

*Kearney, Nebraska
January 10, 2023
5:34 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:34 p.m. on January 10, 2023 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 and Jonathan Nikkila. Absent: Tami James Moore. 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; Luke Dutcher, Assistant Director of Public Works and Bryan Waugh, Chief of Police, were also present.

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

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

AMENDMENT TO THE LAND USE MAP FOR PROPERTY LOCATED NORTH OF W ROAD, WEST OF CHERRYWOOD STREET

Public Hearings 1, 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for James Gregory Brandt, Jr. & Lucas C. Brandt, Co-Trustee of the James Gregory Brandt, Sr. Administration Trust and Reed A. Miller, Trustee of the Reed A. Miller Revocable Trust Dated July 25, 2017, for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from LDR, Low Density Residential to RE, Rural Estates and Agriculture for property described as Greg Brandt Subdivision, Kearney County, Nebraska, being part of Government Lots 2, 3 and 4 and the accretions abutting said lots located in Section 23, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (North side of "W" Road, west of Cherrywood Street) and consider Resolution No. 2023-1.

Craig Bennett, Miller & Associates presented this matter to the Council. Mr. Bennett noted the proposed plat is within the floodplain. The developers are proposing to rezone a portion of the land currently zoned AG to RR-1 to be consistent with adjoining lots. Mr. Bennett stated Kearney County has approved the proposed release of ingress/egress easements. The proposed Final Plat will consist of three lots with an existing residence located on proposed Lot 1. The proposed lots will be served by well and septic.

Council Member Jonathan Nikkila questioned if it is common for ownership to extend into a lake. Mr. Bennett stated lot lines can include portions of a lake and, in this instance, is included in the lot size; covenants for the subdivision regulate how the lake is shared by all owners.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Lear to close the hearing and adopt Resolution No. 2023-1 approving the application submitted by Miller & Associates for James Gregory Brandt, Jr. & Lucas C. Brandt, Co-Trustee of the James Gregory Brandt, Sr. Administration Trust and Reed A. Miller, Trustee of the Reed A. Miller Revocable Trust Dated July 25, 2017, for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from LDR, Low Density Residential to RE, Rural Estates and Agriculture for property described as Greg Brandt Subdivision, Kearney County, Nebraska, being part of Government Lots 2, 3 and 4 and the accretions abutting said lots located in Section 23, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (North side of "W" Road, west of Cherrywood Street). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Moore absent. Motion carried.

RESOLUTION NO. 2023-1

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for:

Greg Brandt Subdivision, Kearney County, Nebraska, being part of Government Lots 2, 3 and 4 and the accretions abutting said lots located in Section 23, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska containing 42.36 acres, more or less. from LDR, Low Density Residential to RE, Rural Estates and Agriculture; and

WHEREAS, the said application for changes in the Comprehensive Land Use Plan has been approved by the City Planning Commission, after a public hearing properly published and held, and

WHEREAS, the City Council has held a public hearing upon the said revisions and voted in favor of a motion to approve the changes in the Land Use Plan as requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from LDR, Low Density Residential to RE, Rural Estates and Agriculture the use classification for:

Greg Brandt Subdivision, Kearney County, Nebraska, being part of Government Lots 2, 3 and 4 and the accretions abutting said lots located in Section 23, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska containing 42.36 acres, more or less.

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

REZONE AND VACATE PROPERTY LOCATED NORTH OF W ROAD, WEST OF CHERRYWOOD STREET

Public Hearings 1, 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for James Gregory Brandt, Jr. & Lucas C. Brandt, Co-Trustee of the James Gregory Brandt, Sr. Administration Trust and Reed A. Miller, Trustee of the Reed A. Miller Revocable Trust Dated July 25, 2017, to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as Lot 1, Greg Brandt Subdivision, Kearney County, Nebraska, being part of Government Lots 3 and 4, and accretions abutting Government Lots 2, 3, and 4, in Section 23, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska and consider Ordinance No. 8614; 2) vacate the Private Access Road as platted in Brandt's Lakewood 7th Subdivision, being part of accretions to Government Lot 2 in Section 23, Township 8 North, Range 16 West of the 6th Principal Meridian, Kearney County, Nebraska and consider Ordinance No. 8615; 3) vacate the ingress/egress access easements for the following: the East 15.00 feet of the South 60.00 feet of Lot 3; the West 15.00 feet of the South 60.00 feet of Lot 4; the East 15.00 feet of the South 60.00 feet of Lot 5 and the West 15.00 feet of the South 60.00 feet of Lot 6, all in Greg Brandt Subdivision, being

