

*Kearney, Nebraska  
September 27, 2022  
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 27, 2022 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Peggy Eynetich, Deputy City Clerk; Council Members Randy Buschkoetter, Bruce Lear and Tami James Moore. Absent: Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Kayla James, Director of Finance; Brenda Jensen, Assistant City Manager; Tony Jelinek, Director of Utilities; and Dennis Byrne, Police Lieutenant, 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 and 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**

There was no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### **III. PUBLIC HEARINGS**

#### **REZONING OF PROPERTY LOCATED AT 4140 30TH AVENUE**

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying Corp. for Jared and Mona Axmann, husband and wife, to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of the Southeast Quarter of Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4140 30th Avenue). At the request of the Applicant and Developers, Buffalo Surveying Corp. for Jared and Mona Axmann, these items have been requested to be further postponed to the October 11, 2022 City Council meeting.

Moved by Moore seconded by Lear to postpone Public Hearing 1 pertaining to the rezoning of property located at 4140 30th Avenue to the October 11, 2022 City Council meeting. Roll call resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

#### **DEVELOPMENT OF FREEDOM HILLS ESTATES LOCATED AT 4140 30TH AVENUE**

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying Corp. for Jared and Mona Axmann, husband and wife, for the Final Plat and Subdivision Agreement for Freedom Hill Estates, a subdivision being part of the Southeast Quarter of Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the South Half of the Southeast Quarter of Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4140 30th Avenue). At the request of the Applicant and Developers, Buffalo Surveying Corp. for Jared and Mona Axmann, these items have been requested to be further postponed to the October 11, 2022 City Council meeting.

Moved by Moore seconded by Lear to postpone Public Hearing 2 pertaining to the development of Freedom Hills Estates located at 4130 30th Avenue to the October 11, 2022 City Council meeting. Roll call resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

### **IV. CONSENT AGENDA**

Moved by Lear seconded by Buschkoetter that Subsections 1 through 20 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

1. Approve Minutes of Regular Meeting held September 13, 2022.
2. Approve the following Claims:
 

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

## DS Debt Service

5.11 \$96.30 smcs; 911 Custom \$5,768.22 co; 1000bulbs.com \$718.51 smcs; Abos Abos \$49.00 smcs; Ace Irrigation \$1,072.36 smcs,co; Action Targets \$137.95 smcs; Acushent \$562.52 smcs; Adobe \$52.99 smcs; Advance Auto \$83.28 smcs; Adventure Enterprises \$1,853.00 smcs; Agri Coop \$5,344.01 smcs; Air Cleaning Technologies \$5,483.00 smcs; Airport Lighting \$296.76 smcs; Alfred Benesch \$87,629.83 co; All Makes Auto \$466.16 smcs; Allied Controls \$288.34 smcs; Amazon \$20,326.66 smcs,co; American Fence \$987.89 smcs; American Legion Flags \$17.95 smcs; American Library Assn. \$353.00 smcs; Andersen Wrecking \$35.00 smcs; Anythingtruck.com \$400.72 smcs; Apple \$2.27 smcs; Aramark Uniform \$593.38 smcs; Arbico Organics \$572.42 smcs; Archway, the \$197.78 smcs; Arrowhead Scientific \$525.91 smcs; Ask Supply \$2,856.15 smcs; ATT \$1,121.12 smcs; Aurora Coop \$597.90 smcs; Aussie Hydraulics \$156.44 smcs; Authorize.net \$10.00 smcs; Auto Value \$4,889.80 smcs; Avenue F Storage \$104.00 smcs; AvFuel \$133,108.04 smcs; Axon \$1,647.70 smcs; B&H Photo \$351.12 co; Babbitts \$19.69 smcs; Baker & Taylor \$4,201.57 smcs; Barco Municipal Products \$316.45 smcs; Battery Junction \$117.70 smcs; Beacon Athletics \$206.50 smcs; Bendpak \$265.47 smcs; Blackstone Library \$1,063.84 smcs; Bluebeam \$741.52 co; BlueCross BlueShield \$255,192.89 smcs; BMI \$351.90 smcs; Boogaarts \$3.36 smcs; Bosselman \$44,806.85 smcs; Bpad Group \$250.00 smcs; Brilliant Promos \$487.25 smcs; Brite \$2,928.00 smcs; Broadfoot's \$2,490.66 smcs; BSN Sports \$2,046.51 smcs; Buffalo Co. Treasurer \$25.63 smcs; Buffalo Outdoor Power \$2,443.68 smcs,co; Buffalo Wild Wings \$50.00 smcs; Builders \$14,406.35 smcs,co; Bush Furniture \$1,595.48 co; Button Boy \$40.29 smcs; Cab store \$244.96 smcs; Caldwell Tanks \$654,210.00 co; CANDO \$7,000.00 smcs; Canva \$132.94 smcs; Carquest \$171.72 smcs; Casey's \$114.43 smcs; Cash Wa \$4,061.88 smcs; CDW \$4,800.26 smcs; Cellebrite \$289.00 smcs; Cenex Farmers \$29.00 smcs; Center Point \$79.86 smcs; Central Hydraulic \$41.80 smcs; Central NE Bobcat \$1,268.57 smcs; Central NE Rehab \$250.00 ps; Chargepoint \$10.00 smcs; Charter Service \$117.07 smcs; Chemsearch \$347.00 smcs; Chesterman \$1,620.82 smcs; Chevron \$27.17 smcs; Choice Marketing \$13.49 smcs; Choice Paint \$12.27 smcs; Cintas \$224.85 smcs; Ciox Health \$20.00 smcs; City of Kearney \$41,529.39 smcs, ps; City of Omaha \$12.00 smcs; City Plumbing \$388.30 smcs; Clevenger Petroleum \$415.80 smcs; CMH Distributing \$233.00 smcs; CNA Surety \$40.00 smcs; CNRA Parking \$30.00 smcs; Cold Spring \$1,492.55 smcs; Collinson Enterprises \$2,600.00 smcs; Commercial Recreation \$684.00 smcs; Consolidated Mgmt. \$749.32 smcs; Constantcontact.com \$504.00 smcs; Construction Rental \$1,532.29 smcs,co; Control Yours \$200.00 smcs; Copycat \$6,003.00 smcs,ps; Core & Main \$6,784.50 smcs; Country Partners \$30,214.80 smcs; Court Reserve \$98.27 smcs; Cricut \$596.85 smcs; Crystal Clean \$210.00 smcs; CTS Cargo \$168.08 smcs; Culligan \$694.70 smcs; Cummins \$289.55 smcs; Cunningham's \$30.00 smcs; Curb SVC \$58.08 smcs; Curbit \$432.00 smcs; Cutter & Buck \$484.23 smcs; Cutting Edge \$270.00 smcs; Cymax \$653.76 co; Danko Emergency \$11,743.00 smcs; Dan's Plumbing \$88.89 smcs; Davis Equipment \$4,236.86 smcs; Dawson Public Power \$51,846.23 smcs; Daylight Donuts \$148.37 smcs; Del City \$135.32 smcs; Dell \$1,956.60 smcs; Demco \$375.54 smcs; Detectachem \$255.77 smcs; Deterdings \$1,172.75 smcs; Digicert \$536.00 co; Dish \$733.34 smcs; Dmilaco Sports \$416.00 smcs; Dolan Consulting \$340.00 smcs; Dollar General \$5.00 smcs; Domino's \$71.21 smcs; Dowhy Towing \$100.00 smcs; DPC Industries \$10,834.71 smcs; Duluth Trading \$298.12 smcs; Duncan Theis \$82,508.70 co; Dunkin Donuts \$35.97 smcs; Eagle

