

**Kearney, Nebraska**  
**March 12, 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 March 12, 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, Tami James Moore and Jonathan Nikkila. Absent: Bruce Lear. Brenda Jensen, Interim City Manager; Michael Tye, City Attorney; Kayla James, Director of Finance; Bryan Waugh, Chief of Police; Mike Young, Police Captain of Services; Shawna Erbsen, Administrative Services Director; Dan Lillis, Engineering Assistant II; Theresa Baack, Office Manager; Kim Grotrian, Account Clerk Senior and, Michael Kamler, System Supervisor 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**

Mayor Clouse welcomed members of Boy Scout Troop 136. Cooper Young, with Boy Scout Troop 136, led Council members and 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.

### **RECOGNITION/ORAL COMMUNICATIONS**

#### **NATIONAL GUARD RECOGNITION OF EMPLOYER PRESENTED TO MICHAEL KAMLER, SYSTEM SUPERVISOR**

Garth Scism with Employer Support of the Guard and Reserve (ESGR) provided a brief history of the ESGR and the award being presented. Mr. Scism explained that Joseph Vasquez, Utilities Maintenance Worker and Army Reserve member, nominated Michael Kamler, Utilities System Supervisor and the City of Kearney for this award.

**PROCLAMATION FOR NATIONAL INTELLECTUAL AND DEVELOPMENTAL DISABILITY AWARENESS MONTH**

Mayor Clouse read the Proclamation for National Intellectual and Developmental Disability Awareness Month and presented it to those in attendance.

**II. UNFINISHED BUSINESS**

There was no Unfinished Business.

**III. PUBLIC HEARINGS**

**AMENDMENT OF THE 2016 COMPREHENSIVE DEVELOPMENT PLAN TO UPDATE THE FUTURE LAND USE MAP**

Mayor Clouse opened the public hearing on the proposed amendment of the 2016 Comprehensive Development Plan for the City of Kearney to update Section 4.5, "Future Land Use," of Chapter 4, "Archive Kearney," to include the R-1D, Residential District, and consider Resolution No. 2024-23.

Melissa Dougherty-O'Hara, Assistant Director of Development Services, presented this matter to the Council. Ms. Dougherty-O'Hara explained that because the R1-D Residential Zoning District Chapter was recently added to the City Code, the Comprehensive Development Plan also required an update. Ms. Dougherty-O'Hara noted that the proposed amendment to the Comprehensive Development Plan was a text amendment only and that the Future Land Use map had not been changed.

Council Member Jonathan Nikkila asked if there had been any inquiries about the newly adopted zoning. Ms. Dougherty-O'Hara stated that City Staff has received questions about the zoning district and noted that a plat requesting the R-1D zoning would be presented at the March 15th Planning Commission Meeting.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2024-23 approving the proposed amendment of the 2016 Comprehensive Development Plan for the City of Kearney to update Section 4.5, "Future Land Use," of Chapter 4, "Archive Kearney," to include the R-1D, Residential District. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

**RESOLUTION NO. 2024-23**

WHEREAS, on July 26, 2016, City Council approved Resolution No. 2016-116 adopting the "2016 Comprehensive Development Plan for the City of Kearney", also known as The New Plan for the City of Kearney that included text, charts, tables, photographs, illustrations, and maps contained therein; and

WHEREAS, the Comprehensive Plan is one of the guiding documents used for development within the City of Kearney as well as providing guidance for land use within

the Future Land Use (FLU) Map by establishing a land use pattern with compatible uses so as to avoid conflicting adjacent uses such as a single-family house next to an industrial use; and

WHEREAS, the City Council, on September 8, 2020, passed and approved Resolution No. 2020-134 to the 2016 Comprehensive Development Plan for the City of Kearney, aka the New Plan for the City of Kearney amending text that coincided with amendments to the FLU Map that included text revisions to compatible zoning districts of selected land use designations and text revisions to the Business Park section designation’s purpose and intent statements; and

WHEREAS, the City Council, on January 9, 2024, passed and approved Ordinance No. 8660, creating a new Chapter and amending chapters/sections of City Code by adding a new residential zoning district, R-1D, Residential District, that provides new development options for a gentle transition from primarily single-family residential developments to fourplexes and provides on-site development regulations, while the land use categories provide general guidance on the types of desired developments in a designated area; and