part of Government Lots 3 and 4, and accretions abutting Government Lots 2, 3, and 4, in Section 23, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska and consider Ordinance No. 8616 and 4) vacate Lots 1, 4, 5, and 6, Greg Brandt Subdivision, Kearney County, Nebraska, being part of Government Lots 2, 3 and 4 and the accretions abutting said lots of Section 23, Township 8 North, Range 16 West of the 6th P. M., Kearney County, Nebraska (North side of "W" Road, west of Cherrywood Street) and consider Ordinance No. 8617.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the Application submitted by Miller & Associates for James Gregory Brandt, Jr. & Lucas C. Brandt, Co-Trustee of the James Gregory Brandt, Sr. Administration Trust and Reed A. Miller, Trustee of the Reed A. Miller Revocable Trust Dated July 25, 2017 and introduced Ordinance No. 8614 rezoning from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as Lot 1, Greg Brandt Subdivision, Kearney County, Nebraska, being part of Government Lots 3 and 4, and accretions abutting Government Lots 2, 3, and 4, in Section 23, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska; Ordinance No. 8615 vacating the Private Access Road as platted in Brandt's Lakewood 7th Subdivision, being part of accretions to Government Lot 2 in Section 23, Township 8 North, Range 16 West of the 6th Principal Meridian, Kearney County, Nebraska; Ordinance No. 8616 vacating the ingress/egress access easements for the following: the East 15.00 feet of the South 60.00 feet of Lot 3; the West 15.00 feet of the South 60.00 feet of Lot 4; the East 15.00 feet of the South 60.00 feet of Lot 5 and the West 15.00 feet of the South 60.00 feet of Lot 6, all in Greg Brandt Subdivision, being part of Government Lots 3 and 4, and accretions abutting Government Lots 2, 3, and 4, in Section 23, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska and Ordinance No. 8617 vacating Lots 1, 4, 5, and 6, Greg Brandt Subdivision, Kearney County, Nebraska, being part of Government Lots 2, 3 and 4 and the accretions abutting said lots of Section 23, Township 8 North, Range 16 West of the 6th P. M., Kearney County, Nebraska (North side of "W" Road, west of Cherrywood Street) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8614, 8615, 8616 and 8617. President of the Council asked for discussion or if anyone in the audience was interested in the ordinances. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Moore absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance Nos. 8614, 8615, 8616 and 8617 by number. Roll call of those in favor of the passage of said ordinances on the first reading resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Moore absent. Motion carried. Ordinances were read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance Nos. 8614, 8615, 8616 and 8617 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Moore absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinances, Ordinance Nos. 8614, 8615, 8616 and 8617 are declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

FINAL PLAT FOR GREG BRANDT SECOND SUBDIVISION

Public Hearings 1, 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for James Gregory Brandt, Jr. & Lucas C. Brandt, Co-Trustee of the James Gregory Brandt, Sr. Administration Trust for the Final Plat for Greg Brandt Second Subdivision, a subdivision being part of Government Lots 3 and 4 and the accretions abutting Government Lots 2, 3 and 4, and Lot 1, Lot 4, Lot 5, and Lot 6, Greg Brandt Subdivision, Kearney County, Nebraska (to be vacated) and the private access drive as platted in Brandt's Lakewood 7th Subdivision a subdivision being part of accretions to Government Lot 2 in Section 23, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (to be vacated), all in Section 23, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (North side of "W" Road, west of Cherrywood Street) and consider Resolution No. 2023-2.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2023-2 approving the application submitted by Miller & Associates for James Gregory Brandt, Jr. & Lucas C. Brandt, Co-Trustee of the James Gregory Brandt, Sr. Administration Trust for the Final Plat for Greg Brandt Second Subdivision, a subdivision being part of Government Lots 3 and 4 and the accretions abutting Government Lots 2, 3 and 4, and Lot 1, Lot 4, Lot 5, and Lot 6, Greg Brandt Subdivision, Kearney County, Nebraska (to be vacated) and the private access drive as platted in Brandt's Lakewood 7th Subdivision a subdivision being part of accretions to Government Lot 2 in Section 23, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (to be vacated), all in Section 23, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (North side of "W" Road, west of Cherrywood Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Moore absent. Motion carried.

RESOLUTION NO. 2023-2

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Greg Brandt Second Subdivision, a subdivision being part of Government Lots 3 and 4 and the accretions abutting Government Lots 2, 3 and 4, and Lot 1, Lot 4, Lot 5, and Lot 6, Greg Brandt Subdivision, Kearney County, Nebraska (to be vacated) and the private access drive as platted in Brandt's Lakewood 7th Subdivision a subdivision being part of accretions to Government Lot 2 in Section 23, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska (to be vacated), all in Section 23, Township 8 North, Range 16 West of the 6th P.M., Kearney County, Nebraska more particularly described as follows: Beginning at a 1 1/4" iron pipe