Distributing \$1,322.85 smcs; Eakes \$10,632.91 smcs, co; Earl May \$155.39 smcs; Ebay \$1,618.62 smcs; Echo Electric \$4,005.26 smcs,co; Ecolab \$112.36 smcs; Eldt.com \$25.00 smcs; Elevatorkeys.com \$450.37 smcs; Elf Enterprises \$1,990.00 co; Elliott Equipment \$485.12 smcs; Ellis Wheeler \$295.50 smcs; EMC Insurance \$720.11 smcs; Ensley Electrical \$89,735.43 co; Enterprise \$811.45 co; Ereplacementparts.com \$80.56 smcs; Eustis Body Shop \$370.00 smcs; Expression Wear \$208.00 ps; Eyemed \$1,646.35 smcs; Eyewashdirect.com \$57.53 smcs; Facebook \$485.01 smcs; Fairmont Austin \$2,418.54 smcs; Family Fresh \$49.27 smcs; Farmers Union \$300.00 smcs; Fastenal \$1,972.38 smcs,co; Filemaker \$577.80 co; Foreflight \$120.00 smcs; Frontier \$7,976.70 smcs; Fun Express \$251.93 smcs; Gale \$3,043.64 smcs; Galeton \$320.08 smcs; Galls \$164.10 smcs; Garrels,J \$297.00 smcs; Garrett Tires \$11,387.33 smcs; Glass Doctor \$39.17 smcs; Global ARFF Services \$11,067.58 smcs; Global Industrial \$1,214.19 smcs; Global Leadership \$229.00 smcs; Goodwin Tucker \$242.00 smcs; Govt. Finance Office \$225.00 smcs; GPM Pump & Truck \$969.65 smcs; Grainger \$4,202.88 smcs,so; Grand Kubota \$252.00 smcs; Great Plains Comm. \$651.37 smcs; Greenpartstore.com \$100.30 smcs; Hach Company \$927.69 smcs; Hali-Brite \$899.76 smcs; Harbor Freight Tools \$867.65 smcs; Hardware Resources \$256.44 smcs; Hawkins,J \$143.62 smcs; HD Arms \$1,448.74 smcs; Heiman Fire Equipment \$6,493.70 smcs; Hilton \$701.49 smcs; HOA Solutions \$842.22 smcs; Hobby Lobby \$350.29 smcs; Hockemeier,J \$10.14 smcs; Holiday Inn \$880.00 smcs; Holmes Plumbing \$3,123.19 smcs; Home Depot \$918.76 smcs; Hometown Leasing \$159.08 smcs; Hooker Brothers \$1,122.60 smcs; Hub Int'l \$6,598.08 smcs; Hy-Vee \$309.68 smcs; IAAI \$1,350.00 smcs; Iflightplanner \$149.99 smcs; Ignite Olive Software \$4,725.60 smcs; Industrial Outfitters \$266.59 smcs; Integrated Security \$493.86 smcs; Intercomsonline.com \$2,567.98 smcs; Int'l Code Council \$145.00 smcs; Invoicehome.com \$5.00 smcs; IR Industrial \$1,027.20 smcs; IRS \$184,074.82 ps; Isolved \$3,258.72 smcs; J&A Traffic Products \$12,856.50 smcs,co; Jack Lederman \$6,641.87 smcs; Jackson Services \$324.30 smcs; JCPenney \$25.64 smcs; Johnsen Corrosion \$2,671.00 smcs; Johnson,L \$31.85 smcs; Johnstone Supply \$2,148.28 smcs; Justbats.com \$50.00 smcs; Karsten Mfg. \$3,163.00 smcs; Kearney Ace \$148.51 smcs; Kearney Animal Shelter \$10,609.00 smcs; Kearney Area Builders \$450.00 smcs; Kearney Area Comm. \$463.50 smcs; Kearney Chamber Comm. \$75.00 smcs; Kearney Crete & Block \$273.28 smcs; Kearney Powersports \$19.25 smcs; Kearney Public Schools \$50.00 smcs; Kearney Quality Sew \$7.99 smcs,co; Kearney Towing \$600.00 smcs; Kearney Winlectric \$17,677.19 smcs; Kearney Winnelson \$356.62 smcs; Kelly Supply \$855.28 smcs; Kimball Midwest \$411.02 smcs; Kings III Emergency \$508.86 smcs; Kirkham Michael \$11,000.00 co; Kleidosty, Nicholas \$100.00 smcs; Knox Company \$3,931.00 smcs; Kohls \$160.50 smcs; Konica Minolta \$78.88 smcs; Landmark Implement \$5,290.90 smcs; Lawson Products \$997.55 smcs; Lee NE Media \$3,286.84 smcs; Libertyflags.com \$148.60 smcs; Lightingdirect.com \$211.86 co; Lincoln Winwater \$2,613.20 smcs; Liquor License \$935.73 smcs; Little USA \$9.68 smcs; LLRMI \$125.00 smcs; Lockmobile \$13.93 smcs; Logan Contractors \$27,134.00 smcs,co; M Golden Pilot Supplies \$406.92 co; Macqueen Equipment \$2,454.57 smcs; Malone,D \$2,000.00 smcs; Marlatt Machine \$657.63 smcs; Marriott \$858.96 smcs; Masek Golf \$351.79 smcs; Masters True Value \$1,018.67 smcs,co; Matheson Trigas \$719.31 smcs,co; Matt Friend Truck \$2,624.00 smcs; McCartney, Erin Chpt. 13 \$227.00 ps; McCormack Distributing \$53.57 smcs; MECA Omaha \$1,626.50 smcs; Menards \$12,297.95 smcs,co; Merrill Company \$1,423.28 smcs; Mid-American Signal \$1,262.13 smcs; Midwest Connect \$500.98 smcs; Midwest Restaurant \$1,468.11 smcs; Midwest Turf \$454.83 smcs; Miller & Associates \$5,436.25 smcs,co; Miller Signs \$261.00 smcs; Mirror Image \$29.91 smcs;

