 smcs; Airbnb \$2,559.72 smcs; Alert All \$510.00 smcs; Alert Shirt \$891.30 smcs; Alfred Benesch \$48,752.85 co; All Copy Products \$61.96 smcs; All Safe \$339.24 smcs; Ally B Designs \$85.00 smcs; Amazon \$13,267.26 smcs,co; American \$24.00 smcs; American Air \$1,143.62 smcs; American Button \$249.95 smcs; American Fence \$162.97 smcs; American Instants \$105.24 smcs; American Planning \$195.00 smcs; American Red Cross \$72.00 smcs; Apple \$32.85 smcs; Apple Market \$25.08 smcs; Aramark Uniform \$540.62 smcs; Arby's \$342.45 smcs; ARFF \$95.00 smcs; Arnold Motor \$115.96 smcs; Arrow Seed \$1,097.49 smcs; Arrowhead Scientific \$85.38 smcs; Artisans \$520.00 smcs; Ask Supply \$1,663.48 smcs; At the Aquarium \$1,505.27 smcs; AT&T \$1,248.59 smcs; Aurora Coop \$81.60 smcs; Aussie Hydraulics \$1,384.20

smcs,co; Authorize.net \$10.00 smcs; AvFuel \$141,498.95 smcs; B&H Photo \$2,542.37 smcs,co; Backdrop Express \$366.79 smcs; Bakers Candies \$212.75 smcs; Banner Buzz \$132.68 smcs; Baristas Daily Grind \$80.45 smcs; Barndoor Ag \$260.46 smcs; Barth, D \$831.00 smcs; Battery Junction \$99.80 smcs; Beacon Athletics \$1,486.87 smcs; Beisheim, S \$704.00 smcs; Big Ten Network \$10.69 smcs; Bitwarden \$324.00 smcs; Blackstone Library \$1,110.86 smcs; Blick Art \$410.30 smcs; Blue Tees Golf \$1,151.40 smcs; BlueCross BlueShield \$402,332.10 smcs; BMI \$5.87 smcs; Bomgaars \$874.61 smcs; Boo Ya Direct \$363.44 smcs; Bosselman \$66.69 smcs; Brady Worldwide \$575.96 smcs; Branson Worldwide \$22.06 smcs; Branson's Pasghettis \$1,332.64 smcs; Broadfoot's \$1,625.00 smcs; Brooks, G \$171.80 smcs; Buckle \$102.21 smcs; Buffalo Co. Sheriff \$231,359.00 smcs; Buffalo Co. Treasurer \$73.80 smcs; Buffalo Outdoor Power \$372.58 smcs; Buffalo Wild Wings \$13.49 smcs; Builders \$583.77 smcs,co; Cabela's \$240.72 smcs; Candlewood Suites \$164.33 smcs; Canva \$269.30 smcs; Carquest \$137.37 smcs; Casey's \$30.47 smcs; Cash Wa \$1,092.61 smcs; CDW Government \$10,877.03 co; Central Comm. College \$900.00 smcs; Central Hydraulic \$1,634.32 smcs; Central Mercantile \$10.00 smcs; Central NE Bobcat \$318.41 smcs; Central NE Rehab \$100.00 ps; Certified Power \$727.61 smcs; Certified Training \$96.30 smcs; Charter \$50.00 smcs; Chemsearch \$365.00 smcs; Chesterman \$312.00 smcs; Chicken Coop \$30.51 smcs; Cintas \$1,100.88 smcs; Ciox Health \$44.00 smcs; City of KY \$384,985.55 co,ps; City of KY \$2,490.98 smcs; Coldspring \$304.20 smcs; Comfort Inn \$198.30 smcs; Comfy Bowl \$150.00 smcs; Community Health \$10.00 ps; Complete Weddings \$300.00 smcs; Condren, E \$57.57 smcs; Constant Contact \$145.00 smcs; Construction Rental \$7,075.29 smcs; Control Yours \$220.00 smcs; Copycat \$1,683.54 smcs; Core & Main \$2,693.47 smcs; Country Partners \$43,559.95 smcs; Court Reserve \$154.40 smcs; Crane Sales \$1,809.46 smcs; Crowne Plaza \$150.00 smcs; Cruiser Sup \$39.99 smcs; Crystal Clean \$572.00 smcs; Culligan \$134.98 smcs; Cummins \$1,082.85 smcs; Cutting Edge Cleaning \$260.00 smcs; Dan Roeder Concrete \$314,176.14 co; Danko \$743.48 smcs; Davis Equipment \$2,573.48 smcs; Dawson Public Power \$22,001.80 smcs; Dell \$184.98 smcs; Dell Marketing \$5,590.28 smcs; Demco \$87.84 smcs; Depository Trust \$26,533.75 ds; Deterdings \$234.96 smcs; Digicert \$578.00 smcs; Dish \$410.05 smcs; Dollar General \$53.50 smcs; Donor Recognitions \$101.26 smcs; Double J Plumbing \$265.68 smcs; Dunkin \$28.95 smcs; Dutton-Lainson \$354.63 smcs; Eakes \$2,503.06 smcs; Easy Tech \$12,033.25 co; EB Housing \$135.23 smcs; Ecolab \$129.91 smcs; Ecopliant Environment \$15.00 smcs; Ed Broadfoot & Sons \$3,138.00 co; Eileen's Cookies \$26.40 smcs; EKWIL \$187.00 smcs; Electronic Systems \$99.50 smcs; Elkay Sales \$87.03 smcs; Elliott Equipment \$255,509.50 smcs,co; Entenmann-Rovin \$1,427.00 smcs; Enterprise \$585.74 smcs; Enterprise Rent-A-Car \$520.38 smcs; ESI \$10,670.00 smcs; Eurofins \$295.00 smcs; Expression Wear \$812.00 smcs,ps; Eyemed \$702.45 smcs; F.D. Leatherworks \$63.00 smcs; Facebook \$366.91 smcs; Fairfield Inn \$379.20 smcs; Family Fresh \$111.15 smcs; Family Practice \$803.00 smcs,ps; Famous Dave's \$1,436.61 smcs; Fantastic Caverns \$1,102.50 smcs; Fastenal \$957.62 smcs; Feld Fire \$120.93 smcs; Flock Safety \$750.00 smcs; Forms Fulfillment \$1,070.33 smcs; Fort, The \$150.00 smcs; Friesen Ford \$22,550.00 co; Frontier \$2,696.13 smcs; FSA Store \$99.42 smcs; Full Source \$1,573.47 smcs; Fun Express \$513.02 smcs; Galeton \$318.79 smcs; Galls \$1,312.48 ps; Garrett Tires \$10,567.70 smcs; Gary Gross Truck \$8,204.63 co; General Spring \$898.07 smcs; Genuine Varsity \$254.03 smcs; Give Nebraska \$10.00 ps; Glendale Parade \$208.25 smcs; Glow Withus \$220.50 smcs; Glowforge \$239.40 smcs; Good Evans \$109.08 smcs; Good Sportsman \$8.80 smcs; GPM Pump and Truck \$2,661.93 smcs; Graham Tire \$643.12 smcs; Grainger \$2,903.37