at the Northwest corner of said Government Lot 4 of Section 23, and assuming the West line of said Government Lot 4 as bearing N 00°01'09" E, and all bearings contained herein are relative thereto; thence N 00°01'09" E on the Northerly extension of SAID West line of Government Lot 4 a distance of 529.52 feet to the existing South high bank of the Platte River; thence S 85°18'31" E on said South high bank, and all courses following are on said South high bank until otherwise described, a distance of 517.21 feet; thence S 72°31'34" E a distance of 513.96 feet; thence S 88°24'24" E a distance of 338.43 feet; thence N 75°31'24" E a distance of 492.29 feet; thence N 79°55'08" E a distance of 319.20 feet; thence N 88°53'45" E a distance of 455.17 feet; thence N 22°51'26" E a distance of 137.19 feet; thence S 84°28'43" E a distance of 238.81 feet; thence S 71°10'27" E a distance of 94.55 feet to a 5/8" rebar at the Northwest corner of Lot 1, Brandt's Lakewood 8th Subdivision, a subdivision being part of accretions to Government Lot 2 in Section 23, Township 8 North, Range 16 West of the 6th Principal Meridian, Kearney County, Nebraska; thence S 18°59'45"W leaving said South high bank and on the Westerly line of said Lot 1, Brandt's Lakewood 8th Subdivision, a distance of 100.18 feet to a 5/8" rebar w/cap; thence S 35°43'58" E continuing on said Westerly line, a distance of 172.50 feet to a 5/8" rebar at the Southwest corner of said Lot 1, Brandt's Lakewood 8th Subdivision and the Northwest corner of a private access drive as platted in said Brandt's Lakewood 7th Subdivision; thence S 82°34'22" E on the South line of said Lot 1, Brandt's Lakewood 8th Subdivision and the North line of said private access drive a distance of 256.18 feet to 5/8" rebar at the Southeast corner of said Lot 1, Brandt's Lakewood 8th Subdivision and the Northeast corner of said private access drive; thence Southerly on a non-tangent curve to the Left having a central angle of 14°29'17", a radius of 194.30 feet, an arc length of 49.13 feet, and a chord bearing of S 14°40'17" W a distance of 49.00 feet to a 5/8" rebar; thence S 07°25'38" W a distance of 11.39 feet to a 5/8" rebar at the Northeast corner of Lot 1, Block Two in said Brandt's Lakewood 7th Subdivision; thence N 82°34'22" W on the North line of said Lot 1, Block Two, Brandt's Lakewood 7th Subdivision a distance of 170.00 feet to a 5/8" rebar at the Northwest corner of said Lot 1, Block Two; thence S 07°22'51" W on the West line of said Brandt's Lakewood 7th Subdivision a distance of 259.98 feet to a 5/8" rebar at the Southwest corner of Lot 2, Block Two, Brandt's Lakewood 7th Subdivision and on the North line of Lot 1, Brandt's Lakewood Estates, a subdivision being part of Government Lot 2 and Government Lot 3 and accretion land abutting said lots and Lot 3, Block 2, Brandt's Lakewood 7th Subdivision (now vacated) and all located in Section 23, Township 8 North, Range 16 West of the Sixth Principal Meridian, Kearney County, Nebraska; thence N 82°35'16" W on the Northerly line of said Brandt's Lakewood Estates, a distance of 290.13 feet; thence N 00°50'57" W continuing on said North line a distance of 117.88 feet; thence N 38°27'06" E continuing on said North line a distance of 167.20 feet; thence N 18°43'28" W continuing on said Northerly line a distance of 60.17 feet; thence N 49°37'08" W continuing on said Northerly line a distance of 51.65 feet; thence S 67°27'02" W continuing on said Northerly line a distance of 158.15 feet; thence S 87°42'13" W continuing on said Northerly line a distance of 147.84 feet; thence S 59°16'22" W continuing on said Northerly line a distance 102.95 feet; thence S 07°55'15" W on the Westerly line of said Brandt's Lakewood Estates a distance of 373.85 feet to a 5/8" rebar w/cap; thence S 82°05'59" E continuing on said Westerly line a distance of 110.13 feet to a 5/8" rebar w/cap; thence S 07°54'24" W continuing on said Westerly line a distance of 199.11 feet to a 5/8" rebar w/cap on the Northerly Right-of-Way line of "W" Road; thence N 83°36'17" W on said Northerly Right-of-Way line a distance of 239.00 feet to a 5/8" rebar w/cap; thence S 87°14'20" W continuing on said Northerly Right-of-

Way line a distance of 492.42 feet to a 5/8" rebar w/cap; thence N 89°59'41" W continuing on said Northerly Right-of-Way line a distance of 250.09 feet to a 5/8" rebar w/cap; thence N 85°54'21" W continuing on said Northerly Right-of-Way line a distance of 266.91 feet to a 5/8" rebar w/cap at the Southeast corner of Lot 3 in said Greg Brandt Subdivision; thence N 00°43'46" E on the East line of said Lot 3 a distance of 539.10 feet to a 5/8" rebar w/cap at the Northeast corner of said Lot 3; thence N 89°28'39" W on the North line of said Lot 3 a distance of 245.95 feet to a 5/8" rebar w/cap at the Northwest corner of said Lot 3 and the Northeast corner of Lot 2 in said Greg Brandt Subdivision; thence N 81°48'32" W on the North line of said Lot 2 a distance of 516.94 feet to the Northwest corner of said Lot 2; thence S 00°00'43" W on the West line of said Lot 2 a distance of 487.94 feet to a 5/8" rebar w/cap at the Southwest corner of said Lot 2 and on said Northerly Right-of-Way line of "W" Road; thence N 75°27'21" W on said Northerly Right-of-Way line a distance of 500.02 feet to a 5/8" rebar w/cap on said West line of Government Lot 4; thence N 00°01'09" E on said West line a distance of 28.85 feet to the Point of Beginning. Containing 33.73 acres, more or less. (North side of "W" Road, West of Cherrywood Street), duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Kearney County, Nebraska; said addition is hereby included within the corporate limits of said City of Kearney and shall be and become a part of said City of Kearney for all purposes whatsoever, and the inhabits of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City of Kearney.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2023.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

IV. CONSENT AGENDA

Moved by Nikkila seconded by Lear that Subsections 1 through 16 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Moore absent. Motion carried.