Mission Square \$7,628.90 ps; Moonlight Embroidery \$1,773.00 smcs; MoreFilter \$62.99 smcs; Mostek Electric \$2,596.43 smcs; Motorola Solutions \$18,436.00 co; MR Solar \$157.90 smcs; Municipal Supply \$12,704.15 smcs; Nations Photo Lab \$25.42 ps; Nat'l Alliance Youth Sports \$20.00 smcs; Nat'l Tactical \$50.00 smcs; Nat'l Volunteer Fire \$21.00 smcs; NE Central Seniors \$120.00 smcs; NE Child Support \$1,764.50 ps; NE Dept. Environmental \$150.00 smcs; NE Dept. Revenue \$54,543.52 smcs; NE Generator Service \$3,236.00 smcs; NE Golf Assn. \$161.00 smcs; NE Humanities \$100.00 smcs; NE IAI \$50.00 smcs; NE Library Assn. \$355.00 smcs; NE Machinery \$11,204.77 smcs; NE Park & Rec \$180.00 smcs; NE Peterbilt \$392.18 smcs; NE Public Health \$1,010.00 smcs; NE Safety & Fire \$110.00 smcs; NE Salt & Grain \$3,226.05 smcs; NE Statewide \$10.00 smcs; NE Truck Center \$3,663.79 smcs; NE Water Environment \$200.00 smcs; Nebraskaland Distributing \$692.00 smcs; Nelson's Furniture \$4,491.88 smcs,co; Network Solutions \$9.97 co; NFPA Nat'l Fire \$87.35 smcs; NI LCC \$47.87 smcs; NI SFM Boiler \$63.00 smcs; Nielsen Contracting \$270,293.55 co; NLETC \$1,862.00 smcs; Northern Safety \$71.04 smcs; Northwestern Energy \$2,597.52 smcs; NRG Media \$391.00 smcs; NSA/POAN \$520.00 smcs; NSF Ticket Office \$1,081.00 smcs; Nutrien Ag \$384.30 smcs; OCLC \$816.57 smcs; Office Max \$1,362.36 smcs; Office Supply \$64.82 smcs; Old Navy \$30.78 smcs; Olsson \$1,200.00 co; Omni William Penn \$998.64 smcs; O'Reilly Auto \$2,294.76 smcs; Orkin \$107.62 smcs; Orscheln \$572.93 smcs; OTC brands \$204.32 smcs; Otterbox \$10.54 smcs; Packer Brothers \$1,029.77 smcs; Paessler.com \$474.49 co; Panera Bread \$131.23 smcs; Paper Roll \$211.80 smcs; Parts Town \$230.18 smcs; Payflex \$508.00 smcs; PB Leasing \$65.97 smcs; Pensxpress \$162.50 smcs; Penworthy \$420.86 smcs; Pep Co. \$537.34 smcs; Pet Pickups \$337.42 smcs; Peterson,J \$35.11 smcs; Petsmart \$64.02 smcs; Pitney Bowes \$576.99 smcs; Pizza Hut \$49.27 smcs; Platinum Awards \$102.05 smcs; Platt Electric \$841.59 smcs; Platte Valley Auto Mart \$392.45 smcs; Platte Valley Comm. \$80.33 smcs; Platte Valley Medical \$410.00 smcs; Point Emblems \$2,340.00 smcs; Presto-X \$659.76 smcs; Proactive Sports \$222.00 smcs; Pump & Pantry \$21.97 smcs; QC Supply \$546.23 co; QT \$127.62 smcs; Quill \$782.83 smcs; Radwell \$268.16 smcs; Rasmussen Mechanical \$7,036.60 smcs; Reams \$941.52 smcs; Recreaonics \$30.53 smcs; Redbox \$2.13 smcs; Rentokil \$67.80 smcs; Reverse Osmosis \$125.17 smcs; Ripl Pro \$98.99 smcs; Rivershore \$166.00 smcs; Roundhouse Bunker \$306.00 smcs; Safelite \$344.78 smcs; Safety Products \$126.15 smcs; Sahling Kenworth \$231.29 smcs; Sapp Brothers \$1,400.00 smcs; Saylor Screenprinting \$92.25 smcs; Schultz,K \$101.00 smcs; Schumacher Brothers \$4,003.00 smcs; Schwan's \$1,612.66 smcs; Schwarz,J \$60.00 smcs; Sedcatch \$820.00 smcs; Shade Cloth \$362.98 co; Shadowtech \$135.94 co; Sherwin Williams \$1,418.99 smcs,co; Shredding Solutions \$182.41 smcs; Sightline \$85.00 smcs; Siteone Landscape \$1,750.20 smcs; Smartsign \$59.13 co; Southwest \$197.95 smcs; Spectrum \$901.83 smcs; Sprinkler Warehouse \$1,625.99 smcs; State of NE/DAS \$6.93 smcs; Steinbrink's \$2,561.34 smcs; Stutsman \$4,392.00 smcs; Subway \$77.21 smcs; Target \$108.49 smcs; Tarpomatic \$306.21 smcs; TCH \$331.74 smcs; Tennis Warehouse \$588.99 smcs; Tidei,J \$800.00 smcs; Timeclock Plus \$3,360.00 smcs; Titan Machinery \$207.60 smcs; Tractor Supply \$2,419.48 smcs; Trade Well Pallet \$3,750.00 smcs; Traffic Control \$1,890.00 smcs; Transunion \$111.80 smcs; Traveler's \$3,134.00 smcs; Tri City Concrete \$5,050.00 co; Turner Body Shop \$100.00 smcs; Uber \$80.30 smcs; Ubersignal.com \$1,979.99 co; Ubiquiti \$909.86 smcs; Uline \$3,868.02 smcs; Union Bank & Trust \$96,797.06 ps; Union Pacific Railroad \$2,277.00 smcs; Unique \$209.70 smcs; United \$35.00 smcs; Univ. of Minnesota \$1,410.00 smcs; Uprinting \$22.93 smcs; UPS Store \$308.82 smcs; USA Blue Book \$1,048.43 smcs; USPS \$647.10 smcs; Van Diest \$462.92 smcs; Verizon \$8,934.78

