

*Kearney, Nebraska  
September 24, 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 September 24, 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. Brenda Jensen, City Manager; Michael Tye, City Attorney; Andy Harter, Director of Public Works; Kevin Thompson, Police Captain of Operations; Sarah Sawin, Director of Utilities; and Brad DeMers, Assistant to the City Manager, 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**

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**

There were no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

None.

## IV. CONSENT AGENDA

Mayor Clouse stated the Consent Agenda was amended on Monday, September 23, 2024, by adding Subsection 14.

Moved by Nikkila seconded by Moore that Subsections 1 through 14 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of the Special Meeting held September 4, 2024, and the Regular Meeting held September 10, 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 \$1,671.27 smcs; 4Imprint \$3,533.28 smcs; Abos \$49.00 smcs; Ace Hardware \$48.13 smcs; Acushnet \$14,207.41 smcs; Advance Auto Parts \$9.31 smcs; AED Superstore \$140.40 smcs; Allianz Travel \$52.92 smcs; Allo \$290.00 smcs; Amazon \$15,528.96 smcs,co; American \$563.13 smcs; American AI \$70.00 smcs; American Air \$759.95 smcs; American Button \$214.27 smcs; American Instants \$89.45 smcs; American Red Cross \$152.00 smcs; Andersen Wrecking \$35.00 smcs; Anderson, B \$150.00 smcs; Apollo Med \$60.00 smcs; Apple.com \$8.95 smcs; Arbico Organics \$256.83 smcs; Arnold Motor \$421.48 smcs; Artisans \$40.00 smcs; Ask Supply \$625.80 smcs; ATT \$1,448.79 smcs; Aurora Coop \$64.00 smcs; Aussie Hydraulics \$152.36 smcs; Authorize.net \$10.00 smcs; Automatic Systems \$3,476.08 smcs; AVFuel \$67,310.01 smcs; Axon Enterprise \$7,431.04 smcs; B&H Photo \$2,293.40 smcs,co; Baker & Taylor \$3,953.06 smcs; Ballard \$89.87 smcs; Bathandbodyworks.com \$31.97 smcs; Bear Frame \$917.63 smcs; Ben Pavelka Enterprises \$31,059.00 co; Big Red Aero \$124.80 smcs; Blackstone Library \$1,429.37 smcs; Blackstrap \$7,229.32 smcs; Blauer Manufacturing \$90.94 smcs; Blick Art \$285.94 smcs; Bluebeam \$520.00 smcs; BlueCross BlueShield \$221,290.07 smcs; Bomgaars \$805.97 smcs; Boogaarts \$113.13 smcs; Booton, L \$78.34 smcs; Bosselman \$6,379.16 smcs; Bossfuels \$39,973.35 smcs; Boston Univ. Genealogy \$995.00 smcs; Brimar Industries \$44.69 smcs; Buffalo Co. Sheriff \$267.50 smcs; Buffalo Co. Attorney \$18,750.00 smcs; Buffalo Co. Community \$3,000.00 smcs; Buffalo Co. Redi-Mix \$37,613.59 smcs,co; Buffalo Outdoor Power \$1,236.15 smcs; Buffalo Wild Wings \$100.00 smcs; Builders \$1,021.69 smcs; Buller Fixture \$2,960.00 co; Business Solutions \$645.32 smcs; Buzz's Marine \$45.00 smcs; Byrne, D \$198.00 smcs; Cab Store \$393.39 smcs; Cal/Amp \$781.55 smcs; Canva \$119.99 smcs; Carquest \$16.65 smcs; Casebus \$49.99 smcs; Cash Wa \$5,487.45 smcs; CDW Government \$6,317.25 co; Cedar Rapids \$637.80 smcs; Cellebrite \$330.00 smcs; Cenex \$41.80 smcs; Center Point \$81.81 smcs; Central Comm. College \$1,900.00 smcs; Central Hydraulic \$34.02 smcs; Chargepoint \$2,470.00 smcs; Chavez, S \$60.09 smcs; Cheaper Than Dirt \$182.38 smcs; Chesterman \$1,645.50 smcs; Chicago Books \$85.00 smcs; Churchich Recreation \$158.30 smcs; Cintas \$618.12 smcs; Ciox \$23.37 smcs; City