WHEREAS, the creation of R-1D, Residential District, requires an amendment to Section 4.5 Future Land Use of Chapter 4 Achieve, of the 2016 Comprehensive Development Plan for the City of Kearney. This amendment is vital to the City's ability in providing effective city services and flexible solution-based development regulations that will allow for stable, high-quality housing and business growth so as to continue to represent what the community wants.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the 2016 Comprehensive Plan for the City of Kearney, adopted July 26, 2016, requires a text amendment to include the newly created R-1D, Residential District referred to and marked as Exhibit “A” which is attached hereto and made a part hereof by reference, amending Section 4.5 Future Land Use ,of Chapter 4 Achieve, of the 2016 Comprehensive Plan for the City of Kearney as adopted by Resolution No. 2016-116, passed and approved by the Kearney City Council on July 26, 2016, which shall remain in full force and effect as modified by these said amendments.

PASSED AND APPROVED THIS 12TH DAY OF MARCH, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

**IV. CONSENT AGENDA**

Moved by Moore seconded by Buschkoetter that Subsections 1 through 6 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held February 27, 2024.
  
2. Approve the following Claims:

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

Adscreen Group \$9,120.00 co; Alfred Benesch \$5,695.11 co; All City Garage Door \$250.00 smcs; All Copy \$453.99 smcs; American Fence \$432.17 smcs; Andersen, J \$60.00 ps; AOII \$370.00 smcs; Archivesocial \$7,547.04 smcs; Arrowhead Forensics \$3,256.27 co; Artisans \$80.00 smcs; Ask Supply \$2,893.82 smcs; Aurora Coop \$32.00 smcs; Automatic Systems \$2,450.06 co; Avfuel \$121,653.28 smcs; Baker & Taylor \$3,606.63 smcs; Barney Insurance \$3,100.00 smcs; Bluecross Blueshield \$236,899.74 smcs; Boehler, C \$60.00 smcs; Buffalo Co. Attorney \$18,750.00 smcs; Buffalo Co. Sheriff \$1,265.20 smcs; Builders \$143.75 smcs,co; Cal/Amp \$781.55 smcs; Carquest Auto \$205.98 smcs; Cash Wa \$2,119.08 smcs; Ceja Izarraraz, L \$31.00 smcs; Central States Wire \$7,141.59 smcs; Chesterman \$1,400.50 smcs; Christensen, K \$80.50 smcs; City of KY \$56,065.01 smcs,ps; Clark, N \$870.00 smcs; Clement, B \$15.35 smcs; Clevenger Petroleum \$1,379.04 smcs; CMH Interiors \$10,027.62 co; Community Action \$14,572.00 smcs; Construction Rental \$444.90 co; Country Partners \$22,040.63 smcs; Cummins \$141.81 smcs; Cunningham's Journal \$40.00 smcs; D&M Underground \$49.72 smcs; Dakota Pump \$6,063.40 smcs; Donkey Towing \$315.00 smcs; Eakes \$930.03 smcs; Ed Broadfoot & Sons \$94.50 smcs; Emblem Authority \$2,847.60 smcs; Family Practice \$221.00 smcs; Fehnring, A \$20.00 smcs; Gale \$658.18 smcs; Glock \$198.00 smcs; Greater NE Cities \$1,000.00 smcs; Guevara, R \$50.00 smcs; Hansen, A \$60.00 smcs; HM Life Insurance \$80,936.18 smcs; Hometown Leasing \$1,400.00 smcs; Hub Int'l \$6,796.00 smcs; IRS \$192,886.42 ps; John T. Jones Const. \$1,094,576.40 co; Kamler, M \$66.50 smcs; Kart-Man \$1,469.60 smcs; KY Hub \$938.80 smcs; KY Trailers \$4,500.00 smcs; KY Visitors Bureau \$182,968.85 smcs; KY Winlectric \$2,294.02 smcs; Kehl, S \$150.00 smcs; Kelly Supply \$8,057.93 smcs; Konica Minolta \$405.04 smcs; Laws, C \$170.00 smcs; Lincoln Nat'l Insurance \$9,768.23 smcs; Magic Cleaning \$8,750.00 smcs; Marriott/Cornhusker \$493.00 smcs; Martin, D \$95.00 smcs; McCartney, Erin Chpt. 13 \$157.00 ps; MCL Construction \$1,023,869.83 co; Menards \$33.90 smcs; Merryman \$1,308.40 smcs; Michael Todd \$5,989.06 smcs; Midwest Connect \$6,093.68 smcs; Midwest Service \$5,339.20 smcs; Mile High Falcon \$488.41 smcs; Mission Square \$5,795.48 ps; Motorola Solutions \$351,365.28 smcs,co; Mueller Sprinklers \$70,535.00 co; Municipal Supply \$353,408.02 smcs; NE Child Support \$1,419.72 ps; NE Public Health \$52.00 smcs; Nebraskaland Dist. \$414.43 smcs; NLETC \$575.00 smcs; Northwestern Energy \$7,843.98 smcs; NSG Logistics \$23,054.44 smcs; Oakley, R \$300.00 smcs; One Call Concepts \$641.28 smcs; Overhead Door \$147.09 smcs; Pep Co. \$330.76 smcs; Philbrick, T \$51.34 smcs; Photo Card Specialists \$91.62 smcs; Platte Valley Auto \$1,089,763.00 co; Platte Valley Medical \$477.00 smcs; Presto-X \$158.60 smcs; Prime Secured \$16,312.77 co; ProQuest \$6,258.04 smcs; Rapid Fire \$740.00 smcs; Region 12 ABPA \$180.00 smcs; Resource Mgmt. \$2,894.50 smcs; Rheome Tree \$4,225.00 smcs; RMV Construction \$62,200.00 co; RW Sorensen \$4,279.20 smcs; Sandry Fire \$3,560.50 smcs; Sawin, S \$40.50 smcs; School District #7 \$6,285.00 smcs; Schroer, Jolene \$494.00 smcs; See Clear Cleaning \$2,154.75 smcs; Sherwin Williams \$5,149.92 smcs; Smith, C \$66.50 smcs; SOS Portable Toilets \$239.00 smcs; State of NE/DAS \$55.44 smcs; Stutsman \$1,647.00 smcs; Super Seer \$622.30 smcs; Tech