smcs; Village Services \$233.66 smcs; VVS \$108.69 smcs; Wachs Companies \$10,764.22 smcs; Walgreens \$28.69 smcs; Wal-Mart \$8,530.80 smcs,co; Ward Laboratories \$40.00 smcs; Webce \$63.96 smcs; Webstaurant Store \$317.13 smcs; Whalen,S \$980.00 smcs; Whentowork \$274.00 smcs; Wilke Contracting \$92,835.41 co; Wilson Sporting Goods \$33.72 smcs; Wix.com \$354.00 smcs; WPCI \$591.00 ps; Xello \$815.00 smcs; Youtube TV \$253.14 smcs; Zoho \$1,932.00 co; Zoom \$89.94 smcs; Payroll Ending 09/24/2022 -- \$578,698.80. 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 11, 2022 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2022-181A setting the 2022 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. 2022-181A**

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 2022 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 2022-2023 General Fund property tax request be set at \$4,251,328.36 and the 2022-2023 Bond Fund property tax request be set at \$372,466.79.

2. The total assessed value of property differs from last year's total assessed value by 5.51%.

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 \$.141098 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 will exceed last year's by 27.99%.

6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2022.

Motioned by \_\_\_\_\_, seconded by \_\_\_\_\_  
to adopt Resolution No. 2022-181A. Voting yes were \_\_\_\_\_.  
Voting no were \_\_\_\_\_.

Dated this 27th day of September 2022.

ATTEST:  
PEGGY EYNETICH  
DEPUTY CITY CLERK

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

5. Adopt Resolution No. 2022-197 approving the renewal of the Towing Agreement between the City and Donkey Towing and Transfer LLC.

**RESOLUTION NO. 2022-197**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the City Manager is authorized and directed to execute the renewal of the Towing Agreement on behalf of the City of Kearney, Nebraska with Donkey Towing and Transfer LLC for towing services within the City of Kearney. The Towing Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2022.

ATTEST:  
PEGGY EYNETICH  
DEPUTY CITY CLERK

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

6. Adopt Resolution No. 2022-198 approving the Hangar T-927 Lease Agreement between the Kearney Regional Airport, acting by and through its authorized Fixed Base Operator, Kearney Flight Services and Air Methods Corporation, a Colorado Corporation for aircraft storage at the Kearney Regional Airport.

**RESOLUTION NO. 2022-198**

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 Hangar T-927 Lease Agreement, on behalf of the City of Kearney, Nebraska, between the Kearney Regional Airport, acting by and through its authorized Fixed Base Operator, Kearney Flight Services and Air Methods Corporation, a Colorado Corporation. The Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2022.

ATTEST:  
PEGGY EYNETICH  
DEPUTY CITY CLERK

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

7. Adopt Resolution No. 2022-199 approving the Developer Constructed Infrastructure Agreement for Bish's RV Inc., between the City of Kearney and Jeffrey King, Director of Development, Design, & Construction of Bish's RV Inc., an Idaho Corporation, for the construction of a fire hydrant to serve Lot 1, Johnson Commercial Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

**RESOLUTION NO. 2022-199**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed

Infrastructure Agreement for Lot 1, Johnson Commercial Second Addition (Bish’s RV)” between the City of Kearney and Jeffrey King, Director of Development, Design & Construction of Bish’s RV Inc., an Idaho Corporation for the construction of a fire hydrant to serve Lot 1, Johnson Commercial 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 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 27TH DAY OF SEPTEMBER, 2022.

ATTEST:  
PEGGY EYNETICH  
DEPUTY CITY CLERK

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

8. Adopt Resolution No. 2022-200 approving the Kearney Public Library’s Community Response Plan for 2022-2027.

**RESOLUTION NO. 2022-200**

WHEREAS, the Nebraska Library Commission requires a Community Response Plan every 5 years; therefore, the Kearney Public Library’s Community Response Plan has been completely revised with an emphasis on programming, marketing and technology that reflects current needs of patrons and the Library’s ability to accommodate more and better programing; and

WHEREAS, the Library Advisory Board considered the Community Response Plan for 2022-2027 and has recommended the City Council adopt the said Plan.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the recommendation from the Library Advisory Board, on adopting a revised Kearney Public Library Community Response Plan for 2022-2027, a copy marked as Exhibit “A”, attached hereto and made a part hereof, be and is hereby adopted.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2022.

ATTEST:  
PEGGY EYNETICH  
DEPUTY CITY CLERK

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

9. Adopt Resolution No. 2022-201 approving the revised Kearney Public Library Policy Manual as recommended by the Library Advisory Board.

**RESOLUTION NO. 2022-201**

WHEREAS, the “Policy Manual for the Kearney Public Library” of the Kearney Public Library was adopted on September 12, 2006 by Resolution No. 2006-156; and

WHEREAS, in 2008 the Library Advisory Board determined it was necessary to revamp the entire policy and brought forward a new policy which was adopted by the City Council by Resolution No. 2008-57 on April 8, 2008; and

WHEREAS, on April 10, 2012, April 13, 2015, May 23, 2017, October 8, 2019, July 28, 2020, July 27, 2021 and again on January 25, 2022 the Council approved the revised

policy by Resolution Nos. 2012-59, 2015-74, 2017-85, 2019-186, 2020-112, 2021-126 and 2022-29 respectively; and

WHEREAS, the Library Advisory Board has made some changes and is recommending the City Council approve the changes and adopt the revised policy.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the recommendation from the Library Advisory Board, on adopting a revised Kearney Public Library Policy Manual, a copy marked as Exhibit "A", attached hereto and made a part hereof, be and is hereby adopted.

BE IT FURTHER RESOLVED that the revised policy adopted in 2022 by Resolution No. 2022-29 be and is hereby repealed in its entirety.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2022.

ATTEST:  
PEGGY EYNETICH  
DEPUTY CITY CLERK

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

**10.** Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the new Class C-125196 liquor license application and manager application for Keith Rodehorst submitted by Bar D, LLC dba Dome Lounge & Package Store located at 2321 Avenue K.

