

Kearney, Nebraska
July 23, 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 July 23, 2024, in the Council Chambers at City Hall. Present were Randy Buschkoetter, Vice-President of the Council; Peggy Eynetich, City Clerk; Council Members Bruce Lear, Tami James Moore, and Jonathan Nikkila. Absent: Stanley A. Clouse. Brenda Jensen, City Manager; Michael Tye, City Attorney; Kayla James, Director of Finance; Andy Harter, Director of Public Works; Jason Whalen, Fire Administrator; Sarah Sawin, Director of Utilities; Brad DeMers, Assistant to the City Manager and Dan Lillis, Engineering Assistant II, were also present. Additional members of the Kearney Volunteer Fire Department and their families were present for the Pinning Ceremony.

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

Vice-President Buschkoetter 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

Fire Chief Aaron Jameson stated elections are held annually and Officers are elected by their peers. Fire Chief Jameson began the Pinning Ceremony for the Kearney Volunteer Fire Department (KVFD) for Newly Elected Officers and Recognition of New Board Members by reading their names and their elected positions: President Bill Schaffnitt and Board Member Tony Rich; Battalion Chief – Seth Lunberry; Fire Captain – Clint Smith; Rescue Captain - Nate Toof; Fire Lieutenant – Mike Treadway; Dive Lieutenant – Adam Grazier. Fire Chief Jameson stated the continued success of KVFD depends on the unselfish dedication to voluntarily serve, not only as firefighters of our community but also

as leaders within the organization and thanked Council Members for their continued support.

Vice-President Randy Buschkoetter thanked the KVFD members for their time and dedication to protecting the citizens of Kearney along with their families who support them.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 6204 2ND AVENUE

Mayor Clouse opened the public hearing on the application submitted by SMJ International o/b/o American Tower and T-Mobile for American Tower for a Conditional Use Permit as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to co-locate telecommunications equipment for wireless communications on property zoned District M-1/PD Limited Industrial District/ Planned Development Overlay District, and described as a tract of land in the Northeast Quarter of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. (6204 2nd Avenue) and consider Ordinance No. 8688A.

Andy Bobrytzke, SMJ International, presented this matter to the Council. Mr. Bobrytzke stated that T-Mobile intends to co-locate equipment to an existing tower to improve its service in the area. American Tower is the current owner of the tower.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by SMJ International o/b/o American Tower and T-Mobile for American Tower and introduced Ordinance No. 8688A for a Conditional Use Permit as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to co-locate telecommunications equipment for wireless communications on property zoned District M-1/PD Limited Industrial District/ Planned Development Overlay District, and described as a tract of land in the Northeast Quarter of the Southeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. (6204 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 Moore seconded the motion to close the hearing and suspend the rules for Ordinance No. 8688A. 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: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. 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. 8688A by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8688A be passed, approved and published as required by law. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8688A 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

Vice-President Buschkoetter stated that Item number 13 on the Consent Agenda will be voted on separately due to Council Member Moore needing to abstain.

Moved by Lear, seconded by Buschkoetter, that Subsections 1 through 12 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. Motion carried.

Moved by Buschkoetter, seconded by Nikkila, that Item No. 13 be approved. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila. Nay: None. Moore abstained. Clouse absent. Motion carried.

1. Approve Minutes of Special Meeting held July 8, 2024, Regular Meeting held July 9, 2024, and Special Joint City/County Meeting held July 11, 2024.

2. Approve the following Claims:

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

1000bulbs.com \$182.95 smcs; 4imprint \$3,223.84 smcs; 5gstore \$2,518.76 smcs,co; Ace Irrigation \$110.00 smcs; Acme Tools \$122.47 smcs; Acushnet \$3,635.78 smcs; Advance Auto Parts \$74.89 smcs; Airnav \$600.00 smcs; All Copy \$270.89 smcs; All Makes Office \$51.99 smcs; Allo \$290.00 smcs; ALS Technologies \$956.00 smcs; Amazon \$15,964.86 smcs,co; American \$580.31 smcs,co; American Button \$334.91 smcs; American Legion \$47.93 smcs; American Library Assn. \$47.40 smcs; American Red Cross \$323.00 smcs; Anythingtruck.com \$713.70 smcs; Apple Market \$8.98 smcs; Apple.com \$6.95 smcs; Aprons and Smocks \$350.49 smcs; Aquamotion \$98.00 smcs; ArbiCo Organics \$814.63 smcs; Arnold Motor Supply \$381.26 smcs; Arrow Seed \$2,309.50 co; Ask Supply \$980.89 smcs; ATT \$1,248.59 smcs; Aurora Coop \$68.00 smcs; Aussie Hydraulics \$115.44 smcs; Authorize.net \$10.00 smcs; AvFuel \$74,742.39 smcs; B&H Photo \$3,162.25 smcs; Baker

