

*Kearney, Nebraska  
November 12, 2024  
5:30 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on November 12, 2024, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Peggy Eynetich, City Clerk; Council Members Randy Buschkoetter, Tami James Moore and Jonathan Nikkila. Absent: Bruce Lear. Brenda Jensen, City Manager; Michael Tye, City Attorney; Kayla James, Director of Finance; Andy Harter, Director of Public Works; Bryan Waugh, Chief of Police Sarah Sawin, Director of Utilities; Melissa Dougherty-O'Hara, City Planner; Jake Misener, Deputy City Clerk; and Brad DeMers, Assistant to the City Manager were also present. Members of the media present included:

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.

### **RECOGNITION/ORAL COMMUNICATIONS**

There were no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### **III. PUBLIC HEARINGS**

#### **REZONING OF PROPERTY LOCATED SOUTH OF 1023 AVENUE F**

Mayor Clouse opened the public hearing on the application submitted by Meredith Collins for Community Action Partnership of Mid-Nebraska (Applicant and Owner) to rezone from District R-3, Urban Residential Multi-Family District (Medium Density) to District C-O, Office District for property described as the South 286.77 feet of Lot 6, Pennock's Subdivision, together with the vacated east 10-feet of Avenue F abutting the south 286.77 feet of Lot 6, Pennock's Subdivision, together with 30-feet of the north half of vacated 10th Street, together with the west half of vacated Avenue G all abutting Lot 6, Pennock's Subdivision all in Buffalo County, Nebraska (vacant lot south of 1023 Avenue F) and consider Ordinance No. 8701.

Meredith Collins, Chief Executive Officer presented this matter to the Council. Ms. Collins reviewed what Community Action Partnership of Mid-Nebraska's role is to the Kearney community. Ms. Collins described where the proposed Head Start facility would be located in relation to their current building and discussed the layout of the rooms and parking for the facility.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the application submitted by Meredith Collins for Community Action Partnership of Mid-Nebraska (Applicant and Owner) and introduced Ordinance No. 8701 rezoning from District R-3, Urban Residential Multi-Family District (Medium Density) to District C-O, Office District for property described as the South 286.77 feet of Lot 6, Pennock's Subdivision, together with the vacated east 10-feet of Avenue F abutting the south 286.77 feet of Lot 6, Pennock's Subdivision, together with 30-feet of the north half of vacated 10th Street, together with the west half of vacated Avenue G all abutting Lot 6, Pennock's Subdivision all in Buffalo County, Nebraska (vacant lot south of 1023 Avenue F) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Moore seconded the motion to close the hearing and suspend the rules for Ordinance No. 8701. 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, Nikkila, Moore, Buschkoetter. Nay: None. Lear 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. 8701 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8701 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8701 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk and the Kearney Public Library.

#### **IV. CONSENT AGENDA**

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 13 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held October 22, 2024.
2. Approve the following Claims:
 