**11.** Adopt Resolution No. 2022-202 approving Amendment No. 5 to the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for Airport Improvement Program in connection with the Terminal Building Expansion project at the Kearney Regional Airport (AIP/CARES Act Project No. 3-31-0045-036) by adding construction, closeout and special (material testing) services to take place during the 2022 and 2023 construction seasons.

**RESOLUTION NO. 2022-202**

WHEREAS, on January 26, 2021 the City Council adopted Resolution No. 2021-14 approving the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for Airport Improvement Program/CARES Act Project (AIP No. 3-31-0045-036) in connection with the Terminal Building Expansion project at the Kearney Regional Airport; and

WHEREAS, on August 10, 2021, City Council approved Amendment No. 1, amending Benesch's existing contract by adding Final Design and Bidding Phase Services; and

WHEREAS, on December 14, 2021, City Council approved Amendment Nos. 2 and 3, amending Benesch's existing contract by adding additional final design for Reimbursable Agreement NAVAIDs Relocation Design and adding Loose Furniture, Fixtures, & Equipment (FFE) Program; and

WHEREAS, on July 12, 2022, City Council approved Amendment No. 4, amending Benesch's existing contract by adding re-design and re-bidding services to downsize the overall Terminal Expansion and Renovation program, and formally re-bid the project; and

WHEREAS, Amendment No. 5, marked as Exhibit "A" attached hereto and made a part hereof by reference, is to supplement Benesch's existing contract by adding construction, closeout and special (material testing) services to take place during the 2022 and 2023 construction seasons; and

WHEREAS, approval is contingent upon Federal Aviation Administration (FAA) concurrence of Amendment No. 5.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute Amendment No. 5 to the Consultant Agreement with Alfred Benesch and Company, contingent upon Federal Aviation Administration (FAA) concurrence. Amendment No. 5, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2022.

ATTEST:  
PEGGY EYNETICH  
DEPUTY CITY CLERK

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

12. Adopt Resolution No. 2022-203 approving the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for Snow Removal Equipment (SRE) Acquisitions for the Kearney Regional Airport.

**RESOLUTION NO. 2022-203**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute the Consultant Agreement with Alfred Benesch and Company in connection with the Snow Removal Equipment (SRE) Acquisitions at the Kearney Regional Airport which is being completed with the Bipartisan Infrastructure Law (BIL) funds the City of Kearney received from the Federal Aviation Administration (FAA). The Consultant Agreement is contingent upon FAA concurrence. The Consultant Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2022.

ATTEST:  
PEGGY EYNETICH  
DEPUTY CITY CLERK

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

13. Approve the recommendation from the Community Redevelopment Authority to amend the May 24, 2022 motion granting REAC, LP "52% of the annual increment in real estate taxes, not to exceed the lessor of \$1,014,447, or the certified eligible Project Costs" to granting REAC, LP "90% of the annual increment in real estate taxes, not to exceed the lessor of \$1,014,447, or the certified eligible Project Costs".

14. Adopt Resolution No. 2022-204 approving Application and Certificate for Payment No. 1 in the amount of \$243,000.00 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

**RESOLUTION NO. 2022-204**

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. 1 in the amount of \$243,000.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 35,218,367.00</u>
Contract Sum To Date	35,218,367.00
Gross Amount Due	270,000.00
Retainage (10%)	<u>- 27,000.00</u>
Amount Due to Date	243,000.00
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$ 243,000.00

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. 1, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2022.

ATTEST:  
PEGGY EYNETICH  
DEPUTY CITY CLERK

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

**15.** Adopt Resolution No. 2022-205 approving Application and Certificate for Payment No. 10-Final in the amount of \$10,000.00 submitted by RMV Construction, LLC and approved by Miller & Associates for the WWTP Phase II Improvements; Vehicle Storage Building.

### **RESOLUTION NO. 2022-205**

WHEREAS, RMV Construction of Kearney, Nebraska has performed services in connection with the Wastewater Treatment Plant Phase II; Vehicle Storage Building, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 10-Final in the amount of \$10,000.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 1,516,900.00
Change Order No. 1 (10/26/2021)	- 2,724.00
Change Order No. 2 (2/22/2022)	<u>- 3,873.00</u>
Contract Sum To Date	1,510,303.00
Gross Amount Due	1,510,303.00
Retainage (10%)	<u>- 0.00</u>
Amount Due to Date	1,510,303.00
Less Previous Certificates for Payment	<u>- 1,500,303.00</u>
Current Payment Due	\$ 10,000.00

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. 10-Final, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2022.

ATTEST:  
 PEGGY EYNETICH  
 DEPUTY CITY CLERK

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

**16.** Adopt Resolution No. 2022-206 approving Change Order No. 2 showing a decrease in the amount of \$9,000.00, Application and Certificate for Payment No. 5 in the amount of \$127,326.50 and accept the Certificate of Substantial Completion submitted by Onyx Blasting & Coating, LLC and approved by Miller & Associates 1.5 MG & 2 MG Elevated Water Storage Facility Paint Restoration.

**RESOLUTION NO. 2022-206**

WHEREAS, Onyx Blasting & Coating, LLC of Delray Beach, Florida has performed services in connection with the 1.5 MG & 2 MG Elevated Water Storage Facility Paint Restoration, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing a decrease to the contract sum in the amount of \$9,000.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Onyx Blasting & Coating, LLC and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 5 in the amount of \$127,326.50 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 386,420.00
Change Order No. 1 (8/23/2022)	+ \$48,300.00
Change Order No. 2 (9/27/2022)	- 9,000.00
Contract Sum To Date	<u>425,720.00</u>
Gross Amount Due	413,514.41
Retainage (10%)	- 0.00
Amount Due to Date	<u>413,514.41</u>
Less Previous Certificates for Payment	<u>286,187.91</u>
Current Payment Due	\$ 127,326.50

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of September 12, 2022, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown on Exhibit "A" and Application and Certificate for Payment No. 5, 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 27TH DAY OF SEPTEMBER, 2022.

ATTEST:  
 PEGGY EYNETICH  
 DEPUTY CITY CLERK

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

**17.** Adopt Resolution No. 2022-207 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement with Timothy J. Norwood, Sr., Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company for Lots

8 through 13, Block Three; Lots 2 through 7, Block Four, Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska.