& Taylor \$2,503.40 smcs; Beckman, B \$704.00 smcs; Blackstone Library \$1,180.34 smcs; Blick Art \$1,101.56 smcs; Blinds.com \$998.07 co; BlueCross BlueShield \$224,383.43 smcs; Bomgaars \$2,028.74 smcs; Boogaarts \$52.00 smcs; Booklist Magazine \$375.00 smcs; Books Galore \$186.99 smcs; Bosselman \$29,086.76 smcs; Bossfuels \$22,522.70 smcs; Brand Mgmt. \$1,132.56 smcs; Broadfoot & Sons \$2,967.00 smcs; Buffalo Co. Election \$10,279.69 smcs; Buffalo Co. Redi-Mix \$5,098.14 smcs; Buffalo Co. Sheriff \$193,002.97 smcs; Buffalo Co. Treasurer \$62.53 smcs,co; Buffalo Outdoor \$1,352.45 smcs,co; Builders \$3,307.33 smcs,co; Business Solutions \$224.81 smcs; Button Boy \$77.92 smcs; C&I Equipment \$350.20 co; Carolina Software \$96.00 smcs; Carquest \$29.80 smcs; Casey's \$194.31 smcs; Cash Wa \$4,688.36 smcs; CDW \$13,220.89 smcs; Cengage \$302.29 smcs; Center Point Large Print \$81.81 smcs; Central Hydraulic \$26.82 smcs; Central NE Bobcat \$1,389.51 smcs; Central NE Rehab \$110.00 ps; Central NE Sod Supply \$6,300.00 co; Charter \$50.00 smcs; Chesterman \$3,334.06 smcs; Choice Marketing \$639.87 smcs; Cintas \$494.39 smcs; Circle K \$36.09 smcs; City of KY \$31,471.29 smcs,ps; City Plumbing \$1,095.36 smcs,co; Cold Spring \$745.50 smcs; Comcate \$7,908.21 smcs; Commercial Recreation \$391.92 smcs; Complete Underground \$9,679.88 co; Consolidated Mgmt. \$361.15 smcs; Construction Rental \$3,758.15 smcs,co; Contractors Services \$32,295.10 smcs; Copycat \$1,155.66 smcs; Core & Main \$571.50 smcs; Country Partners \$21,092.97 smcs; Courtreserve \$155.18 smcs; CR Toys \$29.95 smcs; Crown Awards \$664.36 smcs; Culligan \$1,356.50 smcs; Cunningham's Journal \$38.88 smcs; Cutting Edge Cleaning \$205.00 smcs; Daigle Law Group \$1,820.00 smcs; Dandee Concrete \$2,065.00 co; Dan's Plumbing \$100.50 smcs; Dave Waggoner Plumbing \$85.00 smcs; David Barth \$1,719.00 smcs; Dawson Public Power \$36,340.44 smcs; Daylight Donuts \$15.04 smcs; DeepDiscount.com \$26.90 smcs; Dell \$1,713.80 smcs; Delta Air \$35.00 smcs; Dent Popper \$211.88 smcs; Desert Snow \$719.97 smcs; Deterdings \$1,077.72 smcs; Dish \$139.10 smcs; Dollar General \$110.48 smcs; DollarTree \$32.10 smcs; Domino's \$46.59 smcs; Dowhy Towing \$100.00 smcs; DTS Technology \$32.09 smcs; Dunkin \$14.99 smcs; E0800SBFFD \$32.10 smcs; Eagle Distributing \$946.18 smcs; Eakes \$4,449.76 smcs; Earl May \$129.98 smcs; Earlybird \$50.00 smcs; Ebay \$215.35 smcs,co; Echo Electric \$147.42 smcs; Ecolab \$129.91 smcs; E-Collar \$1,204.86 smcs; Ed Broadfoot & Sons \$187.20 smcs; EH Wachs \$745.34 smcs; Eldt.com \$155.26 smcs; Elyria Gardens \$205.26 smcs; Enterprise \$377.83 smcs; ERA Waters \$1,713.26 smcs; ESChat \$54.84 smcs; Etsy \$13.08 smcs; Eyemed \$2,287.39 smcs; Facebook \$192.18 smcs,ps; Farmtek \$100.97 smcs; Fastenal \$518.87 smcs; Fiddelke \$68.10 smcs; First Tactical \$194.65 smcs; Focus on the Family \$89.97 smcs; Friesen Chevrolet \$1,227.00 smcs; Frontier \$2,789.66 smcs; Fun Express \$222.21 smcs; Garrett Tires \$667.49 smcs; Getsling.com \$125.47 smcs; GFOA \$225.00 smcs; Global ARFF \$6,396.62 smcs; Global Aviation \$100.00 smcs; GMStek \$1,386.64 smcs; Godaddy.com \$309.52 smcs; Good Sportsman \$57.00 smcs; Goodwin Tucker \$575.00 smcs; Goss & Associates \$7,500.00 smcs; GPM Truck Center \$146.33 smcs; Graham Tire \$1,115.13 smcs; Grainger \$1,098.29 smcs; Great Plains \$889.51 smcs; Greenpartstore.com \$167.42 smcs; Hampton Inn \$791.66 smcs; Harbor Freight \$59.85 smcs; Helly Hansen \$1,476.60 smcs; Hireright \$20.90 smcs; Hobby Lobby \$638.04 smcs; Holiday Inn \$223.48 smcs; Holmes Plumbing \$2,296.24 smcs,co; Home Depot \$2,239.39 smcs,co; Hometown Leasing \$306.86 smcs; Horner, R \$370.00 smcs; Hot Patch Pay \$33.76 smcs; Hub Int'l \$6,999.92 smcs; Hurrharbor Spring \$11.68 smcs; Hydrionic Energy \$400.00 smcs; Hy-Vee \$4,217.08 smcs; IACA \$50.00 smcs; Idsecurityonline.com \$65.39 smcs; Ihydrant \$963.00 smcs; IIMC \$60.00 smcs; Impact Plastics \$1,291.87 smcs; Integrated Security \$997.62 smcs,co; Intermountain Sales \$748.99 smcs;