of KY \$85,275.94 smcs,ps; City Plumbing \$494.22 smcs; Clamp Store \$99.08 smcs; Cloud Cover Music \$258.00 smcs; CNA Surety \$40.00 smcs; CNRA Parking \$105.00 smcs; Coldspring \$319.50 smcs; Comm. Action Mid NE \$2,953.50 smcs; Computer Hardware \$3,089.75 smcs; Consolidated Mgmt. \$200.25 smcs; Constant Contact \$675.40 smcs; Construction Rental \$1,323.18 smcs,co; Control Yours \$220.00 smcs; Copy Cat \$7,365.48 smcs; Cornhusker Cleaning \$126.24 smcs; Costco \$114.02 smcs; CourtReserve \$153.49 smcs; Covercraft Industries \$283.89 smcs; Cricut \$101.58 smcs; CU Soil Health Lab \$220.00 smcs; Culligan \$235.00 smcs; Dandee Concrete \$14,621.40 smcs; Dan's Plumbing \$490.20 smcs; Dare Catalog \$237.50 smcs; David Barth \$1,433.50 smcs; Dawson Public Power \$44,131.38 smcs; Daylight Donuts \$15.04 smcs; Dell Marketing \$33,646.64 smcs; Demco \$567.29 smcs; Development Council \$150,000.00 smcs; Dfnd Technologies \$416.50 ps; Digicert \$823.00 smcs; Dish \$139.10 smcs; DJI Drones \$99.00 smcs; DK Products \$2,572.33 smcs; Dmilaco \$180.00 smcs; Dollar-General \$8.95 smcs; Domino's \$121.83 smcs; Dowhy Towing \$192.02 smcs,co; DTS Technology \$32.09 smcs; Dunhams \$64.17 smcs; E0800TAXOK \$32.10 smcs; Eagle Distributing \$84.20 smcs; Eakes \$6,213.22 smcs,co; Earl May \$230.92 smcs; Ebay \$96.27 smcs; Elliott Equipment \$5,482.20 smcs; Emaint Enterprises \$3,749.37 smcs; Emblem Authority \$566.00 smcs; Entenmann-Rovin \$150.25 smcs; Enterprise \$212.46 smcs; ERC Wiping Products \$223.54 smcs; ESChat \$54.84 smcs; Etsy \$25.48 smcs; Evident \$14,448.75 smcs; Exhaust Pros \$349.95 smcs; EZ Turf \$898.10 smcs; Facebook \$294.86 smcs; Family Fresh \$47.20 smcs; Family Practice \$909.00 smcs; Fastenal \$680.20 smcs; Fiddelke Heating \$10,342.00 smcs; Fire Safety Education \$1,246.00 smcs; Firehouse Subs \$25.36 smcs; First Place Supply \$422.91 smcs; Fisher-Rosemount \$111.16 smcs; FL \$93.78 smcs; Flynn, B \$245.00 smcs; For Your Ride \$115.00 smcs; Frontier \$2,548.83 smcs; Frozen Assets \$20.00 