1. Approve Minutes of Regular Meeting held December 13, 2022 and December 20, 2022.

2. Approve the following Claims:

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

Affordable Transmissions \$3,124.43 smcs; Alfred Benesch \$82,586.98 co; Ask Supply \$279.96 smcs; Aurora Coop \$941.50 smcs; Aurora Police Dept. \$500.00 smcs; AVFuel \$87,511.76 smcs; Baker & Taylor Books \$7,260.61 smcs; Beard, C \$150.00 smcs; Beisheim, S \$594.00 smcs; Benson, G \$313.00 smcs; Bill, S \$7.82 smcs; Bluecross Blueshield \$274,270.35 smcs; Books Galore \$7,063.66 smcs; Border States Industries \$17,351.95 co; Bosselman Energy \$27,590.19 smcs; Bossfuels \$42,747.11 smcs; Brown, C \$137.20 smcs; Buffalo Co. Election \$1,515.98 smcs; Buffalo Co. Sheriff \$227,358.25 smcs; Builders \$86.07 smcs; Cash Wa \$1,171.48 smcs; Center Point \$79.86 smcs; Central Square \$374.38 smcs; Certified Power \$1,796.06 smcs; Chesterman \$298.00 smcs; Christensen, K \$93.50 smcs; City of KY \$446,995.08 smcs,ps; Cold Spring \$337.05 smcs; Colling, R \$77.12 smcs; Comm. Action of Mid NE \$1,848.00 smcs; Comm. Health Agencies \$34.00 ps; Comm. Service Fund \$6.00 ps; Country Partners \$26,221.79 smcs; Cummins \$300.84 smcs; D & M Security \$70.50 smcs; Dan's Plumbing \$594.23 smcs; Dennis, W \$99.36 smcs; Depository Trust \$30,783.75 ds; Dish \$120.76 smcs; Dmilaco \$156.00 smcs; Donkey Towing \$100.00 smcs; Dutton-Lainson \$4,466.00 smcs; Eakes \$646.96 co; EKWIL \$165.00 smcs; Family Practice \$154.59 ps; Farmers Union Coop \$952.00 smcs; Fast Phil Plaza \$15.00 smcs; Faz, A \$163.00 smcs; Fedex \$141.33 smcs; Felsburg Holt & Ullevig \$3,673.75 smcs; Ferguson, S \$21.61 smcs; Fiddelke Heating \$1,848.00 smcs; Flaherty, T \$60.00 smcs; Frontier \$338.60 smcs; Frontier Harley Davidson \$63,088.69 smcs,co; Gale \$1,008.49 smcs; GD Concrete \$4,004.00 co; Greater NE Cities \$1,000.00 smcs; HM Life Insurance \$52,243.83 smcs; Husker Auto Group \$41,689.00 co; IRS \$192,852.28 ps; Jack Lederman \$3,984.70 smcs; Jack's Uniforms \$6,686.33 smcs; Jensen-Beisheim, Judy \$594.00 smcs; John Deere Credit \$3,483.50 smcs; Johnson Hardware \$3,447.00 smcs; KY Chamber Comm. \$250.00 smcs; KY Cultural Partner. \$300.00 smcs; KY Noon Rotary \$160.00 smcs; KY Tennis Assoc. \$140.00 smcs; KY Winlectric \$19,583.42 co; Kiplinger Tax Letter \$105.94 smcs; Konica Minolta \$116.86 smcs; Lenco Armored Vehicles \$331,190.00 co; Lerner Publishing \$11.99 smcs; Lincoln Nat'l Insurance \$8,829.50 smcs; Loomis, T \$110.00 smcs; Lukasiewicz, B \$31.00 smcs; Mac Tools \$421.35 smcs; Macqueen Equipment \$1,491.49 smcs; Magic Cleaning \$5,550.00 smcs; Manlein Enterp. \$5.73 smcs; Marlatt Machine \$231.91 smcs; Marriott \$192.00 smcs; McCartney, Erin Chpt. 13 \$227.00 ps; McKenzie, D \$67.00 smcs; Menards \$115.90 smcs; Mid-State Engineering \$2,192.00 co; Midwest Connect \$8,477.09 smcs; Mighty Ducts \$1,649.74 smcs; Miller & Associates \$159,399.95 smcs,co; Mission Square \$7,677.53 ps; NE Child Support \$1,986.51 ps; NE Dept. Revenue \$113,818.94 smcs,ps; NE Public Health \$2,433.00 smcs; NE Safety & Fire \$811.00 smcs; NE State Fire Marshall \$240.00 smcs; NE Title Company \$360.00 smcs; New Deal Deicing \$47,017.49 smcs; Newsbank \$2,890.00 smcs; Nielsen Contracting \$492,914.53 co; Northwestern Energy \$3,581.84 smcs; Norwood, D \$24.36 smcs; Oreshkov, N \$129.99 smcs; Payflex Systems \$2,032.00 smcs; Pep Co. \$387.34 smcs; Philby, J \$150.00 smcs; Platinum Awards \$676.75 ps; Platte Valley Auto \$4,598.00 smcs; Platte Valley Labs \$20.00 smcs; Presto-X \$89.10 smcs; RDG Planning \$23,231.25 co; RMV Construction \$1,047,917.65 co; Rodehorst, M \$831.71 smcs; RR Donnelley \$523.81 smcs; Sandry Fire Supply \$6,844.00 smcs; Sapp Brothers Trucks \$2,755.18 smcs; School District #7 \$1,090.00 smcs; Schroer, J \$203.50 smcs; Schwarz, Z \$245.00 smcs; Shoutbomb \$612.00 smcs; Shredding Services \$51.68 smcs; Sign It \$996.00 smcs; Sister Cities Int'l \$610.00 smcs; Solid Waste Equipment \$16,681.34 smcs; SOS Portable Toilets \$181.00 smcs; State of NE \$35.91 smcs; Stitch 3 \$231.00 smcs; Stutsman \$2,196.00 smcs; Sunset Law Enforcement \$1,946.13 smcs; Tim's Auto \$9,641.00 co; T-Mobile \$50.00 smcs; Traveler's \$3,099.50 smcs; Tri Co Glass \$1,601.00

smcs; Tri-Mor K9 \$250.00 smcs; Turner Body Shop \$125.00 smcs; Twin City Hardware \$417.18 smcs; Tye & Rowling \$15,795.70 smcs; Union Bank & Trust \$107,341.71 smcs,ps; United Way \$202.00 ps; Verizon \$10,355.21 smcs; Village Uniform \$219.27 smcs; Wilke Contracting \$134,875.30 co; Zapata, V \$14.68 smcs; Payroll Ending 12/31/2022 -- \$602,239.60. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Adopt Resolution No. 2023-3 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement with Starostka Group Unlimited Inc. for Millennial Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2023-3