Invoicehome.com \$5.28 smcs; Iprint Technologies \$343.00 smcs; IRS \$224,145.94 ps; Jack Lederman \$2,341.80 smcs; Jacks Small Engines \$221.01 smcs; Jackson Services \$459.59 smcs; Jacor \$1,652.89 smcs; John E. Reid & Assoc. \$630.00 smcs; Johnson Landscape \$343.76 smcs; Johnstone Supply \$243.35 smcs; Jones, L \$13.87 smcs; Jorgenson Lockers \$589.52 smcs; Kanopy \$1,983.00 smcs; Kaw Valley \$234.95 smcs; KY Ace \$578.59 smcs,co; KY Chamber \$1,339.00 smcs; KY Concrete \$24,231.00 smcs,co; KY Crete & Block \$277.90 smcs; KY Tire & Auto \$639.77 smcs; KY Warehouse \$796.26 smcs; KY Winlectric \$6,937.46 smcs,co; KY Winnelson \$2,876.36 smcs; Kelly Supply \$682.95 smcs,co; Kennedy Industries \$410.58 smcs; Kenyon, D \$210.48 smcs; KGFW KQKY KRNK \$3,331.00 smcs; Kids Gardening \$8.00 smcs; Kings III Emergency \$1,170.00 smcs; Konica Minolta \$430.94 smcs; Landmark Implement \$2,648.05 smcs; LCL Truck Equipment \$729.75 smcs; League NE Municipalities \$407.00 smcs; Libra, Amanda \$25.00 smcs; Lincoln Nat'l Life \$1,264.64 ps; Lincoln Phone Parkings \$3.93 smcs; Linkedin \$250.00 smcs; LMN Graphics \$1,399.67 co; Lockmobile \$244.45 smcs; Loews Hotels \$1,243.44 smcs; Loper Athletics \$742.50 smcs; Love's \$32.89 smcs; Macqueen \$786.63 smcs; Magic Cleaning \$3,408.80 smcs; Mara USA \$119,102.45 smcs; Matheson \$168.18 smcs; Maverik \$15.88 smcs; McDermott, R \$170.00 smcs; MCL Construction \$3,275,484.71 co; Menards \$8,415.61 smcs,co; Merrill Company \$396.47 smcs; Mid American Signal \$2,090.00 smcs; Midland Scientific \$229.43 smcs; Midplains Equipment \$526.45 smcs; Mid-State Engineering \$8,589.50 co; Mid-States Organized \$195.00 smcs; Midwest Breathing Air \$138.29 smcs; Midwest Connect \$2,152.41 smcs; Midwest Turf \$422.84 smcs; Milco Environmental \$8,703.90 smcs; Miller & Associates \$36,122.75 co; Miller Signs \$670.68 smcs; Mirror Image \$273.43 smcs; Mission Square \$7,423.03 ps; Modern Cleaners \$22.40 smcs; Moonlight Embroidery \$1,414.00 smcs; Municipal Supply \$5,011.96 smcs; Namebadge.com \$87.76 smcs; Napa Auto \$2,529.61 smcs; Nat'l Petroleum \$760.16 smcs; Nat'l School Resource \$550.00 smcs; Nat'l Tactical \$35.00 smcs; NATW.org \$324.00 smcs; Navigator Motorcoaches \$250.00 smcs; NDEE \$700.00 smcs; NE Child Support \$1,688.81 ps; NE Crane \$209.18 smcs; NE Generator \$8,110.37 smcs; NE Library Commission \$4,523.66 smcs; NE Machinery \$1,488.36 smcs; NE Peterbilt \$82.18 smcs; NE Society CPAs \$386.54 smcs; NE Truck Center \$3,117.26 smcs; Network Solutions \$64.96 smcs; New Pig Corp. \$244.15 smcs; NI SFM Boiler \$72.00 smcs; Nicolecraft \$41.01 smcs; Northern Safety \$71.04 smcs; Northwestern Energy \$2,123.14 smcs; Office Depot \$20.99 smcs; Officemax \$846.59 smcs,co; OMA South Garage \$91.50 smcs; Omnify \$532.00 smcs; One Call Concepts \$36.26 smcs; O'Reilly Automotive \$930.27 smcs; P Energy Filters \$66.50 smcs; Packer Brothers \$1,026.05 smcs; Panera Bread \$93.48 smcs; Peerless Machine \$300.00 smcs; Pep Co. \$60.00 smcs; PetSmart \$493.87 smcs; PGA Golf \$1,347.24 smcs; Ping \$2,184.72 smcs; Pitney Bowes \$517.50 smcs; Platinum Awards \$73.35 smcs,co; Platte Valley Auto \$292.88 smcs; Point Emblems \$4,670.00 smcs; Postermymwall \$59.90 smcs; Prairie Moon Nursery \$199.42 smcs; Presto-X \$655.16 smcs; Proactive Sports \$1,396.63 smcs; Pumdiddle \$156.00 smcs; Pump & Pantry \$38.46 smcs; Quill \$695.26 smcs; Rapid Fire \$250.00 smcs; Rasmussen Mechanical \$7,551.00 smcs; Ready Mixed Concrete \$10,096.83 co; Reams Supply \$2,303.08 smcs,co; Recon Power Bikes \$32.14 smcs; Redman's Shoes \$129.99 smcs; Reinke's Heating \$230.00 smcs; Rheome Tree \$1,275.00 smcs; Rock Auto \$13.68 smcs; Safety Products \$35.57 smcs; Sam's Club \$141.68 smcs; Saylor Screenprinting \$4,229.00 smcs,co; Scarlet Hotel \$172.27 smcs; Select Sprayers \$42.59 smcs; Shell Oil \$36.99 smcs; Sherwin Williams \$605.06 smcs,co; Shredding Solutions \$196.59 smcs; Siteone Landscape \$1,656.63 smcs; Skygeek.com \$123.65 smcs; Smith, R \$27.99 smcs; Southwest \$871.93 smcs; Spectrum \$843.45