smcs; Fun Express \$172.59 smcs; Fusesport.com \$2,915.00 smcs; Galco \$411.38 smcs; Gale \$815.72 smcs; Galeton \$362.25 smcs; Garrels, J \$297.00 smcs; Garrett Tires \$1,241.25 smcs; Gdit FAA \$5.00 smcs; Getsling.com \$292.42 smcs; Glass Doctor \$40.92 smcs; Glendale Parade \$61.50 smcs; Global Industrial \$1,435.06 smcs; Glory Global \$42.79 smcs; Gmstek \$610.04 smcs; GO Physical Therapy \$110.00 ps; Golf Course Supt. \$465.00 smcs; Good Evans \$39.93 smcs; Good Sportsman \$63.03 smcs; Gopher Family Brands \$153.73 smcs; Graham Tire \$3,940.00 smcs; Grainger \$2,609.04 smcs; Grassmeyer, L \$6.00 smcs; Great Plains Comm. \$912.61 smcs; Green Parts Store \$140.72 smcs; Gulf Oil \$18.35 smcs; Gullion, E \$35.00 smcs; Hach \$31.02 smcs; Hampton Inns \$4.00 smcs; Hanson, J \$39.17 smcs; Harbor Freight \$2,473.37 smcs,co; Hegg, A \$21.14 smcs; HIRERIGHT \$10.45 smcs; Hisey, C \$39.17 smcs; Hobby-Lobby \$455.04 smcs; Holiday Inn \$2,257.42 smcs; Holmes Plumbing \$1,110.22 smcs; Holtz Industries \$817.96 smcs; Home Depot \$473.19 smcs; Hooker Bros. \$1,072.00 smcs; Hub Int'l \$6,999.92 smcs; Hunter Industries \$11.64 smcs; Hyatt Place \$447.36 smcs; Hy-Vee \$2,570.25 smcs; IAAI \$1,000.00 smcs; IACP \$945.00 smcs; Idexx Distribution \$85.60 smcs; Integrated Security \$5,797.14 smcs; Int'l Code Council \$574.00 smcs; Invoicehome.com \$5.28 smcs; Iprint Technologies \$279.00 smcs; IRS \$201,013.11 ps; Isolved \$3,754.55 smcs; Jack Lederman \$596.05 smcs; Jack's Uniforms \$12,529.69 smcs; Jackson Services \$386.38 smcs; Jameson, A \$245.00 smcs; JCB Delivery \$61.00 smcs; Jimmy Johns \$38.82 smcs; Johnson Brothers \$200.00 smcs; Johnson Fitness \$1,224.03 ps; Johnstone Supply \$33.45 smcs; Jubilee Center \$156.66 smcs; KY Ace \$230.12 smcs; KY Ag & Auto \$3,319.74 smcs; KY Animal Shelter \$15,218.93 smcs; KY Concrete \$26,914.23 CO; KY Crete & Block \$1,569.60 co; KY Family YMCA \$760.00 smcs; KY Hub \$835.35 smcs; KY Power Sports \$12,437.49 smcs,co; KY Quality Sew \$98.96 smcs; KY Towing \$461.90