smcs; Gray Professional \$3,575.00 smcs; Great Plains Comm. \$915.53 smcs; Greater NE Cities \$2,000.00 smcs; Hampton Inns \$806.62 smcs; Harbor Freight \$283.73 smcs; Hazmat \$58.30 smcs; Head Penn Racquet \$328.10 smcs; Helly Hansen U.S. \$941.60 smcs; HM Life Insurance \$79,621.17 smcs; Hobby Lobby \$422.00 smcs; Holiday Inn \$2,059.26 smcs; Holmes Plumbing \$1,236.46 smcs; Home Depot \$3,026.88 smcs,co; Hometown Leasing \$283.23 smcs; Hy-Vee \$322.14 smcs; IACP \$735.00 smcs; IECA \$360.00 smcs; iHydrant \$297.00 smcs; Impact Plastics \$965.60 smcs; Integrated Security \$4,630.50 smcs; Interstate Battery \$619.10 smcs; Int'l Code \$165.00 smcs; Int'l Society \$135.00 smcs; Intoximeters \$318.75 smcs; Invoicehome.com \$5.28 smcs; Iprint Technologies \$810.00 smcs; IRS \$201,379.97 ps; Jack Lederman \$4,893.06 smcs; Jack's Uniforms \$678.17 smcs; Jackson Services \$375.47 smcs; James Contracting \$19,500.00 co; James, K \$248.68 smcs; Jensen-Beisheim, Judy \$336.00 smcs; Jimmy Johns \$64.78 smcs; Joann Stores \$116.90 smcs; John T. Jones Const. \$1,401,083.36 co; Johnson Fitness \$671.65 ps; Johnstone Supply \$1,766.94 smcs; Joy Factory \$370.73 smcs; JTR Stealth \$40.00 smcs; Kalbro \$249.90 smcs; KY Ace \$323.06 smcs; KY Animal Shelter \$15,218.93 smcs; KY Area Comm. \$36.08 smcs; KY Chamber Comm. \$100.00 smcs; KY Concrete \$3,459.58 smcs; KY Crete & Block \$1,920.59 smcs,co; KY Hub \$21.99 smcs; KY Power Sports \$241.90 co; KY Quality Sew \$87.95 smcs; KY Tire & Auto \$713.34 smcs; KY Warehouse \$2,484.64 smcs; Kelly Supply \$1,074.43 smcs; Kimball Midwest \$141.05 smcs; KRVN \$200.00 smcs; Ktown Cakery \$12.00 smcs; Kwik Shop \$25.98 smcs; Landmark Implement \$2,744.57 smcs,co; Language Line \$6.49 smcs; Laser Labs \$169.00 smcs; Laser Technology \$12,709.40 smcs; Law Enforcement Assn. \$425.00 smcs; Law Enforcement Drone \$1,794.00 smcs; Light & Siren \$1,588.00 smcs; Lincoln Nat'l Life \$9,866.99 smcs; LMC Truck \$1,084.94 smcs; Lockmobile \$22.00 smcs; Loomis, T \$172.00 smcs; Lowes \$176.23 smcs; Luna, O \$15.35 smcs; Macqueen Equipment \$7,785.85 smcs; Magic Cleaning \$2,200.00 smcs; Mallory Safety \$459.00 smcs; Manufacturers Edge \$3,189.28 smcs; Marlatt Precision \$59.80 smcs; Marvel Industrial \$1,165.00 smcs; Masters True Value \$383.18 smcs,co; Matheson \$270.76 smcs; McCartney, Erin Chpt. 13 \$157.00 ps; Mcgillhose.com \$121.50 smcs; MCL Construction \$1,350,120.49 co; Menards \$10,923.97 smcs,co; Merrill Company \$372.89 smcs; Merryman \$1,112.10 smcs; MF Athletic \$184.58 smcs; Microsoft \$23.86 smcs; Mid American Signal \$725.00 smcs; Mid NE Aggregate \$254.10 smcs; Midland Scientific \$156.68 smcs; Midway USA \$231.97 smcs; Midwest Breathing \$269.50 smcs; Midwest Connect \$9,003.70 smcs; Midwest Turf \$579.32 smcs; Miller & Associates \$1,646.80 co; Miller Signs \$621.84 smcs; Mirror Image \$139.91 smcs; Mission Square \$7,661.56 ps; Mobile Text Alerts \$228.00 smcs; Mom & Dads BBQ \$40.00 smcs; Moonlight Embroidery \$1,603.75 smcs; Most Dependable Fount. \$205.90 smcs; Motorola Solutions \$217,392.12 co; MPH Industries \$61,741.00 co; Municipal Supply \$284,562.63 smcs; Napa \$4,892.30 smcs; NDEQ \$345.00 smcs; NE Chapter IAEI \$256.87 smcs; NE Child Support \$1,419.72 ps; NE Dept. Revenue \$108,752.83 smcs,ps; NE Generator \$194.42 smcs; NE Law Enforcement \$142.00 smcs; NE Machinery \$2,661.95 smcs; NE Peterbilt \$715.35 smcs; NE Public Health \$2,071.00 smcs; NE Recreation & Parks \$155.00 smcs; NE Society of CPAs \$336.45 smcs; NE State Fire Marshal \$240.00 smcs; NE Truck Center \$4,905.49 smcs; NE Turf Assn. \$600.00 smcs; Network Solutions \$137.91 smcs; New Pig Corp. \$217.34 smcs; Newman Signs \$44.11 smcs; NFPA \$1,552.50 smcs; NI State Payport \$51.25 smcs; Nielsen Contracting \$285,034.67 co; NMS Labs \$60.00 smcs; Northwest Electric \$1,643.39 smcs; Northwestern Energy \$7,141.25 smcs; Nuttelman Fencing \$2,861.24 smcs; NWEA \$1,125.00 smcs; Office Depot \$110.53 smcs; Office Max \$597.20 smcs; Old Navy \$100.05 smcs; Omaha South Garage \$88.00 smcs;