smcs; Sporting Edge \$74.89 smcs; Sprinkler Warehouse \$206.70 smcs; Stafford Quantico \$654.05 smcs; Steinbrink's \$1,310.79 smcs,co; Stitch 3 \$130.00 smcs; Stitch Upholstery \$150.00 smcs; Streamlight \$34.64 smcs; Stutsman \$1,647.00 smcs; Sunbelt Rentals \$1,723.26 smcs; Sunoco \$30.14 smcs; T&T Mobile Washing \$1,109.00 smcs; Target \$230.66 smcs; T-Bone \$60.95 smcs; Titan Machinery \$572.92 smcs; TK Elevator \$1,233.60 smcs; Tommy's Express \$95.00 smcs; Tournesol Siteworks \$3,400.00 smcs; Tractor Supply \$1,240.38 smcs; Trans-Lux Midwest \$739.26 smcs; Transunion \$118.00 smcs; True Value Masters \$428.26 smcs,co; TVH Parts \$825.00 smcs; UA.com \$165.85 smcs; Uber \$70.35 smcs; Uline \$1,390.17 smcs; Unifirst \$177.15 smcs; Union Bank & Trust \$109,744.11 ps; Unique Management \$174.75 smcs; University of NE Omaha \$170.00 smcs; UPS \$106.29 smcs; US Treasury \$1,565.00 smcs; USA Bluebook \$167.95 smcs; USGA Membership \$150.00 smcs; USPS \$982.42 smcs; UVT-Fayetteville \$1,316.00 smcs; Valley Forklift \$67.13 smcs; Vargas, O \$34.02 smcs; Vestis Services \$358.00 smcs; Village Services \$330.07 smcs; Wagnitz, K \$7.95 smcs; Waldinger \$2,147.18 smcs; Wal-Mart \$4,502.09 smcs; Walters Electric \$479.93 smcs; Ward Laboratories \$45.10 smcs; Waterlink \$709.41 smcs; WAWA \$33.60 smcs; Weathertech \$57.97 smcs; Webstaurant Store \$260.32 smcs; Weets, A \$100.00 smcs; WEF Main \$162.50 smcs; Wessels, W \$200.00 smcs; West Villa Animal \$744.62 smcs; Western NRG \$225.00 smcs; Wilcac Life Ins. \$5.00 ps; Wilkins ADP \$37,144.27 co; World Herald \$30.99 smcs; WPCI \$1,212.31 ps; Wright, A \$318.75 smcs; Wyndham \$234.58 smcs; Yanda's \$50.00 smcs; Youtube \$259.93 smcs; Zoro Tools \$1,688.19 smcs; Payroll Ending 07/13/2024 -- \$731,448.18. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set August 13, 2024 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2024-91 approving the Developer Constructed Infrastructure Agreement for Western Nebraska Property Development Addition - 10th Street Place Improvements between the City of Kearney and Goldenrod Services, LLC, a Nebraska Limited Liability Company for the construction of water, paving and storm sewer infrastructure to serve Lots 1-3, Block Two of Western Nebraska Property Development Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2024-91

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Western Nebraska Property Development Addition, an addition to the City of Kearney, Buffalo County, Nebraska - 10th Street Place Improvements" between the City of Kearney and Goldenrod Services, LLC, a Nebraska Limited Liability Company for the construction of water, sanitary sewer, paving, and storm sewer infrastructure for Lots 1-3, Block Two of Western Nebraska Property Development Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Vice-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 23RD DAY OF JULY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

5. Consider direct negotiations or negotiations through the Public Service Commission regarding NorthWestern Energy Natural Gas Rate Adjustment and approve Resolution No. 2024-95.