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

911 Custom \$1,698.00 co; 911 Custom \$14,952.96 co; Ace Irrigation \$91.57 smcs; AFC - Grand Island \$191.58 smcs; Agri Coop \$2,416.28 smcs; Alfred Benesch \$60,254.62 co; All City Garage Doors \$10,852.00 smcs; All Copy Products \$165.16 smcs; All Safe Industries \$817.85 smcs; American Fence Co. \$4,133.84 smcs; Ask Supply \$1,202.98 smcs; Aurora Coop \$599.20 smcs; Auto One \$107.28 smcs; AvFuel \$130,898.27 smcs; Baker & Taylor \$4,900.37 smcs; Bells Construction \$350.00 co; BlueCross BlueShield \$316,572.17 smcs; Bomgaars \$106.99 smcs; Bosselman \$72,795.14 smcs; Bossfuels \$39,539.48 smcs; Broadfoot's \$1,242.41 smcs; Buffalo Co Clerk \$3,065.50 smcs; Buffalo Co Sheriff \$691.50 smcs; Buffalo Co. Register \$40.00 smcs; Builders \$38.97 smcs; Burns, William \$34.66 smcs; Cal/Amp \$19.63 smcs; Cash Wa \$8,938.57 co,smcs; Center Point \$81.81 smcs; Central Ag \$119.98 smcs; Central States Investments \$255.85 smcs; Chali, Lesly \$15.37 smcs; Chesterman Company \$1,261.00 smcs; Chief Construction \$983.50 smcs; City of KY \$438,644.60 ps,smcs; Cold Spring \$372.75 smcs; Comfy Bowl \$150.00 smcs; Comm Act Part of Mid NE \$16,948.66 smcs; Commonwealth Electric \$510.99 smcs; Control Yours \$3,906.25 smcs; Cottonmill Enterprises \$18,900.00 co; Creative Service-New Eng \$508.95 smcs; Crouch recreational \$84,918.00 co; Crystal Clean Carpet \$392.00 smcs; Cutter & Buck \$60.52 smcs; Cutting Edge \$85.00 smcs; Dandee Concrete \$14,385.91 co; Dell \$4,494.00 smcs; DLT Solutions \$4,602.18 smcs; Double J Plumbing \$2,185.05 smcs; Eagle Distributing \$319.25 smcs; Eakes \$898.01 smcs; Eifert, Amy \$118.43 smcs; Emblem Authority \$266.50 smcs; Endorf, Sharon & Dan \$201.05 smcs; ESRI \$43,825.00 smcs; Family Practice \$736.00 ps; Finnlysport \$8,997.00 co; Flock Safety \$350.00 smcs; Fountain Hills Properties \$71.75 smcs; Frontier \$385.35 smcs; Gale \$1,576.50 smcs; Gary Smith Const. Co. \$351,375.00 co; Give Nebraska \$6.00 ps; GMStek \$776.94 smcs; Go Physical Therapy \$220.00 ps; Graczyk Lawn \$1,622.00 smcs; Graczyk Sprinklers \$540.00 smcs; Grady, Jack \$132.93 smcs; Graphic Vision \$3,092.88 smcs; Grazier, Adam \$138.50 smcs; Great Plains Uniforms \$270.00 smcs; Greater NE Cities \$1,000.00 smcs; Hansen, Art \$60.00 smcs; Hart, Steve \$150.00 smcs; Heartland Clerks Assn. \$20.00 smcs; Heiman Fire Equipment \$423.47

smcs; Heritage Bank \$37.04 smcs; Hernandez, Cristina \$128.35 co; HM Life Insurance Co. \$83,229.04 smcs; Hometown Leasing \$503.94 smcs; Huerta's Upholstry \$150.00 smcs; ICMA \$1,200.00 smcs; Intoximeters \$1,680.75 smcs; IRS \$207,233.62 ps; J & A Traffic Products \$489.00 smcs; Jack's Uniforms & Equip. \$162.99 smcs; Jackson, Mark & Lynette \$100.00 smcs; John T. Jones Const Co. \$665,602.63 co; Johnson, Karlene \$28.89 smcs; KACF \$265.00 smcs; Kart-Man \$1,479.93 smcs; KY Equipment \$3,915.92 smcs; KY Towing & Repair \$175.00 smcs; KY Trailers \$16,900.00 co; KY Winnelson \$3,351.00 smcs; Konica Minolta \$122.82 smcs; Kowalek, Gabe \$283.50 smcs; KVFDF \$97,175.00 ps; Language Line \$102.49 smcs; Lerner Publications \$5,300.75 smcs; Lighthouse Point Condos \$340.98 smcs; Lincoln National Life Ins. \$10,181.71 smcs; Lockmobile \$100.00 smcs; Longfellow, Stanley \$71.97 smcs; Luna, Orlan \$150.00 smcs; Lundeen Sculptures \$77,000.00 co; LyonHeart Equine \$800.00 smcs; Mac Tools \$259.98 smcs; MacQueen \$495.31 smcs; Magic Cleaning \$9,090.00 smcs; Magnum \$1,086.67 smcs; McElhinny, Todd \$7.46 smcs; McEntee, Shane \$145.52 smcs; Menards \$317.97 smcs; Mid-America Golf \$50,000.00 co; Mid-Atlantic Receptive Servs \$6,975.00 smcs; Mid-NE Digging \$8,900.00 co,smcs; Midwest Connect \$4,694.95 smcs; Midwest Petroleum \$7,344.08 smcs; Milco Environmental \$338.61 smcs; Miller & Associates \$57,551.67 co,smcs; Mission Square \$7,781.64 ps; MPH Industries \$91.50 smcs; Municipal Supply \$9,967.29 smcs; Murphy Tractor \$137,118.00 co; NE Child Support Pmt \$1,688.81 ps; NE Dept of Revenue \$68,962.60 ps; NE Generator \$240.00 smcs; NE Machinery \$20,007.61 smcs; NE Public Health \$705.00 smcs; NE Safety & Fire \$2,690.00 smcs; Nebraskaland Distributors \$235.67 smcs; Nelson's Furniture \$50.00 smcs; New Deal Deicing \$49,765.00 smcs; NLETC \$150.00 smcs; Northwestern Energy \$2,120.76 smcs; NPPD \$5,655.81 smcs; One Call Concepts \$555.82 smcs; Pep Co. \$385.88 smcs; Phillips, John \$50.00 smcs; Plan-It Software \$4,000.00 smcs; Presto-X \$158.60 smcs; PVS DX \$11,735.23 smcs; R&R Repair \$1,900.44 smcs; Rapid Fire \$275.00 smcs; Rasmussen Mechanical \$5,786.23 smcs; Reeves, Michael \$40.49 smcs; Resource Mgmt. \$3,444.00 smcs; Rheome Tree Services \$2,600.00 smcs; Ring, Eric \$286.00 smcs; Roberts, Randy \$50.45 smcs; Sapp Brothers \$5,388.62 smcs; Sazma, Bryon \$5.81 smcs; Schanour, Jace \$245.00 smcs; Schaub, Mike \$150.00 smcs; Schindler Elevator \$2,029.92 smcs; School District #7 \$10,087.50 smcs; Sciachitano, Diane \$120.00 smcs; See Clear Cleaning \$1,047.50 smcs; Sensus Technologies \$285.61 smcs; Sherwin Willaims \$437.42 smcs; Siedschlaw, Kurt \$58.78 smcs; SiteOne Landscape \$953.96 co; Smith, Nate \$138.50 smcs; Star Homes \$155.42 smcs; State of NE/DAS \$46.62 smcs; Stutsman \$4,392.00 smcs; Subsurface Solutions \$14,768.17 smcs; Toof, Nathan \$493.82 smcs; Traveler's \$954,391.00 smcs; Tri City Sign \$39.41 smcs; Twin City Hardware \$335.00 smcs; Tye & Rowling \$16,447.54 smcs; Union Bank & Trust Co \$114,800.56 ps; United Way \$54.00 ps; Vanhorn, Seth \$2,000.00 smcs; Vazquez, Alicia \$93.20 smcs; Victor Outdoor Adv. \$16,800.00 smcs; Village Uniform \$162.08 smcs; Waugh, Bryan \$677.46 smcs; Wessels, Wendell \$320.00 smcs; Wiens, Mel \$670.00 smcs; Zoul Properties \$72.22 smcs; Payroll Ending 11/02/2024 -- \$667,975.55. 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. 2024-154 certifying the annual appointment of City employee Brandon Shafto (License No. S-1572, Class A), who served as the City Street Superintendent from January 1, 2024 through December 31, 2024, for the purpose of the 2024 calendar year Highway Incentive Payment, to be issued to the City of Kearney by