WHEREAS, on the 11th day of April, 2017 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2017-53 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Starostka Group, Unlimited Inc., to construct paving, water, sanitary sewer, and storm sewer improvements to serve Millennial Estates Addition, 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 paving, water, sanitary sewer, and storm sewer to serve the property described as Millennial Estates Addition, 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 10TH DAY OF JANUARY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

4. Adopt Resolution No. 2023-4 approving the Grant Agreement between the City of Kearney and Federal Aviation Administration in connection with AIP/CARES Act Project No. 3-31-0045-036-2023 for the Terminal Building Expansion project at the Kearney Regional Airport.

RESOLUTION NO. 2023-4

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR AIRPORT IMPROVEMENT PROGRAM/CARES ACT PROJECT NO. 3-31-0045-036-2023 TO PROVIDE FOR THE TERMINAL BUILDING EXPANSION PROJECT AT THE KEARNEY REGIONAL AIRPORT.

WHEREAS, the City of Kearney, Nebraska has submitted a project application to the Federal Aviation Administration for Airport Improvement Program/CARES Act Project No. 3-31-0045-036-2023 to provide for the Terminal Building Expansion project at the Kearney Regional Airport; and

WHEREAS, the Federal Aviation Administration has approved the project for the Kearney Regional Airport.

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

1. The City of Kearney shall enter into a Grant Agreement with the Federal Aviation Administration for Airport Improvement Program/CARES Act Project No. 3-31-0045-036-2023 to provide for the Terminal Building Expansion project at the Kearney Regional Airport. The Grant Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

2. The Mayor or President of the Council of the City of Kearney are hereby authorized and directed to execute said Grant Agreement on behalf of the City of Kearney and the City Clerk is hereby authorized to attest said execution.

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

5. Adopt Resolution No. 2023-5 approving the updated Towing Agreements between the City of Kearney and Donkey Towing & Transfer LLC, Dowhy Towing, Kearney Towing and Repair Center, Inc., and Turner Body Shop and Towing.

RESOLUTION NO. 2023-5

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 Towing Agreements on behalf of the City of Kearney, Nebraska with Donkey Towing & Transfer LLC, Dowhy Towing, Kearney Towing and Repair Center, Inc., and Turner Body Shop and Towing for towing services within the City of Kearney. The Towing Agreements, marked as Exhibits "1", "2", "3" and "4", are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

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

7. Adopt Resolution No. 2023-6 approving the Interlocal Agreement for Cooperative Law Enforcement Services; Compact for Apprehension of Narcotics Dealers and Offenders (C.A.N.D.O.) that adds additional agencies to the Agreement.

RESOLUTION NO. 2023-6

WHEREAS, the cities of Grand Island, Hastings, Kearney, Minden and Holdrege and the Sheriffs Office of the counties of Adams, Buffalo, Franklin, Hall, Kearney, Phelps and Clay were desirous in entering into an agreement for the purpose of identifying, investigating, apprehending and facilitating the prosecution of narcotics dealers and offenders within the aforementioned participating agencies; and

WHEREAS, since the previous Interlocal Agreement was signed, additional agencies have been added and an updated Interlocal Cooperation Act Agreement for Compact for Apprehension of Narcotics Dealers and Offenders (C.A.N.D.O.) that defines the responsibilities of the participating agencies and marked as Exhibit "A" is 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, that the Interlocal Cooperation Act Agreement; Compact for Apprehension of Narcotics Dealers and Offenders (C.A.N.D.O.) that defines the responsibilities of the participating agencies and marked as Exhibit "A" is attached hereto, be and is hereby approved.

BE IT RESOLVED that the Mayor be and is hereby authorized and directed to execute the said Agreement on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2023

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

8. Adopt Resolution No. 2023-7 approving Application and Certificate for Payment No. 8 in the amount of \$122,580.00 submitted by Caldwell Tank and approved by Miller & Associates for the 2.0 MG Elevated Water Tower.

RESOLUTION NO. 2023-7

WHEREAS, Caldwell Tank of Louisville, Kentucky and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 8 in the amount of \$122,580.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 4,973,000.00</u>
Change Order (10-11-2022)	<u>- 10,991.50</u>
Contract Sum To Date	4,962,008.50
Gross Amount Due	2,263,185.90

Retainage (10%)	- <u>226,318.59</u>
Amount Due to Date	2,036,867.31
Less Previous Certificates for Payment	- <u>1,914,287.31</u>
Current Payment Due	<u>\$ 122,580.00</u>

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that the Application and Certificate for Payment No. 8, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

9. Adopt Resolution No. 2023-8 approving Application and Certificate for Payment No. 4 in the amount of \$2,680,078.90 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

RESOLUTION NO. 2023-8

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. 4 in the amount of \$2,680,078.90 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	6,191,784.39
Retainage (10%)	- <u>619,178.39</u>
Amount Due to Date	5,572,605.95
Less Previous Certificates for Payment	<u>2,892,527.05</u>
Current Payment Due	<u>\$ 2,680,078.90</u>
Balance to finish, including retainage	<u>\$ 29,645,761.05</u>

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

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

10. Adopt Resolution No. 2023-9 approving Application and Certificate for Payment No. 2 in the amount of \$280,052.75 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the Booster Pump Stations, Renovations and Associated Improvements.