One Call Center \$29.82 smcs; O'Reilly Auto \$72.18 smcs; Overleese, A \$140.00 smcs; Panera \$75.60 smcs; Paymentus \$1,354.65 smcs; PB Leasing \$65.97 smcs; Penworthy \$397.16 smcs; Pep Co. \$301.71 smcs; Petsmart \$288.36 smcs; PGA Merchandise \$200.00 smcs; Phillips 66 \$181.62 smcs; Ping \$164.08 smcs; Pipe Vise \$350.00 smcs; Pitney Bowes \$517.50 smcs; Platinum Awards \$742.13 smcs,ps; Platte Valley Auto Mart \$143.73 smcs; Police Assn. of NE \$100.00 smcs; Police Officers \$1,279.00 smcs; Poster My Wall \$2.99 smcs; Preserver Eco \$110.00 smcs; Presto-X \$376.33 smcs; Prof. Service Fee \$0.98 smcs; Public Agency Training \$650.00 smcs; Public Risk Mgmt. Assn. \$415.00 smcs; Pump & Pantry \$91.31 smcs; Qualified Hardware \$781.10 smcs; Quill \$367.30 smcs; Rapid Fire \$1,240.00 smcs; RAS Law Offices \$11.00 smcs; Rasmussen Mechanical \$1,059.56 smcs; Ready Mixed Concrete \$139.00 smcs; Reams \$1,126.98 smcs; Recreonics \$1,907.08 smcs; Redman's Shoes \$399.99 smcs,ps; Reinke's \$193.65 smcs; Resource Mgmt. \$4,133.50 smcs; Reverse Osmosis \$114.06 smcs; Rock It Event Pros \$2,102.38 smcs; Safety Products \$133.84 smcs; Sahling Kenworth \$192.96 smcs; Sampson Construction \$735,619.92 co; Sam's Club \$16.10 smcs; Sapp Brothers \$4,438.81 smcs; Saylor Screenprinting \$4,640.06 smcs; Scholastic Book Fairs \$8.00 smcs; School District #7 \$1,265.00 smcs; School Resource Officers \$100.00 smcs; Schroer, J \$104.00 smcs; Schumacher Fencing \$2,170.00 smcs; Seat Covers Unlimited \$323.20 smcs; See Clear Cleaning \$3,122.50 smcs; Select Seeds \$91.77 smcs; Select Sprayers \$176.33 smcs; Setcom \$167.03 smcs; Sherwin Williams \$165.23 smcs; Shredding Solutions \$148.61 smcs; Shutterstock \$31.04 smcs; Sign Solutions \$1,091.61 smcs; SignIt \$78.50 smcs; Siteone Landscape \$3,421.06 smcs; Sizemore, J \$163.23 smcs; Snow, T \$1,125.00 smcs; SOS Portable Toilets \$239.00 smcs; Spectrum \$806.57 smcs; Sporting Edge \$404.86 smcs; Sprinkler Warehouse \$597.12 smcs; Stamp Maker \$62.80 smcs; Staples \$208.59 smcs; Starbucks \$98.48 smcs; State of NE \$62.37 smcs; Steinbrink's \$649.97 smcs; Stryker Sales \$1,179.64 smcs; Stutsman \$4,392.00 smcs; Summit \$725.00 smcs; Sumuri \$9,708.00 smcs; Sunbelt \$1,324.47 smcs; Sunset Law Enforcement \$52.50 smcs; Superior \$99,914.10 smcs; Supplyhouse \$329.70 smcs; Sybrant Machining \$35.00 smcs; T&T Mobile Washing \$1,261.00 smcs; Tennant Co. \$295.14 smcs; Tetrad \$5.92 smcs; Tidei, J \$1,000.00 smcs; TikTok \$72.01 smcs; Titan Machinery \$7,780.08 smcs; TK Elevator \$1,389.00 smcs; T-Mobile \$25.00 smcs; Tommy's Express \$95.00 smcs; Tractor Supply \$547.80 smcs,co; Traffic Control \$122,995.00 co; Transunion \$111.20 smcs; Tri Tech Forensics \$429.00 smcs; Trimark Service \$188.67 smcs; Triple Crown Products \$2,217.54 smcs; Trophy Depot \$31.39 smcs; Turner Body \$3,032.75 smcs; Twin City Hardware \$177.65 smcs; Tye & Rowling \$16,032.84 smcs; Uline \$1,303.12 smcs; Union Bank & Trust \$112,970.62 ps; United Way of KY \$94.00 ps; UNK Emarket \$540.00 smcs; UNL Lied Center \$906.45 smcs; Unmanned Vehicle Tech \$15,835.48 co; UPS \$492.55 smcs; US Marshals Service \$12,100.00 smcs; USA Blue Book \$909.95 smcs; USPS \$766.44 smcs; Vandiest \$269.00 smcs; Verizon \$13,740.08 smcs; Vermeer High Plains \$808.61 smcs; Veto Pro Pac \$379.98 smcs; Victor \$334.68 smcs; Village Services \$249.22 smcs; Village Uniform \$294.81 smcs; Volaire \$3,700.00 smcs; Walmart \$1,727.21 smcs,co; Wastecorp Pumps \$859.48 smcs; Webstaurant Store \$768.96 smcs; Weets, A \$100.00 smcs; Western NRG \$225.00 smcs; Whalen, J \$177.40 smcs; Wheeler, J \$134.47 smcs; Wilson Sporting Goods \$262.70 smcs; Winchster Trim Shop \$667.54 smcs; Winlectric \$10,493.33 smcs; Winnelson \$3,031.77 smcs,co; World Herald \$21.99 smcs; World Theatre \$500.00 smcs; WPCI \$924.94 ps; WTT Consultants \$225.00 smcs; Yanda's \$1,261.52 smcs; Youtube \$593.67 smcs; Zoho Corp. \$1,476.00 smcs; Zoro Tools \$588.99 smcs; Payroll Ending 12/30/2023 -- \$669,875.24. 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. 2024-2 approving the Developer Constructed Infrastructure Agreement for Lot 1, Block 1 Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, between the City of Kearney and Danny Starostka, President of Starostka Group Unlimited, Inc., a Nebraska Corporation, Owner, for the construction of public improvement, sanitary sewer main to serve Lot 1, Block 1 Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