RESOLUTION 2024-95

WHEREAS, on June 6, 2024, NorthWestern Energy Group, Inc., d/b/a NorthWestern Energy (“NorthWestern”), filed an Application for Natural Gas Rate Increase (“Application”) with the Nebraska Public Service Commission (“PSC”) seeking to increase natural gas rates; and

WHEREAS, NorthWestern provided notice of its Application to each Nebraska customer as a bill insert for the June 2024 billing cycle; and,

WHEREAS, Neb. Rev. Stat. §66-13838 authorizes jurisdictional utilities such as NorthWestern to negotiate directly with affected municipalities impacted by proposed rate increases provided that municipalities representing more than 50% of the rate payers within the affected municipalities adopt resolutions evidencing their intent to negotiate with the jurisdictional utility within 60 days of the rate application; and

WHEREAS, the details of NorthWestern’s application are available under Public Service Commission case NG-122 and generally include a request that rates be increased by 7.44% for residential customers and 3.66% for commercial accounts; and

WHEREAS, NorthWestern’s application indicates an intent to implement interim rate recovery pursuant to Neb. Rev. Stat. §66-1838(10)(b) after October 1, 2024, depending on the status of direct negotiations with the Cities; and

WHEREAS, the impacted municipalities are the City of Grand Island (representing 47.4% of affected customers), the City of Kearney (representing 26.4% of affected customers), the City of North Platte (representing 25.5% of affected customers, and the Village of Alda (representing less than 1% of affected customers); and

WHEREAS, NorthWestern had indicated a desire to negotiate directly with the impacted municipalities; and

WHEREAS, the Cities of Grand Island, North Platte, and the Village of Alda also desire to negotiate directly with NorthWestern as permitted by law; and

WHEREAS, municipalities participating in direct negotiations may apply for a loan from the Nebraska Municipal Rate Negotiations Revolving Loan Fund (“Fund”) as set forth in Neb. Rev. Stat. §66-1839; and

WHEREAS, the aforementioned municipalities desire to work cooperatively with each other in negotiating with NorthWestern and in making a joint application for a loan from the Fund.

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

1. That the City of Kearney demonstrates its desire to negotiate directly with NorthWestern with respect to the Application as permitted by law.
2. The City Attorney and other City staff are directed to work cooperatively with other affected municipalities in commencing direct negotiations, so long as at least two of the three impacted Cities adopt resolutions demonstrating an intent to negotiate directly with NorthWestern.
3. The City Attorney is directed to pursue an Interlocal Cooperation Agreement with the other affected municipalities to permit coordinated direct negotiations, the retention of an independent consultant, and application to the Fund.
4. A copy of this resolution is to be provided to the PSC and NorthWestern within seven days after its adoption.

PASSED AND APPROVED THIS 23RD DAY OF JULY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

6. Approve the Interlocal Agreement between the Cities of Grand Island, Kearney, North Platte, and the Village of Alda regarding Direct Negotiations of Rate Changes with NorthWestern Energy and approve Resolution No. 2024-96.

RESOLUTION NO. 2024-96

BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Vice-President of the Council be and is hereby authorized and directed to execute the Interlocal Agreement between the Cities of Grand Island, Kearney, North Platte, and the Village of Alda Regarding Direct Negotiations of Rate Changes with NorthWestern Energy. A copy of the said Agreement is marked as Exhibit "A" and is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF JULY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

7. Approve the purchase of a K'Archer Kira B 50 autonomous floor cleaner, installation, five-year service package and two docking stations in the amount of \$87,838.30 and various indoor refuse containers, a motorized platform truck and two tilt

trucks in the amount of \$20,576.65 submitted by HD Supply under the OMNIA Partners Contract #22-07 program to be used at the Kearney SportsPlex.

8. Adopt Resolution No. 2024-97 approving the Purchase Agreement between Talmadge JAM, LLC, a Nebraska Limited Liability Company, and the City of Kearney, a Municipal Corporation for the purchase of Lot 1, Block 2, Younes Center Eleventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2024-97

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the Purchase Agreement between Talmadge JAM, LLC, a Nebraska Limited Liability Company, and the City of Kearney, a Municipal Corporation for the purchase of real property which is legally described as:

Lot 1, Block 2, Younes Center Eleventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska;

be and is hereby accepted and approved. The Agreement, marked as Exhibit 1, is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Vice-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 23RD DAY OF JULY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

9. Adopt Resolution No. 2024-98 appointing citizens to serve on the Airport Advisory Board, Board of Adjustment, Community Redevelopment Authority, Downtown Improvement Board, Kearney Housing Agency, Library Advisory Board, Planning Commission, and Senior Service Advisory Board.