RESOLUTION NO. 2023-9

WHEREAS, Midlands Contracting, Inc of Kearney, Nebraska has performed services in connection with Booster Pump Stations, Renovations and Associated Improvements, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$280,052.75 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 2,185,960.00
Change Order No. 1 (09/13/2022)	- 345,373.00
Contract Sum To Date	1,840,587.00
Gross Amount Due	475,240.85
Retainage (10%)	- 47,524.09
Amount Due to Date	427,716.77
Less Previous Certificates for Payment	147,664.02
Current Payment Due	\$ 280,052.75

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

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2023.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

11. Adopt Resolution No. 2023-10 appointing City employee Brandon Shafto (License No. S-1572, Class A) to serve as the City Street Superintendent during January 1 thru December 31, 2023, with regard to requirements and duties with the Nebraska Department of Transportation as he has served in this capacity since November 6, 2015 and for the purpose of the 2023 calendar year Highway Incentive Payment, to be issued to the City of Kearney by the Nebraska Department of Transportation, in February 2024.

RESOLUTION NO. 2023-10

WHEREAS, City employee Brandon Shafto (License No. S-1572, Class A) will serve as the City Street Superintendent during January 1 thru December 31, 2023, with regard to requirements and duties with the Nebraska Department of Transportation, as he has served in this capacity since November 6, 2015; and

WHEREAS, City employee Brandon Shafto (License No. S-1572, Class A) will continue to serve as the City Street Superintendent for the purpose of the 2023 calendar year Highway Incentive Payment, to be issued to the City of Kearney by the Nebraska Department of Transportation, in February 2024.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, authorizes and approves City employee Brandon Shafto (License No. S-1572, Class A) to serve as the City Street Superintendent during January 1 thru December 31, 2023, with regard to requirements and duties with the Nebraska Department of Transportation, as he has served in this capacity since November 6, 2015;

and for the purpose of the 2023 calendar year Highway Incentive Payment, to be issued to the City of Kearney by the Nebraska Department of Transportation, in February 2024.

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

12. Adopt Resolution No. 2023-11 to designate and appoint Brenda Jensen, Assistant City Manager to serve as ADA, Section 504 & Title VI Coordinator for the City of Kearney and repeal Resolution Nos. 2012-130, 2013-216, 2017-215 and 2022-136.

RESOLUTION NO. 2023-11

WHEREAS, the Americans with Disabilities Act (ADA) was enacted on July 26, 1990 which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs, and telecommunications; and

WHEREAS, Title II regulations of the ADA require that all public entities with 50 or more employees designate at least one employee to coordinate compliance with ADA; and

WHEREAS, the requirement for designation of a particular employee and dissemination of information about how to locate that employee helps to ensure that individuals dealing with large agencies are able to easily find a responsible person who is familiar with the requirements of the Act and to communicate those requirements to other individuals in the agency who may be unaware of their responsibilities; and

WHEREAS, Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Resolution No. 2012-130 passed on August 14, 2012 appointing the Assistant City Manager to serve as the City of Kearney Title VI Coordinator and Resolution No. 2013-216 passed on November 12, 2013 appointing the Assistant City Manager to serve as the City of Kearney ADA Coordinator, and Resolution No. 2017-215 passed on December 19, 2017 appointing the Project Coordinator to serve as the City of Kearney Title VI Coordinator, Section 504 and ADA Coordinator and Resolution No. 2022-136 passed on July 12, 2022 appointing the Assistant City Manager to serve as the City of Kearney Title VI Coordinator, Section 504 and ADA Coordinator be and are hereby repealed.

BE IT RESOLVED that Brenda Jensen, Assistant City Manager, under the supervision of the City Manager, be and is hereby designated and appointed as the Title VI Coordinator, Section 504 and ADA Coordinator for the City of Kearney.

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

13. Adopt Resolution No. 2023-12 approving Change Order No. 6 showing an increase in the amount of \$62,522.00 and increasing the Contract Time by 30 days with a new Substantial Completion date of February 2, 2023; Change Order No. 7 showing an increase in the amount of \$6,435.00 and increasing the Contract Time by 2 days with a new Substantial Completion date of February 4, 2023; Change Order No. 8 showing an increase in the amount of \$12,722.00 and increasing the Contract Time by 5 days with a new Substantial Completion date of February 9, 2023 and Change Order No. 9 showing an increase the amount of \$4,392.00 and increasing the Contract Time by 2 days with a new Substantial Completion date of February 11, 2023 submitted by RMV Construction and approved by Wilkins ADP for the Harmon Park Sonatorium Restoration.