**RESOLUTION NO. 2024-2**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Lot 1, Block 1 Millennial Estates Fourth Addition" between the City of Kearney and Danny Starostka, President of Starostka Group Unlimited, Inc., a Nebraska Corporation, Owner for the construction of public improvement, sanitary sewer main to serve Lot 1, Block 1 Millennial Estates Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit "A" is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the 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 9TH DAY OF JANUARY, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

4. Adopt Resolution No. 2024-3 approving Change Order No. 2 showing a decrease in the amount of \$12,666.80, Application and Certificate for Payment No. 4-Final in the amount of \$93,924.00 and accept the Certificate of Substantial Completion submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for 2022 Part 1 Improvements; 48th Street.

**RESOLUTION NO. 2024-3**

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with 2022 Part 1 Improvements; 48th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an decrease to the contract sum in the amount of \$12,666.80 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Dan Roeder Concrete and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$93,924.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 796,683.00
Change Order No. 1 (6/14/22)	- 25,444.00
Change Order No. 2 (1/9/24)	- 12,666.80
Contract Sum To Date	<u>758,572.20</u>

Gross Amount Due	758,572.20
Retainage (0%)	- 0.00
Amount Due to Date	<u>758,572.20</u>
Less Previous Certificates for Payment	664,648.20
Current Payment Due	<u>\$ 93,924.00</u>

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of December 13, 2023, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown on Exhibit "A", Application and Certificate for Payment No. 4-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 9TH DAY OF JANUARY, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

5. Adopt Resolution No. 2024-4 approving the Invoice for Payment No. 2-Final in the amount of 39,120.89 to Skyco Glass LLC for the FBO Window Replacement Project.

**RESOLUTION NO. 2024-4**

WHEREAS, Skyco Glass LLC of Kearney, Nebraska has performed services in connection with the FBO Window Replacement Project, and have filed with the City Clerk the Invoice for the Final payment in the amount of \$39,120.89 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 78,241.78
50% Required Deposit	- 39,120.89
Contract Sum To Date	<u>39,120.89</u>

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that the Invoice for the Final payment as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 9TH DAY OF JANUARY, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

6. Adopt Resolution No. 2024-5 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement with William Diessner, President of B & G Investments, LLC, a Nebraska Limited Liability Company, for William Estates (now platted as William Grace Estates), an addition to the City of Kearney, Buffalo County, Nebraska.