RESOLUTION NO. 2024-98

WHEREAS, Resolution No. 2005-96 calls for Citizen Board/Commission member appointments to be made by resolution submitted by the Mayor to the City Council for final approval; and

WHEREAS, vacancies currently exist on certain Boards/Commissions.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the following persons, as proposed by the Mayor and City Manager of the City of Kearney, Nebraska, are hereby appointed to the designated Boards/Commissions for the term indicated:

AIRPORT ADVISORY BOARD

Michelle Lewis reappointed to July 31, 2029

BOARD OF ADJUSTMENT

Brian Moore reappointed to July 31, 2027

Chris Roehrich reappointed to July 31, 2027

COMMUNITY REDEVELOPMENT AUTHORITY

Tim Mannlein reappointed to July 31, 2029

DOWNTOWN IMPROVEMENT BOARD

Chelsie Bebensee reappointed to July 31, 2029

KEARNEY HOUSING AGENCY

Tom Watson reappointed to July 31, 2029

PLANNING COMMISSION

Stan Dart reappointed to July 31, 2027

Jeffery Baker reappointed to July 31, 2027

Monte Dakan reappointed to July 31, 2027

SENIOR SERVICES ADVISORY BOARD

Lois Smith appointed to succeed Connie Wagner to July 31, 2027

Gailen Kotrous appointed to succeed Deanna Jesse to July 31, 2027

Sherry Dye appointed to succeed Betty Jo Shaw to July 31, 2027

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED THIS 23RD DAY OF JULY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

10. Adopt Resolution No. 2024-99 approving, Application and Certificate for Payment No. 13-Final in the amount of \$75,614.90, Change Order No. 4 showing an increase in the amount of \$48,581.03 and accept the Certificate of Substantial Completion submitted by Nielsen Contracting LLC and approved by Miller & Associates for 2021 Part 5 Improvements; Talmadge Street & Yanney Avenue (Bid B, Paving and Storm Sewer).

RESOLUTION NO. 2024-99

WHEREAS, Nielsen Contracting, LLC of Kearney, Nebraska has performed services in connection with 2021 Part 5 Improvements; Extension of Talmadge Street (Bid B includes Paving and Storm Sewer), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 13-Final in the amount of \$75,614.90 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Nielsen Contracting, LLC and Miller & Associates have filed with the City Clerk Change Order No. 4 showing an increase to the contract sum in the amount of \$48,581.03 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 1,616,081.00
Change Order No. 1 (04/01/2022)	+ 3,114.82
Change Order No. 2 (10/11/2022)	+ 863,585.55
Change Order No. 3 (12/19/2023)	+ 5,400.00
Change Order No. 4 (07/23/2024)	<u>+ 48,581.03</u>
Contract Sum to Date	\$ 2,536,762.40
Gross Amount Due	2,536,762.40
Retainage (1%)	<u>0.00</u>
Amount Due to Date	\$ 2,536,762.40
Less Previous Certificates for Payment	<u>2,461,174.50</u>
Current Payment Due	\$ 75,614.90

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of November 28, 2023, as shown by Exhibit “C” attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, and hereby find and determine that, as shown on Application and Certificate for Payment No. 13-Final Exhibit “A”, Change Order No. 4, 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 23RD DAY OF JULY, 2024.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

RANDY BUSCHKOETTER
 VICE-PRESIDENT OF THE COUNCIL

11. Adopt Resolution No. 2024-100 approving Application and Certificate for Payment No. 13-Final in the amount of \$297,984.78, Change Order No. 3 showing a decrease in the amount of \$48,674.70, and accept the Certificate of Substantial Completion submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the Booster Pump Stations, Renovations and Associated Improvements.

RESOLUTION NO. 2024-100

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 Clerk Application and Certificate for Payment No. 13-Final in the amount of \$297,984.78 as shown on Exhibit “A” attached hereto and made a part hereof by reference; and

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 Change Order No. 3 showing a decrease to the contract sum in the amount of \$48,674.70 as shown on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 2,185,960.00
Change Order No. 1 (9/13/2022)	- 345,373.00
Change Order No. 2 (11/27/2023)	+ 9,750.00
Change Order No. 3 (12/19/2023)	- 48,674.70
Contract Sum To Date	<u>\$ 1,801,662.30</u>
Gross Amount Due	1,801,662.30
Retainage (1%)	- 0.00
Amount Due to Date	<u>1,801,662.30</u>
Less Previous Certificates for Payment	<u>1,503,677.52</u>
Current Payment Due	<u>\$ 297,984.78</u>

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of July 3, 2024, as shown by Exhibit “C” attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 13-Final, as shown on Exhibit “A”, Change Order No. 3, 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 23RD DAY OF JULY, 2024.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