RESOLUTION NO. 2023-12

WHEREAS RMV Construction, LLC of Kearney, Nebraska has performed services in connection with Harmon Park Sonatorium Restoration, and the City's architect, Wilkins ADP, have filed with the City Clerk Change Order No. 6 showing an increase in the amount of \$62,522.00 and increasing the Contract Time by 30 days with a new Substantial Completion date of February 2, 2023 as shown on Exhibit "A"; Change Order No. 7 showing an increase in the amount of \$6,435.00 and increasing the Contract Time by 2 days with a new Substantial Completion date of February 4, 2023 as shown on Exhibit "B"; Change Order No. 8 showing an increase in the amount of \$12,722.00 and increasing the Contract Time by 5 days with a new Substantial Completion date of February 9, 2023 as shown on Exhibit "C" and Change Order No. 9 showing an increase in the amount of \$4,392.00 and increasing the Contract Time by 2 days with a new Substantial Completion date of February 11, 2023 as shown on Exhibit "D" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 1,301,400.00</u>
Change Order No. 1 (12-21-2021)	- 97,325.00
Change Order No. 2 (07-26-2022)	+ 3,566.00
Change Order No. 3 (09-13-2022)	+ 12,401.00
Change Order No. 4 (10-11-2022)	+ 13,796.00
Change Order No. 5 (10-11-2022)	+ 5,197.00
Change Order No. 6 (01-10-2023)	+ 62,522.00
Change Order No. 7 (01-10-2023)	+ 6,435.00
Change Order No. 8 (01-10-2023)	+ 12,722.00
Change Order No. 9 (01-10-2023)	<u>+ 4,392.00</u>
Contract Sum To Date	\$1,325,106.00

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. 6, as shown on Exhibit "A"; Change Order No. 7 as shown on Exhibit "B"; Change Order No. 8 as shown on Exhibit "C" and Change Order No. 9 as shown on Exhibit "D" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

14. Adopt Resolution No. 2023-13 approving Change Order No. 4 showing a decrease in the amount of \$7,195.00; Change Order No. 5 showing an increase in the amount of \$3,947.00 and Change Order No. 6 showing an increase in the amount of \$9,676.00 submitted by RMV Construction and approved by Wilkins ADP for the Yanney Heritage Park Pavilion and Parking Lot.

RESOLUTION NO. 2023-13

WHEREAS RMV Construction, LLC of Kearney, Nebraska has performed services in connection with Yanney Heritage Park Pavilion and Parking Lot, and the City's architect, Wilkins ADP, have filed with the City Clerk Change Order No. 4 showing a decrease in the amount of \$7,195.00 as shown on Exhibit "A"; Change Order No. 5 showing an increase in the amount of \$3,947.00 as shown on Exhibit "B" and Change Order No. 6 showing an increase in the amount of \$9,676.00 as shown on Exhibit "C" all attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 3,653,600.00</u>
Change Order No. 1 (7-26-2022)	+ 23,433.00
Change Order No. 2 (9-13-2022)	- 7,883.00
Change Order No. 3 (10-11-2022)	+ 395.00
Change Order No. 4 (01-10-2023)	- 7,195.00
Change Order No. 5 (01-10-2023)	+ 3,947.00
Change Order No. 6 (01-10-2023)	<u>+ 9,676.00</u>
Contract Sum to Date	\$3,701,739.00

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. 4, as shown on Exhibit "A"; Change Order No. 5, as shown on Exhibit "B" and Change Order No. 6, as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

15. Adopt Resolution No. 2023-14 approving Change Order No. 1 showing a decrease in the amount of \$7,934.00 submitted by Duncan Theis Construction and approved by Miller & Associates for the Harmon Park Bathhouse Renovation.

RESOLUTION NO. 2023-14

WHEREAS Duncan Theis Construction, Inc. has performed services in connection with the Harmon Park Bathhouse Renovation, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$7,934.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 233,400.00</u>
Change Order No. 1 (01-10-2023)	- <u>7,934.00</u>
Contract Sum To Date	\$ 225,466.00

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

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2023.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

16. Approve the purchase of a 2022 Chevrolet Colorado 4wd Crew Cab Z71 in the amount of \$41,689.00 submitted by Husker Auto Group, Inc. under the Nebraska State Bid Contract #15699 to be used in the Park and Recreation/Parks Department.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8618 AUTHORIZING THE DEED OF SALE FOR LAND IN PATRIOT INDUSTRIAL PARK

Council Member Lear introduced Ordinance No. 8618 authorizing the deed of sale A tract of land being part of Lot 3, all of Lot 4 , part of Lot 11, and part of Lot 12, and that part of vacated 30.00 foot alley abutting part of Lot 3, all of Lot 4, part of Lot 11, and part of Lot 12 all in Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska (Northeast Tract) AND A tract of land being part of Lot 11 and part of Lot 12, all in Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska (Southeast Tract) to Prataria Ventures – Kearney, LLC, a Nebraska limited liability company, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8618. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Moore absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8618 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Moore absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8618 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Moore absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8618 is declared to be lawfully passed and adopted upon publication in

pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

PROPOSED FUNDING FOR THE FAMILY ADVOCACY NETWORK “BIG HEARTS, SMALL VOICES” CAMPAIGN

Mayor Clouse opened Regular Agenda Item 1 for consideration of Resolution No. 2023-15 authorizing proposed funding for the Family Advocacy Network (FAN) “Big Hearts, Small Voices” campaign to assist with the purchase of new furnishings and technology for FAN’s new facility.

Michael Morgan, City Manager presented this matter to the Council. Mr. Morgan stated proposed funding for furnishings and technology would come from the sale of land at Patriot Industrial Park.