smcs; KY Visitors Bureau \$231,608.87 smcs; KY Warehouse \$726.15 smcs; KY Winlectric \$10,501.54 smcs,co; KY Winnelson \$3,315.13 smcs,co; Kelly Supply \$2,146.72 smcs; KGFW KQKY KRNK \$747.50 smcs; Kidwell \$1,745.00 smcs; Kobus \$16,095.00 smcs; Kohl's \$53.45 smcs; Konica Minolta \$553.76 smcs; Korgel, K \$246.56 smcs; Kowalek, G \$159.00 smcs; Ktown Cakery \$68.95 smcs; Lakeshore Learning \$213.14 smcs; Landmark Implement \$1,928.59 smcs; Law Enforcement Support \$50.00 smcs; League NE Municipalities \$469.00 smcs; Lifeguard Store \$237.50 smcs; LMN Graphics \$1,225.00 smcs; Loaf N Jug \$47.78 smcs; Lockmobile \$152.95 smcs; Love's \$27.23 smcs; L-Tron \$816.65 smcs; Mac Tools \$89.99 smcs; MacQueen Equipment \$13,975.21 smcs; Magic Cleaning \$1,400.00 smcs; Magnum \$561.83 co; Magpul Industries \$218.99 smcs; Mallory Safety \$1,089.00 smcs; Mara USA \$139,747.46 smcs; Marlatt Precision \$398.84 smcs; Mascoelectr \$272.53 smcs; Matheson \$260.84 smcs; Maverik \$40.27 smcs; M-B Companies \$1,240,866.90 co; MCL Construction \$5,191,375.61 co; Mead Lumber \$75.17 co; Menards \$8,278.99 smcs,co; Merrill Company \$576.74 smcs; Michaels \$278.88 smcs; Mid NE Aggregate \$135.80 smcs; Mid-Iowa Solid Waste \$1,656.88 smcs; Midland Scientific \$232.86 smcs; Mid-NE Digging \$3,475.00 smcs; Mid-NE Garage Doors \$1,120.00 smcs; Midplains Equipment \$124.91 smcs; Mid-State Engineers \$2,834.50 co; Mid-States Organized \$195.00 smcs; Midway USA \$34.95 smcs; Midwest Connect \$9,113.73 smcs; Midwest Petroleum \$7,746.18 smcs; Midwest Restaurant \$498.90 smcs; Midwest Turf \$2,842.58 smcs; Miller & Associates \$16,830.25 co; Milwaukee Criminal 1 \$1.25 smcs; Minden Country Club \$4,500.00 smcs; Mirror Image \$352.70 smcs; Misko Sports \$6,175.00 co; Mission Square \$7,576.71 ps; Moonlight Embroidery \$221.00 smcs; Moore, D \$200.00 smcs; Municipal Supply \$25,494.29 smcs; MWAA DCA \$140.00 smcs; NAHM Mgmt. \$175.00 smcs; Napa Auto \$4,330.47 smcs; Nations Photo Lab \$11.10 smcs; NDEE \$7,500.00 smcs; NE Child Support \$1,688.81 ps; NE Generator \$1,778.33 smcs; NE Library Assn. \$265.00 smcs; NE Machinery \$4,143.35 smcs; NE Public Health \$15.00 smcs; NE Recreation \$180.00 smcs; NE Safety & Fire \$285.00 smcs; NE Secretary of State \$120.00 smcs; NE Truck Center \$2,159.70 smcs; Nebraska FBI \$300.00 smcs; Nebraskaland Distrib. \$1,083.79 smcs; Neogov \$4,155.80 smcs; Net World Sports \$122.37 co; Network Solutions \$19.97 smcs; Nielsen Contracting \$223,109.10 co; Norfolk Lodge & Suites \$117.00 smcs; Northern Safety \$159.84 smcs; Northwestern Energy \$976.93 smcs; NPPD \$118,831.96 smcs; NSA/POAN \$2,000.00 smcs; NSGA \$175.00 smcs; Nutrien Ag \$1,657.01 smcs; Obdlink.com \$53.96 smcs; Odeys \$3,200.06 smcs; Office Max \$449.44 smcs,co; Olsson Associates \$44,585.00 co; Omni Hotel \$2,372.22 smcs; Omnify \$535.50 smcs; One Call Concepts \$811.98 smcs; Online Labels \$44.83 smcs; O'Reilly Auto \$2,990.71 smcs; OTC Brands \$171.78 smcs; Panera Bread \$164.53 smcs; Peavey Corp. \$128.25 smcs; Penworthy \$571.04 smcs; Pep Co. \$110.25 smcs; Pet Pickups \$1,290.52 smcs; Peterbilt \$1,190.94 smcs; Petsmart \$700.33 smcs; Phillips 66 \$43.55 smcs; Pitney Bowes \$1,035.00 smcs; Plaid Enterprises \$88.06 smcs; Platinum Awards \$477.20 smcs,co; Platte Valley Auto \$3,669.98 smcs,co; Positive Promotions \$940.78 smcs; Postermyswall \$29.95 smcs; Prairie Moon Nursery \$11.35 smcs; Presto-X \$594.57 smcs; Prime Video \$63.72 smcs; Proactive Sports \$6.41 smcs; Pro-Tint \$427.00 smcs; Province, N \$55.35 smcs; PVS Chemicals \$25,250.60 smcs; QT 182 \$69.65 smcs; Quill \$387.54 smcs; R&R Repair \$301.24 smcs; RDG Planning \$19,107.44 co; Ready Mixed Concrete \$3,186.50 co; Reimers, C \$157.54 smcs; Reinke's \$695.58 smcs; Remarkable \$17.94 smcs; Rentokil \$466.90 smcs; Republic Nat'l Distrib. \$588.40 smcs; Residence Inn \$748.56 smcs; Rheome Tree \$900.00 smcs; Richardson, A M \$35.62 smcs; Road Builders \$8,915.01 smcs; Rockit Event Pros \$620.82 smcs; Rotronic Instrument \$1,029.27 smcs;