RANDY BUSCHKOETTER
 VICE-PRESIDENT OF THE COUNCIL

12. Adopt Resolution No. 2024-101 approving the Application and Certificate for Payment No. 23 in the amount of \$265,523.79 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

RESOLUTION NO. 2024-101

WHEREAS, John T. Jones Construction Co. has performed services in connection with WWTP Phase II Improvements; Water Resource Recovery Facility, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 23 in the amount of \$265,523.79 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 35,858,000.00</u>
Change Order No. 1 (07-12-2022)	- 639,633.00
Change Order No. 2 (08-22-2023)	+ 21,141.00
Contract Sum To Date	35,239,508.00
Gross Amount Due	32,993,845.79
Retainage	- 1,649,703.75
Amount Due to Date	31,344,142.04
Less Previous Certificates for Payment	- 31,078,618.25
Current Payment Due	<u>\$ 265,523.79</u>
Balance to finish, including retainage	<u>\$ 3,895,365.96</u>

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for

Payment No. 23, as shown on Exhibit "A" be and is hereby accepted and approved.
PASSED AND APPROVED THIS 23RD DAY OF JULY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

13. Adopt Resolution No. 2024-102 approving the Purchase Agreement between Kearney Community Sustainable Housing, a Nebraska Non-Profit Corporation and the City of Kearney, a Municipal Corporation for the purchase of Lot 2, Block 1, Village Plaza Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2024-102

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the Purchase Agreement between Kearney Community Sustainable Housing, a Nebraska Non-Profit Corporation, and the City of Kearney, a Municipal Corporation for the purchase of real property which is legally described as:

Lot 2, Block 1, Village Plaza Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska;

be and is hereby accepted and approved. The Agreement, marked as Exhibit 1, is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Vice-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 23RD DAY OF JULY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8690 AUTHORIZING THE DEED OF SALE FOR LOT 1, BLOCK 2, YOUNES CENTER ELEVENTH ADDITION

Council Member Lear introduced Ordinance No. 8690 authorizing the deed of sale for Lot 1, Block 2, Younes Center Eleventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska to Talmadge JAM, LLC, a Nebraska limited liability company, 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 suspend the rules for Ordinance No. 8690. 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: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. 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. 8690 by number. Roll call of those in favor of the passage of said ordinance on the first reading

resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Nikkila that Ordinance No. 8690 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Lear, Nikkila, Moore Buschkoetter. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8690 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.

VI. REGULAR AGENDA

PRESENTATION OF NPPD'S ENERGY REPORT FOR KEARNEY AND INTRODUCTION OF GRANT FLAMIG

Vice-President Buschkoetter opened Regular Agenda Item 1 for Council to receive the presentation of NPPD's Energy Report for Kearney and introduction of Grant Flamig. This presentation was for informational purposes only.

Grant Flamig, NPPD, presented this matter to the Council. Mr. Flamig stated that he has been with NPPD for 17 years and will replace Stan Clouse as Retail Account Manager.

Mr. Flamig reviewed the Kearney Energy Report (Exhibit A) and noted the Energy Efficiency incentives and benefits available to NPPD customers. Mr. Flamig noted that NPPD is 56% carbon-free and explained that 42% of the energy generated is nuclear energy. Additionally, NPPD serves over 93,000 customers in 81 retail communities with some of the lowest rates in the nation and below the Nebraska State average. Mr. Flamig stated the low energy rates make Nebraska a popular spot for businesses to relocate and expand to.

Council Member Jonathan Nikkila asked for a progress update on the North Power Line Project in Kearney. Mr. Flamig stated the project is on track and will begin in mid-2025.

Vice-President Buschkoetter and Council members thanked Mr. Flamig for his presentation.

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Moore that the Open Account Claim in the amount of \$124,204.22 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. Motion carried.

VII. REPORTS

Brenda Jensen, City Manager stated that Harmon Pool has re-opened after repairs were made to the vandalized equipment.

VIII. ADJOURN

Moved by Buschkoetter seconded by Nikkila that Council adjourn at 5:55 p.m. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion carried.

ATTEST:

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

PEGGY EYNETICH
CITY CLERK

KEARNEY'S

ENERGY REPORT



Nebraska Public Power District
Always there when you need us

The services we deliver beyond reliable electricity help energize the community.

LOCAL



In 2023, \$2,113,134.28 in gross revenue tax was paid to Buffalo County.



NPPD is deploying and utilizing technology to create efficiency through LED lighting, advanced metering and data analytics.



Energy efficiency incentives and benefits are available to everyone. In 2023, \$319,767.93 in incentives were received by customers in Kearney. In 2023 NPPD received the Smart Energy Provider (SEP) designation from the Smart Energy Provider (SEP) APPA.