**RESOLUTION NO. 2022-207**

WHEREAS, on the 22nd day of September, 2020 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2020-150 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Timothy Norwood, Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company, for the construction of paving, water main, sanitary sewer main and storm sewer for Lots 8 through 13, Block Three; Lots 2 through 7, Block Four, all of Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska; and

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

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

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

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for the construction of paving, water main, sanitary sewer main and storm sewer to serve the property described as for Lots 8 through 13, Block Three; Lots 2 through 7, Block Four, all of Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2022.

ATTEST:  
PEGGY EYNETICH  
DEPUTY CITY CLERK

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

**18.** Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the catering application submitted by Bar D, LLC dba Dome Lounge & Package Store located at 2321 Avenue K, in connection with their Class CK-125196 liquor license.

**19.** Adopt Resolution No. 2022-208 approving Change Order No. 3 showing an increase in the amount of \$298,563.00 and an extension of the contract time to December 15, 2022 submitted by Midlands Contracting Inc. and approved by Miller & Associates for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water).

**RESOLUTION NO. 2022-208**

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in

connection with 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water), and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 3 showing an increase to the contract sum in the amount of \$298,563.00 and an extension of the Contract Time to December 15, 2022 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows;

Original Contract Sum	\$ 2,343,960.00
Change Order No. 1 (3-8-2022)	- 114,660.00
Change Order No. 2 (6-14-2022)	+ 4,240.00
Change Order No. 3 (9-27-2022)	+ 298,563.00
Total New Revised Contract Amount	\$ 2,532,103.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 3, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2022.

ATTEST:  
PEGGY EYNETICH  
DEPUTY CITY CLERK

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

**20.** Adopt Resolution No. 2022-209 approving the Office Lease Agreement between the Kearney Regional Airport, acting by and through its authorized Fixed Base Operator, Kearney Flight Services and Midwest Management Solutions, LLC, a Nebraska Limited Liability Company at the Kearney Regional Airport.

### **RESOLUTION NO. 2022-209**

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 an Office Lease Agreement, for office space located at 4985 Airport Road, on behalf of the City of Kearney, Nebraska, between the Kearney Regional Airport, acting by and through its authorized Fixed Base Operator, Kearney Flight Services and Midwest Management Solutions, LLC, a Nebraska Limited Liability Company. The Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2022.

ATTEST:  
PEGGY EYNETICH  
DEPUTY CITY CLERK

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

### **V. CONSENT AGENDA ORDINANCES**

None.

## **VI. REGULAR AGENDA**

### **ANNUAL REPORT ON KEARNEY AREA ANIMAL SHELTER**

Mayor Clouse opened Regular Agenda Item 1 for Council to receive the annual report on the Kearney Area Animal Shelter. Braden Wilkes, new Executive Director for the Kearney Area Animal Shelter presented this matter to the Council. This item was for informational purposes only.

Ms. Wilkes thanked Council for their continued support and stated she is a recent UNK graduate with a degree in Comprehensive Biology with an emphasis in Pre-Veterinary Medicine. Ms. Wilkes began her current position as Executive Director with the Kearney Area Animal Shelter in May of 2022. Since that time, the Shelter has hired a Certified Veterinary Technician (Katrina Brown) who has more than ten years of small animal care experience. Adoption rates continue to increase resulting in the adoption of 887 animals last year; among those adopted were 320 dogs and 567 cats. Additionally, the Shelter has returned 353 animals to their homes after being turned in as strays.

The Shelter utilizes multiple fundraising programs that includes their partnership with PetSmart by assisting with small animal and cat adoptions when the Shelter is full. There have been 77 adoptions this year from PetSmart thanks to this program. Additional fundraising includes: recurring monthly donor program that currently includes 51 members, called S.O.S. Project (Sustain Our Shelter), the 2nd Chance Sponsor program for area businesses or individuals who can donate \$200 to sponsor all fees for an animal at the Shelter (fees include spay/neuter, vaccinations, microchipping and adoption preparation), the Donor wall that provides citizens the opportunity to purchase a tile for an annual or lifetime membership fee in honor of their pet, monthly dog washes at Tractor Supply and finally a microchip program for a \$30 fee as a community service project.

Ms. Wilkes detailed measures the Animal Shelter is taking to manage cat and kitten overcrowding. Foster training programs focusing on bottle feeding will be implemented in an effort to continue to grow the foster program which saw over 500 cats and kittens in it this past year. Additionally, the Shelter will create a Trap Neuter Release (TNR) program, to aid in reducing the population of feral cats and increase the overall health of feral cat colonies.

Council members thanked Ms. Wilkes for her presentation.

### **ANNUAL REPORT ON THE KEARNEY VISITORS BUREAU AND AGREEMENT FOR SERVICES BETWEEN THE CITY OF KEARNEY AND THE KEARNEY VISITORS BUREAU**

Mayor Clouse opened for discussion the Kearney Visitors Bureau (KVB) annual report.

Executive Director of the Kearney Visitors Bureau, Roger Jasnoch presented this matter to the Council. Mr. Jasnoch reviewed projects and events throughout Kearney in regards to the partnership between the City of Kearney and KVB. In 2021 the Great Platte River Road Archway Monument saw 51,000 visitors, due in part to the City's support. Sports venues including Patriot Park and the pending Kearney Indoor Sports Facility will place

Kearney in a unique position to host National and Regional sporting events. Median signs on south 2nd Avenue and wayfinding signs throughout town are being installed to assist visitors in navigating the expanding city. Finally, functional convention space in Kearney has doubled in size from approximately 75,000 square feet to approximately 150,000 square feet (the most convention space in Nebraska outside of Lincoln and Omaha).

Mr. Jasnoch stated KVB works with the Nebraska Schools Activity Association (NSAA) to host several activities in Kearney including, Nebraska State Cross Country at the Kearney Country Club; Nebraska State Speech Championships at Kearney High; Nebraska State Dual Wrestling Championships at the Buffalo County Fairgrounds; and Class D6 Nebraska State Football Championship at Ron & Carol Cope Stadium.

Mr. Jasnoch stated over 1,800 citizens from Kearney and Buffalo County work in the hospitality industry. As defined by lodging tax receipts, Kearney is the fourth largest tourism destination in the State of Nebraska.

Mr. Jasnoch praised the Board's diligence in contracting Denver Air Connection to provide air services for the City. Air service remains vital in allowing Kearney to expand tourism both regionally and nationally; provide speaking engagements for conventions and events; and host more than 42,000 spectators for the Sandhill Crane Spring Migration.

Mayor Clouse thanked Mr. Jasnoch and KVB for their continued partnership and support.