**RESOLUTION NO. 2024-5**

WHEREAS, on the 23rd day of March, 2021 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2021-40 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and William Diessner, President of B & G Investments, LLC, a Nebraska Limited Liability Company, for the construction of a water main and a sanitary sewer main for William Estates (now platted as William Grace Estates), an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for William Diessner, President of B & G Investments, LLC, a Nebraska Limited Liability Company, for the construction of a water main and a sanitary sewer main for William Estates (now platted as William Grace Estates), an addition to the City of Kearney, Buffalo County, Nebraska constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 9TH DAY OF JANUARY, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

7. Adopt Resolution No. 2024-6 approving Change Order No. 16 showing an increase in the amount of \$5,932.00, Change Order No. 17 showing an increase in the amount of \$5,890.00, Change Order No. 18 showing an increase in the amount of \$18,032.00 and Change Order No. 19 showing an increase in the amount of \$1,375.00 and Application and Certificate for Payment No. 14 in the amount of \$388,397.95 and Application and Certificate for Payment No. 15 in the amount of \$346,740.00 submitted by RMV Construction, LLC and approved by Wilkins ADP for Yanney Park Pavilion.

**RESOLUTION NO. 2024-6**

WHEREAS RMV Construction, LLC of Kearney, Nebraska has performed services in connection with Yanney Heritage Park Pavilion and Parking Lot, and the City's architect, Wilkins ADP, has filed with the City Clerk Change Order No. 16 showing an increase in the amount of \$5,932.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS RMV Construction, LLC of Kearney, Nebraska and Wilkins ADP, has filed with the City Clerk Change Order No. 17 showing an increase in the amount of

\$5,890.00 as shown on Exhibit “B” attached hereto and made a part hereof by reference; and

WHEREAS RMV Construction, LLC of Kearney, Nebraska and Wilkins ADP, has filed with the City Clerk Change Order No. 18 showing an increase in the amount of \$18,032.00 as shown on Exhibit “C” attached hereto and made a part hereof by reference; and

WHEREAS RMV Construction, LLC of Kearney, Nebraska and Wilkins ADP, has filed with the City Clerk Change Order No. 19 showing an increase in the amount of \$1,375.00 as shown on Exhibit “D” attached hereto and made a part hereof by reference; and

WHEREAS, RMV Construction, LLC of Kearney, Nebraska and Wilkins ADP have filed with the City Clerk Application and Certificate for Payment No. 14 in the amount of \$388,397.95 as shown on Exhibit “E” attached hereto and made a part hereof by reference; and

WHEREAS, RMV Construction, LLC of Kearney, Nebraska and Wilkins ADP have filed with the City Clerk Application and Certificate for Payment No. 15 in the amount of \$346,740.00 as shown on Exhibit “F” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ <u>3,653,600.00</u>
Change Order No. 1 (07-26-2022)	+ 23,433.00
Change Order No. 2 (09-13-2022)	+ 17,883.00
Change Order No. 3 (10-11-2022)	+ 395.00
Change Order No. 4 (01-10-2023)	- 7,195.00
Change Order No. 5 (01-10-2023)	+ 3,947.00
Change Order No. 6 (01-10-2023)	+ 9,676.00
Change Order No. 7 (03-14-2023)	+ 1,348.00
Change Order No. 8 (04-11-2023)	+ 611.00
Change Order No. 9 (04-11-2023)	+ 802.00
Change Order No. 10 (06-13-2023)	+ 5,560.00
Change Order No. 11 (06-13-2023)	+ 5,241.00
Change Order No. 12 (06-13-2023)	+ 1,261.00
Change Order No. 13 (06-13-2023)	+ 3,671.00
Change Order No. 14 (06-13-2023)	+ 532.00
Change Order No. 15 (07-11-2023)	+ 3,026.00
Change Order No. 16 (01-09-2023)	+ 5,932.00
Change Order No. 17 (01-09-2023)	+ 5,890.00
Change Order No. 18 (01-09-2023)	+ 18,032.00
Change Order No. 19 (01-09-2023)	+ <u>1,375.00</u>
Contract Sum to Date	\$3,755,020.00
Gross Amount Due	\$3,755,020.00
Total Retainage	- <u>30,000.00</u>
Amount Due to Date	3,725,020.00
Less Previous Certificates for Payment	<u>-2,989,882.55</u>
Current Payment Due (No. 14)	\$ 388,397.95
Current Payment Due (No. 15)	\$ <u>346,740.00</u>