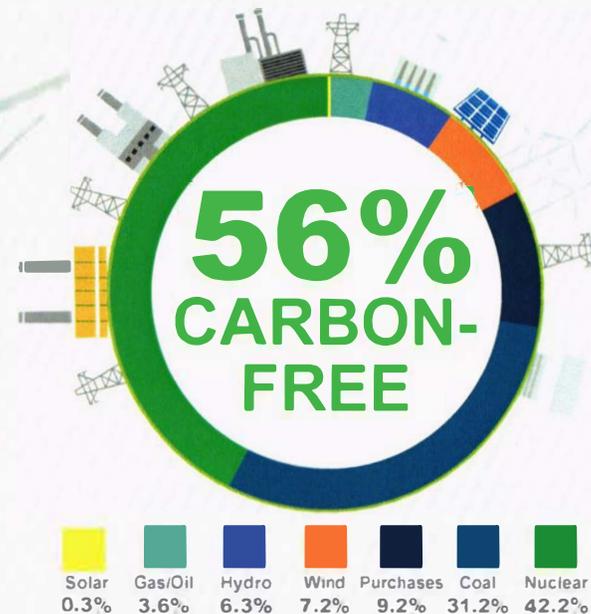
NPPD works with local telecommunication and fiber providers to enhance connectivity in communities and rural areas.

NPPD collected and remitted \$10,218,172.78 in lease payments and \$504,880.53 in city sales tax to Kearney in 2023.

SUSTAINABLE

NPPD has set a carbon "net-zero" goal by 2050 that will explore increased development of wind and solar resources, alternative fuels including hydrogen and bio-fuels, energy storage, carbon sequestration, and small modular nuclear reactors.

NPPD ENERGY GENERATION RESOURCES FOR NEBRASKA CUSTOMERS 2022-2023 Rolling Two-Year Average



*Qualifying Local Generation (QLG) includes renewable energy facilities installed by our wholesale customers and in NPPD retail communities.

RELIABLE

Our electricity grid provides industry top quartile reliability performance.

Exceptional service during routine work or responding to emergent outage situations.

In 2023, NPPD earned its third consecutive Diamond Level Reliable Public Power Provider (RP3) designation from APPA.



93,000
COMMERCIAL & INDUSTRIAL CUSTOMERS



84 of 93
NEBRASKA COUNTIES ARE SERVED BY NPPD



80
COMMUNITIES SERVED BY RETAIL



1,900+
TEAMMATES WORK FOR YOU



5,377 MILES
TRANSMISSION & SUBTRANSMISSION LINES



2,827 MILES
DISTRIBUTION LINES



30
GENERATING FACILITIES



3,206 MW
DIVERSE GENERATION

Based on 2023 Data



Nebraska Public Power District
Always there when you need us



READY TO ASSIST

NPPD ensures the highest quality of service for Kearney. Through our mobile app, NPPD On-The-Go!, nppd.com, social media, and call center we are available 24/7 to meet your needs.



STRATEGIC

These directives guide us through what we need to do today and the days ahead to power a brighter future.

Powering
Our Future



CUSTOMER EXPERIENCE



CARBON BUSINESS RISK



TEAMMATE EXPERIENCE



COST COMPETITIVENESS



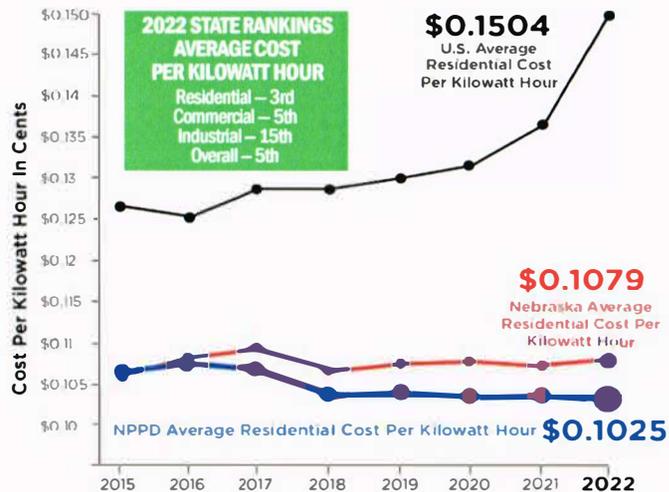
TRANSFORM & INNOVATE

- Enhance the Customer Experience
- Carbon Business Risk and Resource Adequacy
- Cost Competitiveness
- Transform and Innovate Our Business
- Enhance the Teammate Experience

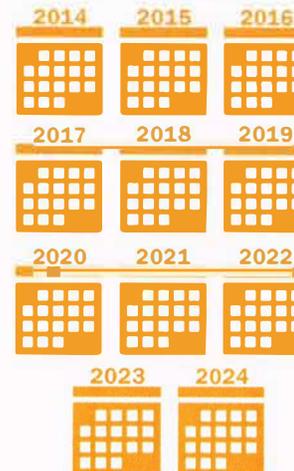
AFFORDABLE

NPPD RESIDENTIAL CUSTOMERS PAY SOME OF THE

LOWEST RATES IN THE U.S.



2024 marks the ELEVENTH CONSECUTIVE YEAR OF STABLE RETAIL RATES.



NPPD remains focused on the 3R's:
Rate Stability, Reliability,
and Relationships.

nppd.com | (877) ASK-NPPD