Jamie Vetter, Executive Director of FAN stated FAN is a nationally accredited child advocacy center serving 14 counties in Central Nebraska. FAN currently operates out of a 2,500 square foot office space; due to the increased volume of children and adults FAN serves, the current space is not adequate. The new 9,400 square foot facility will provide 4 interview rooms, confidential meeting rooms for families, triage center, mental health pod, medical suite, 11 offices and 5 bathrooms and will cost approximately \$3.5 million. Ms. Vetter stated FAN is requesting \$100,000 to furnish the new facility with furniture and office equipment.

Council Members thanked Ms. Vetter and members of FAN for their service to the community.

Bryan Waugh, Chief of Police, reiterated the importance of FAN and the role they play for victims. Chief Waugh noted the facility will continue to provide victims and their families support during traumatic events and detailed the value of the relationship between FAN and law enforcement.

Moved by Clouse seconded by Nikkila to approve Resolution No. 2023-15 authorizing proposed funding for the Family Advocacy Network (FAN) “Big Hearts, Small Voices” campaign to assist with the purchase of new furnishings and technology for FAN’s new facility. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Buschkoetter. Nay: None. Moore absent. Motion carried.

RESOLUTION NO. 2023-15

WHEREAS, on December 21, 2022, the City of Kearney received a request from the Family Advocacy Network (FAN), a nationally accredited, 501c3 nonprofit, child advocacy center whose mission is to “offer a comprehensive, culturally competent, multidisciplinary team response to allegations of child abuse/adult sexual assault in a neutral, family-friendly setting”, for assistance with the purchase of new furnishings and technology to be used at FAN’s new facility; and

WHEREAS, FAN works, in cooperation with local law enforcement agencies, prosecutors, NDGGS caseworkers and medical and mental health providers, to provide a safe place for child and adult victims of abuse to have a voice. FAN has served over 9,000 children and victims of abuse as well as their non-offending family members from fourteen Central and Western Nebraska counties; and

WHEREAS, FAN has outgrown their current space located on the CHI Good Samaritan Hospital campus, at 106 East 31st Street where they have been since 2001 and will soon be moving to their new location at 507 East 26th Street. The new location will provide nearly 4 times the space they currently have and will add on-site mental health services, triage center and office space that will allow all staff to be under 1 roof; and

WHEREAS, FAN has raised significant financial contributions, including donations, to purchase the new facility; and

WHEREAS, the City of Kearney, in support of the ongoing benefit that FAN provides to children and families living in Kearney as well as surrounding communities, and FAN's need for a larger space to accommodate these children and families, desires to pledge and allocate \$100,000.00 from the sale of City property, to assist with the purchase of furniture, monitors for observation and desk top computers for 3 meeting rooms, 1 conference room, triage center, thirteen offices, 4 interview rooms, 2 observation rooms, medical suite and 2 reception areas for FAN's new location.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, authorize \$100,000.00 from the City of Kearney, for assistance with the purchase of new furnishings and technology to be used at FAN's new facility.

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

PROPOSED REDEVELOPMENT PROJECT FOR PROPERTY IN WHITAKER AND NORTH'S PLACE ADDITION

Mayor Clouse opened Regular Agenda Item 2 for consideration of Resolution No. 2023-16 approving the redevelopment project submitted by Richie Bock Construction for Redevelopment Area #5 for an area described as Lot 11 and Lot 12 Whitaker and North's Place Addition, to the City of Kearney, Buffalo County, Nebraska.

Wendell Wessels, Finance Director presented this matter to the Council. Richie Bock Construction is considering constructing a steel-framed building totaling 7,500 square feet to be used as office, retail and warehouse space for three businesses. Currently, the site includes an existing building that will be demolished prior to construction of the planned building.

The total new valuation of the property upon completion is estimated to be \$748,135 and the current valuation of the property is \$118,310. The incremental valuation is estimated to be \$629,825. The annual increment in real estate taxes upon total completion of the Project is estimated to be \$11,724 (\$629,825 @ 1.86147200). However, the increment in real estate taxes during the first year or two will be less due to lower valuations during construction of the Project.

On January 9, 2023, Community Redevelopment Authority (CRA) approved the Project be granted 90% of the annual increment in real estate taxes, not to exceed the lessor of \$158,274.00, 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 \$187,090 as follows:

Demolition	\$44,210
Electrical	\$14,341
Water / Sewer	\$18,165
Storm Drainage	\$21,600
Parking and Sidewalks	\$67,874
Fencing	\$8,600
Landscaping/Sprinklers	\$6,285
Exterior lighting	\$6,015
Total	\$ 187,090

Moved by Nikkila seconded by Lear finding that the redevelopment project set forth in the application submitted by Richie Bock Construction 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 \$158,274.00, or the certified eligible Project Costs over a period not to exceed fifteen years beginning with Tax Year 2023 and to adopt Resolution No. 2023-16 granting the Chairman and legal counsel the authority to negotiate and execute a redevelopment contract with Richie Bock Construction. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter, Lear. Nay: None. Moore absent. Motion carried.

RESOLUTION NO. 2023-16

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 #5 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 Lot 11 and Lot 12, Whitaker and North's Place, to the City of Kearney, Buffalo County, Nebraska; (Parcel ID 606402000); 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 11 and Lot 12, Whitaker and North's Place, to the City of Kearney, Buffalo County, Nebraska; (Parcel ID 606402000); 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 11 and Lot 12, Whitaker and North's Place, to the City of Kearney, Buffalo County, Nebraska; (Parcel ID 606402000); 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 10TH DAY OF JANUARY, 2023.

ATTEST:
PEGGY EYNETICH
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 \$36.37 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained. Moore absent. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:00 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Moore absent. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
CITY CLERK**