Masters \$365.00 smcs; Teknephos \$1,500.00 co; Titan Machinery \$1,730.48 smcs; TK Elevator \$749.00 smcs; Transparent Language \$3,750.00 smcs; Turner Body Shop \$125.00 smcs; Twin City Hardware \$150.34 smcs; Tye & Rowling \$16,047.34 smcs; Underground Const. \$2,998.70 smcs; Union Bank & Trust \$353,437.86 smcs,ps; USA Blue Book \$12,025.24 smcs; Valley Forklift \$74.00 smcs; Vanco \$93.92 smcs; Verizon \$13,096.55 smcs; Vertiv Services \$7,670.97 smcs; Village Uniform \$162.08 smcs; Volaire Aviation \$2,000.00 smcs; Wagner, M \$572.25 smcs; Waugh, B \$54.94 smcs; Wellmaster \$3,456.00 co; Wessels, Wendell \$240.00 smcs; Wilcac Life \$5.00 ps; Wilkes, B \$110.00 smcs; Winter Equipment \$14,316.60 smcs; Winzer \$207.85 smcs; Payroll Ending 02/24/2024 -- \$616,512.36. 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. Accept the proposals received for the Kearney SportsPlex Exterior Facility Signage Project and award the proposal submitted by Mayhew Signs Company, Inc. in the amount of \$128,158.00.

4. Adopt Resolution No. 2024-24 approving RYDE Transit of Buffalo County’s request for a portion of their required locally matched funding to apply for available Federal funding for RYDE Transit transportation operations for their fiscal year 2024-2025.

**RESOLUTION NO. 2024-24**

WHEREAS, there are federal funds available under Section 5311 of the Federal Transit Act and for the Nebraska Public Transportation Assistance Program; and

WHEREAS, the RYDE Transit-Community Action Partnership of Mid Nebraska desires to apply for said funds to provide public transportation in Buffalo County.

WHEREAS, City Staff has recommended awarding the associated Concrete component of the Project to Dan Roeder Concrete, Inc. in the amount of \$5,688.00 and Dandee Concrete, Inc. in the amount of \$5,544.00; and

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, hereby instructs the RYDE Transit to apply for said funds. Said funds are to be used for the RYDE Transit transportation operations in the FY 2024-2025 Application for Public Transportation Assistance.