Russell's Appliance \$115.00 smcs; S&J Construction \$14,458.50 co; Sackett, T \$32.07 smcs; Safety Products \$101.94 smcs; Sahling Kenworth \$18.61 smcs; Sapp Bros. \$1,832.25 smcs; Saylor Screenprinting \$4,307.37 smcs,ps; Schaffnitt, W \$245.00 smcs; Schumacher Fencing \$61.80 smcs; See Clear Cleaning \$1,472.50 smcs; Shell \$98.20 smcs; Sheraton \$792.96 smcs; Sherwin Williams \$494.14 smcs; Shredding Solutions \$408.03 smcs; Sign Center \$1,511.83 smcs; SignIT \$402.75 smcs; Siteone Landscape \$6,994.87 smcs; Sonic \$5.82 smcs; Southern Glazers \$1,718.16 smcs; Spectrum \$899.94 smcs; Springhill Suites \$176.65 smcs; Sprinkler Warehouse \$1,584.05 smcs; Square Hardware \$587.43 smcs; Starbucks \$104.78 smcs; Starkey, E \$159.00 smcs; Steinbrink \$4,230.00 smcs; Stitch 3 \$415.00 smcs; Stutsman \$3,294.00 smcs; Subsurface Solutions \$190.80 smcs; Supply House \$238.52 smcs; T&T Mobile Washing \$100.00 smcs; Tapco \$1,417.50 smcs; Target \$269.65 smcs; Tesdall, G \$300.00 smcs; Textmygov \$9,500.00 smcs; Tommy's Express \$225.00 smcs; Track Tennis \$6,000.00 smcs; Tractor Supply \$824.17 smcs; Transunion \$116.00 smcs; Trausch, A \$159.00 smcs; Tri City Concrete \$16,159.50 smcs; Trojan Technologies \$836.74 smcs; True Value \$602.13 smcs; Turner Body Shop \$3,715.52 smcs; Twin City Hardware \$2,210.44 smcs; Tyler Technologies \$30.00 smcs; Uber \$315.60 smcs; Ul.com \$381.00 co; Uline \$184.64 smcs; Unifirst \$118.10 smcs; Union Bank & Trust \$110,345.26 ps; Unique Management \$128.15 smcs; United \$187.89 smcs; UOFL SPI \$900.00 smcs; UPS \$525.39 smcs; USPS \$916.83 smcs; UVT \$760.00 smcs; Van Diest Supply \$3,696.99 smcs; Vanco \$102.00 smcs; Vestis \$483.40 smcs; Village Services \$258.79 smcs; VW Golf \$204.49 smcs; Wal-mart \$5,230.35 smcs; Warren, B \$400.00 smcs; Western NRG \$225.00 smcs; Whalen, R \$1,400.00 smcs; Whitacre, B \$500.00 smcs; Wilcac Life \$5.00 co; Windy Prairie Systems \$15,643.00 co; Winzer \$571.48 smcs; Wix.com \$708.00 smcs; World Herald \$132.08 smcs; WPCI \$603.58 ps; Wrangler \$115.52 smcs; Yellowstone Nat'l Park \$300.00 smcs; Youtube TV \$426.80 smcs; Zima Corp. \$35,459.00 smcs; Zoho \$1,855.00 smcs; Zoom \$184.80 smcs; Zoro Tools \$937.40 smcs,co; Payroll Ending 09/07/2024 -- \$644,815.68. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$\_\_\_\_\_ to the City of Kearney.