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 16, as

shown on Exhibit "A", Change Order No. 17, as shown on Exhibit "B", Change Order No. 18, as shown on Exhibit "C", Change Order No. 19, as shown on Exhibit "D", and Application and Certificate for Payment No. 14, as shown on Exhibit "E", and Application and Certificate for Payment No. 15, as shown on Exhibit "F" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 9TH DAY OF JANUARY, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

8. Appointment of Jonathan Nikkila to serve on the Kearney Visitors Bureau, the appointment of Stanley Clouse and Tami James Moore to serve on the Buffalo County Economic Development Council, and the appointment of Jonathan Nikkila, Tami James Moore and Chuck Ogle to serve on the Joint Airport Zoning Board.

9. Adopt Resolution No. 2024-7 appointing City employee Brandon Shafto (License No. S-1572, Class A) to serve as the City Street Superintendent during January 1 thru December 31, 2024, with regard to requirements and duties with the Nebraska Department of Transportation as he has served in this capacity since November 6, 2015 and for the purpose of the 2024 calendar year Highway Incentive Payment, to be issued to the City of Kearney by the Nebraska Department of Transportation, in February 2025.

**RESOLUTION NO. 2024-7**

WHEREAS, City employee Brandon Shafto (License No. S-1572, Class A) will serve as the City Street Superintendent during January 1 thru December 31, 2024, with regard to requirements and duties with the Nebraska Department of Transportation, as he has served in this capacity since November 6, 2015; and

WHEREAS, City employee Brandon Shafto (License No. S-1572, Class A) will continue to serve as the City Street Superintendent for the purpose of the 2024 calendar year Highway Incentive Payment, to be issued to the City of Kearney by the Nebraska Department of Transportation, in February 2025.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, authorizes and approves City employee Brandon Shafto (License No. S-1572, Class A) to serve as the City Street Superintendent during January 1 thru December 31, 2024, with regard to requirements and duties with the Nebraska Department of Transportation, as he has served in this capacity since November 6, 2015; and for the purpose of the 2024 calendar year Highway Incentive Payment, to be issued to the City of Kearney by the Nebraska Department of Transportation, in February 2025.

PASSED AND APPROVED THIS 9TH DAY OF JANUARY, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

10. Accept the Bids received for the 2024 Parks Concrete Projects and award Bid A - Harmon Park submitted by Tri-City Concrete in the amount of \$19,000.00; Bid B - West Lincoln Way Park and Bid C - Harvey Baseball Fields submitted by Dan Roeder Concrete

for a total amount of both Bids, \$14,795.00; and Bid D - Hike/Bike Trail and Bid E - Cemetery Road Replacement submitted by S & J Construction for a total amount of both Bids, \$33,275.00.

11. Authorize the Mayor to execute the Consent to Assignment of Ordinance No. 7726 between the City of Kearney and Northwestern Energy and approve Resolution No. 2024-8.

**RESOLUTION NO. 2024-8**

**RESOLUTION ACKNOWLEDGING THE ASSIGNMENT OF ORDINANCE NO. 7726 FROM NORTHWESTERN CORPORATION TO NORTHWESTERN ENERGY PUBLIC SERVICE CORPORATION**

WHEREAS, the City of Kearney adopted Ordinance No. 7726 on May 22, 2012 (the “*Franchise Ordinance*”), authorizing Northwestern Corporation to operate a gas distribution system within the City of Kearney; and

WHEREAS, as of January 1, 2024, NorthWestern Corporation’s South Dakota and Nebraska assets and related contractual obligations will transfer to a new entity named NorthWestern Energy Public Service Corporation d/b/a NorthWestern Energy consistent with a corporate reorganization authorized by the Nebraska Public Service Commission (NG-114); and

WHEREAS, other than the above-referenced transfer there is no change to the terms or conditions of the Franchise Ordinance or performance thereto.