PASSED AND APPROVED THIS 12TH DAY OF MARCH, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

5. Accept the proposals received for the Lead Service Line Replacement Project and adopt Resolution No. 2024-25, awarding the Concrete portion of the project to Dan Roeder Concrete, Inc. in the amount of \$5,688.00 and Dandee Concrete, Inc. in the amount of \$5,544.00; and award the Plumbing portion of the project to Mid-Nebraska Digging, Inc. in the amount of \$7,400.00, Kearney Plumbing, Inc. in the amount of \$7,341.00, and Stegeman Solutions in the amount of \$2,875.00.

**RESOLUTION NO. 2024-25**

WHEREAS, the City of Kearney has reviewed the sealed proposals that were opened on February 29, 2024, at 2:00 p.m. for Concrete Associated with the Lead Service Line Replacement Project and Plumbing Associated with the Lead Service Line Replacement Project; and

WHEREAS, due to the size of the Lead Service Line Replacement Project and the amount of work required for completion of the Project, the City of Kearney will utilize multiple plumbing and concrete contractors to complete this Project; and

WHEREAS, City Staff has recommended awarding the associated Concrete component of the Project to Dan Roeder Concrete, Inc. in the amount of \$5,688.00 and Dandee Concrete, Inc. in the amount of \$5,544.00; and

WHEREAS, City Staff has recommended awarding the associated Plumbing component of the Project to Mid-Nebraska Digging, Inc. for \$7,400.00, Kearney Plumbing, Inc. for \$7,341.00, and Stegeman Solutions for \$2,875.00.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the said recommendations are hereby accepted and the proposal is awarded to the aforementioned Plumbing and Concrete Contractors in the amounts shown for the Concrete Associated with the Lead Service Line Replacement Project and Plumbing Associated with the Lead Service Line Replacement Project, with the said Project being completed in accordance with the plans and specifications on file with the City Clerk, be and is hereby accepted.

PASSED AND APPROVED THIS 12TH DAY OF MARCH, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

- 6. Accept the proposals received for the 2024 Harvey Park Softball Field Renovations and award the proposal submitted by K & J Elite Sports Turf in the amount of \$143,055.00.

**V. CONSENT AGENDA ORDINANCES**

None.

**VI. REGULAR AGENDA**

**ANNUAL FINANCIAL REPORT**

Mayor Clouse opened for discussion the City of Kearney Annual Financial Report prepared by the accounting firm of KSO CPAs + Advisors.

Mindy Oman, with KSO CPAs + Advisors, presented this matter to the Council. Ms. Oman stated in the firm’s opinion, the financial statements do present fairly which is a clean opinion. Ms. Oman reviewed the highlights from the year which included the City’s assets exceeding liabilities at yearend by \$344,758,000; of this amount, \$44,736,000 is unrestricted and can be used to meet the City’s ongoing obligations. The City’s total net position increased by \$23,887,000 in comparison with the prior year and Government Funds had ending fund balances of \$63,210,000, a decrease of \$3,800,000 from the prior year. Of the \$63,210,000, \$4,056,000 is available to be used within the City’s policies.

The City's total debt increased by \$17,700,000; this includes a loan for street improvements on Avenue N and bonds for the Wastewater Treatment Plant, Water Tower, and Booster Stations. The largest Capital Asset Projects completed during the past year included the Tennis Recreation Facility for \$8,100,000; Harmon Park Sonatorium for \$1,400,000; and various paving improvements which totaled \$4,300,000. Governmental activities increased the City's net position by \$16,800,000, and the Business type, which includes utilities, golf, and the airport, accounted for a growth of \$7,000,000.

Ms. Oman stated KSO CPAs + Advisors found the City to be in good shape financially.

Mayor Clouse and Council Members thanked Ms. Oman for her presentation.

Moved by Buschkoetter seconded by Clouse to accept the. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

### **OPEN ACCOUNT CLAIM**

Moved by Nikkila seconded by Moore that the Open Account Claim in the amount of \$36.37 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Nikkila, Moore. Nay: None. Clouse abstained. Lear absent. Motion carried.

## **VII. REPORTS**

### **CLOSED SESSION**

Moved by Clouse seconded by Nikkila that Council adjourn into closed session at 5:53 p.m. for the protection of the public interest to discuss possible litigation matters. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss possible litigation matters. According to law, the Council has the option to reconvene back into open session and may take any formal action it deems appropriate.

Moved by Buschkoetter seconded by Moore that Council reconvene in regular session at 6:19 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

## **VIII. ADJOURN**

Moved by Clouse seconded by Buschkoetter that Council adjourn at 6:19 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

**ATTEST:**

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

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**PEGGY EYNETICH  
CITY CLERK**