3. Receive recommendations of Planning Commission and set October 8, 2024 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2024-120A setting the 2024 City of Kearney property tax request at a different amount than the preliminary property tax request set for the City of Kearney by the Buffalo County Clerk.

**RESOLUTION NO. 2024-120A**

WHEREAS, Nebraska Revised Statute 77-1632 provides that the City Council of the City of Kearney passes a majority vote a resolution or ordinance setting the 2024 property tax request; and

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

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

1. The 2024-2025 General Fund property tax request be set at \$5,055,801.33 and the 2024-2025 Bond Fund property tax request be set at \$289,329.65.

2. The total assessed value of property differs from last year's total assessed value by 7.60%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.138356 per \$100 of assessed value.
4. The City of Kearney proposes to adopt a property tax request that will cause its tax rate to be \$.148870 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Kearney is less than the prior year by 13.22%.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2024.

Motioned by \_\_\_\_\_, seconded by \_\_\_\_\_  
 to adopt Resolution No. 2024-120A. Voting yes were \_\_\_\_\_.  
 Voting no were \_\_\_\_\_.

Dated this 24th day of September 2024.

ATTEST:  
 PEGGY EYNETICH  
 CITY CLERK

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

5. Adopt Resolution No. 2024-130 approving the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement allowing the City of Kearney to continue to provide building inspection services to the City of Minden.

**RESOLUTION NO. 2024-130**

WHEREAS, on June 26, 2012 the City Council adopted Resolution No. 2012-104 approving Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement; and

WHEREAS, the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement was amended in 2013, 2014, 2016, 2017, 2018 and again in 2021; and

WHEREAS, it has been determined to be in the interest of both communities that the City of Kearney staff will provide plan review and building inspection services for up to three (3) years; and

WHEREAS, the City of Kearney and the City of Minden have agreed that Kearney continue to provide Minden with plan review and building inspection services for up to three (3) years.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Joint City of Kearney-City of Minden Building Inspection Services Interlocal Agreement, marked as Exhibit "A", attached hereto and made a part hereof, be and is hereby approved.

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized and directed to execute the said Interlocal Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 24TH DAY OF SEPTEMBER, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

6. Adopt Resolution No. 2024-131 approving the Public Safety Agreement between the Board of Regents of the University of Nebraska a public body corporate and governing body of the University of Nebraska on behalf of the University of Nebraska at Kearney and the City of Kearney to clarify the law enforcement and fire protection activities performed by each party within University Village.

**RESOLUTION NO. 2024-131**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Public Safety Agreement between the Board of Regents of the University of Nebraska a public body corporate and governing body of the University of Nebraska on behalf of the University of Nebraska at Kearney and the City of Kearney to clarify the law enforcement and fire protection activities performed by each party within University Village be and is hereby accepted and that the City Manager be and is hereby authorized and directed to execute the said Agreement on behalf of the City of Kearney. The Public Safety Agreement, marked as Exhibit "A" is attached hereto and made a part hereof.

PASSED AND APPROVED THIS 24TH DAY OF SEPTEMBER, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

7. Adopt Resolution No. 2024-132 approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Jacob Nutter, Andrew Kennedy, Austin Fuehrer, Eli Minnis, Carson Munster, Joshua Miller, Timothy Ullman, Marlon Lima-Mena, Cale Johnson, Riley Favinger, and Peter McGowen.

**RESOLUTION NO. 2024-132**

WHEREAS, Aaron Jameson, Chief of the Kearney Volunteer Fire Department, has forwarded names of individuals desiring to serve as a volunteer in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Jameson, the City Council of the City of Kearney, Nebraska hereby finds and determines that said persons listed are fully capable and qualified to serve a membership in the Kearney Volunteer Fire Department; and

WHEREAS, in order to be qualified for benefits in accordance with Sections 48-115, et seq. of the Nebraska Revised Statutes, said volunteer firefighters acting outside the corporate limits of the City must be officially directed to do so in order to be eligible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that the persons recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as members of the Kearney Volunteer Fire

Department for the purposes of and in accordance with Section 48-115 of the Nebraska Revised Statutes, and that said members are fully entitled to benefits under the Workers' Compensation Act.

BE IT FURTHER RESOLVED that all of said volunteer firefighters named on Exhibit "A" are hereby specifically authorized and directed to serve outside the corporate limits of the municipality under the direction, orders and authority of the Chief of the Kearney Volunteer Fire Department in accordance with Section 4-204 of the Kearney City Code.

PASSED AND APPROVED THIS 24TH DAY OF SEPTEMBER, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

**8. POSTPONED:** Adopt Resolution No. 2024-133 approving the Property Maintenance and Lease Agreement between the City of Kearney and Jeffrey D. Potter for property located adjacent to Patriot Park.