NOW, THEREFORE, BE IT RESOLVED that the City of Kearney hereby acknowledges and accepts the assignment of the Franchise Ordinance from NorthWestern Corporation to NorthWestern Energy Public Service Corporation.

Passed and approved this \_ day of [MONTH], [YEAR].

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

**V. CONSENT AGENDA ORDINANCES**

None.

**VI. REGULAR AGENDA**

**PRESENTATION FROM DENVER AIR CONNECT**

Mayor Clouse opened Regular Agenda Item 1 to receive a presentation from Denver Air Connect. This presentation was for informational purposes only.

Jon Coleman, Senior VP of Corporate Strategy for Denver Air Connect, and Cliff Honeycutt, CEO of Denver Air Connect, presented this item. Mr. Coleman stated Denver

Air Connect (DAC) is approximately halfway through its Essential Air Service (EAS) contract and is grateful for the opportunity to serve Kearney. The DAC Pilot group is stable and growing, and DAC is in the final stages of an interline agreement with Delta Airlines. Mr. Coleman reviewed statistics since offering service to Kearney and noted out of 1,452 flights, 13 were canceled due to maintenance or weather and were on time roughly 75% of the time. Approximately 29,300 passengers flew to and from Denver in 2023.

Mayor Clouse provided feedback received from citizens regarding DAC's outstanding quality of flights, cleanliness, and customer service, and also noted requests for earlier morning flights to allow more options for connecting flights once in Denver.

Council Member Jonathan Nilkkila stated he flies approximately three (3) times per month for work and noted his flights have been on time and believes passenger numbers would increase with improved community engagement. Council Member Nikkila also noted DAC's online check-in function is inoperable and further stated DAC flight status functions are often not accurate. Mr. Coleman explained DAC's previous online check-in limitations and stated DAC is working to correct the issue and further noted DAC is in the process of creating its own flight status tracking. Mr. Honeycutt reiterated DAC's efforts over the previous 8-9 months to address the check-in and flight status issues. Council Member Nikkila stated he supports DAC overall and recommends their services regularly.

Mr. Coleman and Mr. Honeycutt both agreed DAC is not satisfied with only 75% of flights being on time and stated DAC services are a work in progress that they are striving to improve. Mr. Honeycutt also noted DAC continues its efforts to partner with United Airlines.

Council Member Bruce Lear stated he flies approximately every other month and has been happy with DAC but noted some issues with checking bags on return flights. Mr. Coleman explained some airline policies prohibit their employees from checking bags to a separate airline; however, DAC does check bags through connecting flights.

Council Member Nikkila stated DAC's pricing is competitive with Grand Island flights, and Council Member Lear noted that DAC's prices are also competitive with Omaha. Council Member Tami Moore added Kearney Regional Airport still does not charge for parking.

Council Member Moore reiterated the desire for an early morning flight departure and stated an earlier flight allows for more connection possibilities and provides a buffer for unexpected delays. Mr. Coleman explained adjusting the morning flight time would require an earlier departure of the evening flight and stated DAC can revisit adjusting staffing to allow for earlier flight times; however, DAC would need to first ensure reliable staffing for an earlier flight.

Michael Morgan, City Manager stated the amount of international travel, codeshare challenges, and lack of a flight to Chicago were initially underestimated and what has most likely affected enplanement numbers. Mr. Morgan echoed the need for improvements to DAC's website and agreed if an earlier morning flight cannot be reliably staffed, it should remain scheduled as it is currently.

Mayor Clouse asked if DAC has intentions of expanding to additional cities. Mr.

Honeycutt stated at present DAC has no intention of expanding to other cities and noted the primary goal is continuing to grow into its existing role in the cities DAC currently serves.

Council Member Lear stated DAC's services are greatly appreciated. Mr. Honeycutt stated that support from the community is vital and that DAC will work to increase its presence in the community.

Council Members thanked Mr. Coleman and Mr. Honeycutt for their presentation.

**OPEN ACCOUNT CLAIM**

Moved by Buschkoetter, seconded by Nikkila, that the Open Account Claim in the amount of \$88,062.15 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse abstained. Motion carried.

**VII. REPORTS**

Michael Tye, City Attorney stated that it has been an honor and privilege to serve the City of Kearney with Mr. Morgan.

Council Members reflected on Mr. Morgan's accomplishments and his time with the City as City Manager.

**VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 6:50 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**