Moved by Buschkoetter seconded by Clouse to approve Resolution No. 2022-210 approving the Agreement for Services between the City of Kearney and the Kearney Visitors Bureau pertaining to the allocation of lodging tax revenues. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Moore. Nay: None. Nikkila absent. Motion carried.

### **RESOLUTION NO. 2022-210**

WHEREAS, the City of Kearney, Nebraska and the Kearney Visitors Bureau entered into an agreement for the purpose of promoting economic development in the City of Kearney, Nebraska and its immediate business, industrial and manufacturing environments in May 27, 2008 and;

WHEREAS, the City of Kearney, Nebraska and the Kearney Visitors Bureau wish to revise and extend the agreement for a period of 10 years and;

NOW, THEREFORE, 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 Agreement for Services on behalf of the City of Kearney. A copy of said Agreement is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2022.

ATTEST:  
PEGGY EYNETICH  
DEPUTY CITY CLERK

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

**REDEVELOPMENT PROJECT FOR REACO, LLC FOR PROPERTY LOCATED ON THE SOUTH SIDE OF PATRIOT BOULEVARD NEAR THE KEARNEY AIRPORT**

Mayor Clouse opened for discussion Resolution No. 2022-211 approving the redevelopment project submitted by REACO, LLC for Redevelopment Area #12 for an area described as Lot 6, the West 60 feet of Lot 7, and part of the North half of the vacated 30.00-foot alley, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska (south side of Patriot Blvd near the Kearney Airport).

Wendell Wessels, Finance Director presented this matter to the Council. REACO, LLC is considering the construction of a 14,960 square foot metal framed structure. Improvements include the building which will have 1,876 square feet of office/mezzanine, fire sprinklers, loading dock, and 19,450 square feet of concrete paving. The Project is located on the south side of Patriot Blvd near the Kearney Airport.

The total new valuation of the property upon completion is estimated to be \$1,285,275 and the current valuation of the property is \$36,300. Therefore, the incremental valuation is estimated to be \$1,248,975. The annual increment in real estate taxes upon total completion of the Project is estimated to be \$22,884.

On September 19, 2022 the CRA moved that the Project be granted 90% of the annual increment in real estate taxes, not to exceed the lessor of \$308,938, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2023. The CRA approved Project Costs totaling \$738,621 as follows:

Site work development	\$ 269,001
Paving	\$ 201,985
Utilities – storm sewer	\$ 38,725
Utilities – water and sanitary sewer services	\$ 63,910
Electrical – NPPD service charge	\$ 45,000
Electrical – site electrical (service primary, pole lighting)	\$ 80,000
Landscaping	\$ 40,000
<b>Total</b>	<b>\$ 738,621</b>

Moved by Clouse seconded by Moore finding that the redevelopment project set forth in the application submitted by REACO, LLC would not be economically feasible without the use of tax-increment financing, that the proposed redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing and, that the costs and benefits of the proposed redevelopment project are found to be in the long term best interests of the community; and further move that the redevelopment project be granted 90 percent of the annual increment in real estate taxes, not to exceed the lessor of \$308,938.00, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2023 and to adopt Resolution No. 2022-211 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with REACO, LLC. Roll call resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

**RESOLUTION NO. 2022-211**

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1991, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area #12 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, if any, to the Authority, pursuant to Section 18-2114 of the Act; and

WHEREAS, in accordance with Section 18-2114 of the Act, the Authority submitted its recommendation, along with the recommendation from the Planning Commission to the City Council; and

WHEREAS, following consideration of the recommendations of the Planning Commission and the Authority, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as a tract of land being all of Lot 6, the West 60.00 feet of Lot 7, and part of the North half of the vacated 30.00 foot alley, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska and more particularly described as follows: BEGINNING at a 5/8" rebar w/cap at the Northwest corner of Lot 6, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska and assuming the West line of said Lot 6 as bearing S 00°13'02" W and all bearings contained herein are relative thereto; thence S 00°13'02" W on said West line of Lot 6 and its Southerly extension a distance of 275.00 feet to a 5/8" rebar w/cap at the centerline of an alley (now vacated) platted in said Block One; thence S 89°46'58" E on said centerline a distance of 335.00 feet to a 5/8" rebar w/cap; thence N 00°13'02" E parallel with and 60.00 feet Easterly, as measured at Right angles, of the West line of Lot 7 of said Block 1 a distance of 266.35 feet to a 5/8" rebar w/cap on the North line of said Lot 7; thence Westerly on the North line of Lot 7, the North line of Lot 6, and on a non-tangent curve to the Left, having a central angle of 05°22'28", a radius of 1967.00 feet, and arc length of 184.51 feet, and a chord bearing of N 87°05'44" W a distance of 184.44 feet to a 5/8" rebar w/cap; thence N 89°46'58" W a distance of 150.76 feet to the Point of Beginning, containing 2.10 acres, more or less, all in Buffalo County, Nebraska; (Parcel ID 620143570); and

WHEREAS, the City Council has determined that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the

use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project have been found to be in the long-term best interests of the community.

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

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as a tract of land being all of Lot 6, the West 60.00 feet of Lot 7, and part of the North half of the vacated 30.00 foot alley, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska and more particularly described as follows: BEGINNING at a 5/8" rebar w/cap at the Northwest corner of Lot 6, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska and assuming the West line of said Lot 6 as bearing S 00°13'02" W and all bearings contained herein are relative thereto; thence S 00°13'02" W on said West line of Lot 6 and its Southerly extension a distance of 275.00 feet to a 5/8" rebar w/cap at the centerline of an alley (now vacated) platted in said Block One; thence S 89°46'58" E on said centerline a distance of 335.00 feet to a 5/8" rebar w/cap; thence N 00°13'02" E parallel with and 60.00 feet Easterly, as measured at Right angles, of the West line of Lot 7 of said Block 1 a distance of 266.35 feet to a 5/8" rebar w/cap on the North line of said Lot 7; thence Westerly on the North line of Lot 7, the North line of Lot 6, and on a non-tangent curve to the Left, having a central angle of 05°22'28", a radius of 1967.00 feet, and arc length of 184.51 feet, and a chord bearing of N 87°05'44" W a distance of 184.44 feet to a 5/8" rebar w/cap; thence N 89°46'58" W a distance of 150.76 feet to the Point of Beginning, containing 2.10 acres, more or less, all in Buffalo County, Nebraska; (Parcel ID 620143570); is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