**RESOLUTION NO. 2024-133**

WHEREAS, the City owns property adjacent to Patriot Park located in the Northwest Quarter and part of the Northwest Quarter of the Northeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and

WHEREAS, on October 1, 2024, the City of Kearney and Jeffery D. Potter wish to enter into a Property Maintenance and Lease Agreement in accordance with the terms of said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Property Maintenance and Lease Agreement on behalf of the City of Kearney. The Agreement, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF SEPTEMBER, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

**9.** Adopt Resolution No. 2024-134 approving the Application and Certificate for Payment No. 25 in the amount of \$285,178.23 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

**RESOLUTION NO. 2024-134**

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. 25 in the amount of \$285,178.23 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
Change Order No. 3 (08-13-2024)	<u>+ 156,336.00</u>
Contract Sum To Date	35,395,844.00
Gross Amount Due	33,620,698.21
Retainage	<u>- 1,686,226.37</u>
Amount Due to Date	31,934,471.84
Less Previous Certificates for Payment	<u>- 31,649,293.61</u>
Current Payment Due	<u>\$ 285,178.23</u>
Balance to finish, including retainage	\$ 3,461,372.16

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 25 in the amount of \$285,178.23, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF SEPTEMBER, 2024.

ATTEST:  
 PEGGY EYNETICH  
 CITY CLERK

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

**10.** Adopt Resolution No. 2024-135 approving the Agreements between the City of Kearney and Aurora Cooperative Elevator Company, dba Buffalo Air Service for T-100, T-708 and T-932 for the operation of a crop spraying service, office area, storage area, loading dock and Aeronautical Services for aerial applicator services, all located at the Kearney Regional Airport.

**RESOLUTION NO. 2024-135**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Tenant Use and Operations Agreement at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska with Aurora Cooperative Elevator, dba Buffalo Air Service, a copy of the Agreement, marked Exhibit "A", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Tenant Use and Operations Agreement for Loading Dock at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska with Aurora Cooperative Elevator, dba Buffalo Air Service, a copy of the Agreement, marked Exhibit "B", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Agreement and Permit for Aeronautical Services at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska, with Buffalo Air Service, LLC, the Agreement, marked Exhibit "C", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF SEPTEMBER, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

11. Adopt Resolution No. 2024-136 approving the Use and Operations Agreement for Annex B in Hangar T-926 located at the Kearney Regional Airport between the City of Kearney and Li'l Red Aero, Inc.

**RESOLUTION NO. 2024-136**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement on behalf of the City of Kearney, Nebraska, with Li'l Red Aero, Inc. for Annex B in Hangar T-926 located at the Kearney Regional Airport, the Agreement, marked Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF SEPTEMBER, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

12. Adopt Resolution No. 2024-137 approving the Developer Constructed Infrastructure Agreement for Sun West Fifth Addition, Lot 2 (VTL Enterprises) between the City of Kearney and Troy Lorenzen, Manager Member of VTL Enterprises, LLC, a Nebraska Limited Liability Company for the construction, public improvements: water main, fire hydrant and a sanitary sewer manhole to serve Lot 2, Sun West Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and part of Lot 3, Sun West Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

**RESOLUTION NO. 2024-137**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement For Sun West Fifth Addition, Lot 2 (VTL Enterprises)" between the City of Kearney and Troy Lorenzen, Manager Member of VTL Enterprises, LLC, a Nebraska Limited Liability Company, for the construction, public improvements: water main, fire hydrant and a sanitary sewer manhole for Lot 2, Sun West Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and Part of Lot 3 Sun West 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 24TH DAY OF SEPTEMBER, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

13. Consider Resolution No. 2024-138 authorizing the City of Kearney to join with NPPD as a co-applicant to the Nebraska Power Review Board for an amendment to NPPD's retail service area to include the annexed land described as Arbor View Fourth, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of Government Lot 2 and the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th PM, Buffalo County, Nebraska (South of the intersection of East 65th Street and Avenue R).

**RESOLUTION NO. 2024-138**

WHEREAS, on April 23, 2024 the Kearney City Council passed and approved Resolution No. 2024-40 extending the corporate limits of the City of Kearney to include the contiguous and adjacent tract of land described as a tract of land being part of Government Lot 2 and part of the Southeast Quarter of the Northwest Quarter of Section 19, Township 9 North, Range 15 West of the 6th P. M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a chiseled "+" at the Southwest corner of Government Lot 2 of Section 19; thence S 89°44'06" E on the South line of said Government Lot 2, and all bearings contained herein are relative thereto, a distance of 1164.26 feet to a 5/8" rebar at the Southeast corner of Outlot B, Starostka Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska and the POINT OF BEGINNING; thence continuing S 89°44'06 " E on the South line of said Government Lot 2 and the South line of the Southeast Quarter of the Northwest Quarter of said Section 19 a distance of 1449.75 feet to a 5/8" rebar at the Southeast corner of said Southeast Quarter of the Northwest Quarter; thence N 00°21'32" E on the East line of said Southeast Quarter of the Northwest Quarter a distance of 241.17 feet to a 5/8" rebar w/cap; thence N 89°44'06" W parallel with said South line of the Southeast Quarter of the Northwest Quarter a distance of 1094.51 feet to a 5/8" rebar w/cap; thence N 00°14'22" E a distance of 125.83 feet to a 5/8" rebar w/cap at the Southeast corner of Lot 7, Block 1, Arbor View Third, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°44'06" W on the South line of said Arbor View Third a distance of 340.00 feet to a 5/8" rebar w/cap at the Southwest corner of Lot 7, Block 2 of said Arbor View Third; thence N 00°14'22" E on the West line of said Arbor View Third a distance of 97.98 feet to a 5/8" rebar w/cap at the Southeast corner of Outlot A, Block 3, Arbor View First, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°59'58" W on the South line of said Outlot A, Block 3, Arbor View First a distance of 50.00 feet to a 5/8" rebar w/cap at the Southwest corner of said Outlot A, and the Southeast corner of Lot 3, Block 3 of said Arbor View First; thence N 50°49'39" W on the South line of said Block 3, Arbor View First a distance of 292.72 feet to a 5/8" rebar w/cap at the Northeast corner of Lot 6, Block 1, Arbor View Second, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 39°10'21" W on the East line of said Arbor View Second a distance of 340.00 feet to a 5/8" rebar w/cap at the Southeast corner of Lot 7, Block 2, of said Arbor View Second and on the Northeasterly line of said Outlot B, Starostka Estates Addition; thence S 50°49'39" E on said Northeasterly line a distance of 611.43 feet to the Point of Beginning. Containing 12.80 acres, more or less located in Buffalo County, Nebraska; and

WHEREAS, the Nebraska Public Power District (NPPD) will apply to the Nebraska Power Review Board for an order amending its existing retail service area, which includes the City of Kearney, to include the above described property into the corporate boundaries of the City of Kearney, Nebraska; and

WHEREAS, the City of Kearney has an interest in the outcome of such application by reason of its rights under the Professional Retail Operations Agreement with NPPD approved on July 11, 1989, pursuant to which NPPD operates and maintains the electric distribution system owned by the City of Kearney; and

WHEREAS, it is determined by the City Council that it would be desirable and in the best interests of the City of Kearney to join with NPPD as a co-applicant to the Nebraska Power Review Board.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City of Kearney, Nebraska, be authorized to join with NPPD as a co-applicant to the Nebraska Power Review Board for an amendment to NPPD's retail service area which includes the City to include the above described property into the corporate boundaries of the City of Kearney, Nebraska in said retail service area.

BE IT FURTHER RESOLVED that the President be and is hereby authorized to execute on behalf of the City of Kearney a joint application with NPPD to the Nebraska Power Review Board and to cooperate with NPPD in the prosecution of its application.

BE IT FURTHER RESOLVED that such joint application shall be prosecuted at the sole cost and expense of NPPD.

PASSED AND APPROVED THIS 24TH DAY OF SEPTEMBER, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

14. ADDENDUM ITEM: Authorize the City Clerk to recommend approval to the Nebraska Liquor Control Commission for a location change request submitted by RESA'S, LLC, dba The Lodge Restaurant located at 516 2nd Avenue South (new location) in connection with their Class I liquor license.

**V. CONSENT AGENDA ORDINANCES**

None.

**VI. REGULAR AGENDA**

**OPEN ACCOUNT CLAIM**

Moved by Moore seconded by Lear that the Open Account Claim in the amount of \$300.09 payable to Stanley Clouse be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse abstained. Motion carried.

Moved by Buschkoetter seconded by Clouse that the Open Account Claim in the amount of \$330.00 payable to UNK Emarket be allowed. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Moore abstained. Motion carried.

**VII. REPORTS**

None.

**VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 5:32 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**ATTEST:**

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

\_\_\_\_\_  
**PEGGY EYNETICH  
CITY CLERK**