2. The City Council hereby determines that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project are found to be in the long-term interests of the community.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as a tract of land being all of Lot 6, the West 60.00 feet of Lot 7, and part of the North half of the vacated 30.00 foot alley, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska and more particularly described as follows: BEGINNING at a 5/8" rebar w/cap at the Northwest corner of Lot 6, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska and assuming the West line of said Lot 6 as bearing S 00°13'02" W and all bearings contained herein are relative thereto; thence S 00°13'02" W on said West line of Lot 6 and its Southerly extension a distance of 275.00 feet to a 5/8" rebar w/cap at the centerline of an alley (now vacated) platted in said Block One; thence S 89°46'58" E on said centerline a distance of 335.00 feet to a 5/8" rebar w/cap; thence N 00°13'02" E parallel with and 60.00 feet Easterly, as measured at Right angles,

of the West line of Lot 7 of said Block 1 a distance of 266.35 feet to a 5/8" rebar w/cap on the North line of said Lot 7; thence Westerly on the North line of Lot 7, the North line of Lot 6, and on a non-tangent curve to the Left, having a central angle of 05°22'28", a radius of 1967.00 feet, and arc length of 184.51 feet, and a chord bearing of N 87°05'44" W a distance of 184.44 feet to a 5/8" rebar w/cap; thence N 89°46'58" W a distance of 150.76 feet to the Point of Beginning, containing 2.10 acres, more or less, all in Buffalo County, Nebraska; (Parcel ID 620143570); shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

a. That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, of loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

c. Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The President and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Buffalo County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project substantially in the form attached hereto as Exhibit "B" with appropriate insertions.

6. Recognizing that, after the date of this Resolution, circumstances may arise necessitating changes, additions or deletions to the specific legal description of the Redevelopment Project (described in Paragraphs 1 and 4 above and the attached Exhibit "B"), the City Manager is hereby authorized to make such changes, additions or deletions to the legal description as the City Manager deems reasonable or necessary, together with the authority to execute all documents, certificates or instruments necessary in connection therewith, specifically including the execution of an Amended Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2022.

ATTEST:  
PEGGY EYNETICH  
DEPUTY CITY CLERK

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

**REDEVELOPMENT PROJECT FOR PEANUT BUTTER & JELLY, LLC FOR PROPERTY LOCATED BETWEEN 3RD AND 4TH AVENUES, AND NORTH OF 3RD STREET**

Mayor Clouse opened for discussion Resolution No. 2022-212 approving the redevelopment project submitted by Peanut Butter & Jelly, LLC for Redevelopment Area #2 for an area described as Lot 1, Younes Center Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (between 3rd and 4th Avenues and north of 3rd Street).

Wendell Wessels, Finance Director presented this matter to the Council. Peanut Butter and Jelly, LLC is considering the construction of a 16,320 square foot wood framed structure. Improvements include the building, with parking concrete and a trash enclosure.

The total new valuation of the property upon completion is estimated to be \$1,074,420 and the current valuation of the property is \$117,500. Therefore, the incremental valuation is estimated to be \$956,920. The annual increment in real estate taxes upon total completion of the Project is estimated to be \$17,533.

On September 19, 2022 the CRA moved that the Project be granted 90% of the annual increment in real estate taxes, not to exceed the lessor of \$236,697, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2023. The CRA approved Project Costs totaling \$357,800 as follows:

Public parking	\$	225,000
Sidewalks	\$	25,000
Lighting	\$	23,600
Sprinkler and drip system	\$	29,000
Landscaping	\$	9,800
Dirtwork/grading	\$	45,400
<b>Total</b>	<b>\$</b>	<b>357,800</b>

Moved by Moore seconded by Lear the finding that the redevelopment project set forth in the application submitted by Peanut Butter & Jelly, LLC would not be economically feasible without the use of tax-increment financing, that the proposed redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing and, that the costs and benefits of the proposed redevelopment project are found to be in the long term best interests of the community; and further move that the redevelopment project be granted 90 percent of the annual increment in real estate taxes, not to exceed the lessor of \$236,697.00, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2023 and to adopt Resolution No. 2022-212 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Peanut Butter & Jelly, LLC. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

**RESOLUTION NO. 2022-212**

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1991, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for Area #2 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, if any, to the Authority, pursuant to Section 18-2114 of the Act; and

WHEREAS, in accordance with Section 18-2114 of the Act, the Authority submitted its recommendation, along with the recommendation from the Planning Commission to the City Council; and

WHEREAS, following consideration of the recommendations of the Planning Commission and the Authority, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as the Lot 1, Younes Center Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580092030); and

WHEREAS, the City Council has determined that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project have been found to be in the long-term best interests of the community.

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

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibit "A", including the Redevelopment Project legally described as Lot 1, Younes Center Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580092030); is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on Exhibit "A", is in conformity with the legislative declarations and determinations set forth in the Act.

2. The City Council hereby determines that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of

tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project are found to be in the long-term interests of the community.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as Lot 1, Younes Center Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (Parcel ID 580092030); shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be identified in the Project Redevelopment Contract, as follows:

a. That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, of loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

c. Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The President and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Buffalo County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project substantially in the form attached hereto as Exhibit "B" with appropriate insertions.

6. Recognizing that, after the date of this Resolution, circumstances may arise necessitating changes, additions or deletions to the specific legal description of the Redevelopment Project (described in Paragraphs 1 and 4 above and the attached Exhibit "B"), the City Manager is hereby authorized to make such changes, additions or deletions to the legal description as the City Manager deems reasonable or necessary, together with the authority to execute all documents, certificates or instruments necessary in connection therewith, specifically including the execution of an Amended Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2022.

ATTEST:  
PEGGY EYNETICH  
DEPUTY CITY CLERK

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

**OPEN ACCOUNT CLAIM**

Moved by Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$104,304.44 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Moore, Lear. Nay: None. Clouse abstained. Nikkila absent. Motion carried.

**VII. REPORTS**

Michael Morgan, City Manager stated an Open House and Ribbon Cutting for Kearney Flight Services will be held October 5th, 2022 at 3:30 p.m. offering citizens an opportunity to tour the Kearney Flight Services Building; meet Denver Air Connection (DAC) staff members; observe DAC's 50 passenger aircraft; and view revised drawings of the Kearney Regional Airport Terminal Expansion Project.

**VIII. ADJOURN**

Moved by Clouse seconded by Buschkoetter that Council adjourn at 5:52 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Moore, Lear. Nay: None. Nikkila absent. Motion carried.

**ATTEST:**

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

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