the Nebraska Department of Transportation in February, 2025.

**RESOLUTION NO. 2024-154**

WHEREAS, State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

WHEREAS, The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent form; and

WHEREAS, The NDOT requires that such certification shall also include a copy of the documentation of the city street superintendent appoint, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

WHEREAS, The NDOT also requires that such Year-End Certification of City Street Superintendent shall be signed by the Mayor and shall include a copy of a resolution by the governing body authorizing the signing of the Year-End Certification of City Street Superintendent by the Mayor.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor is hereby authorized to sign the attached Year-End Certification of City Street Superintendent.

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

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

4. Adopt Resolution No. 2024-155 approving the adoption of the Disadvantaged Business Enterprise (DBE) Program for FY25-26-27 and designating Airport Manager Jim Lynaugh as the Liaison Officer for the implementation and monitoring of the DBE Program at the Kearney Regional Airport.

**RESOLUTION NO. 2024-155**

WHEREAS, Resolution No. 99-261 was passed and approved on December 28, 1999 by the Kearney City Council adopting the Disadvantaged Business Enterprise (DBE) Program; and

WHEREAS, since the original adoption of the DBE Program on December 28, 1999, the U.S. Department of Transportation (DOT) has updated the objectives of the program, which are defined in the Policy Statement for DBE Program FY25-26-27, dated in October 2024; and

WHEREAS, as a continued requirement of the DBE Program, the Airport Manager is generally designated as the Liaison Officer and is responsible for implementing and monitoring all aspects of the DBE Program and will ensure that the Kearney Regional Airport will comply with all provisions of 49 CFR Part 26.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska hereby find and determine that it is in the best interest of the Kearney Regional Airport/City of Kearney, Nebraska that the Disadvantaged Business Enterprise Program for FY25-26-27, dated in October 2024, be and is hereby adopted and approved. A copy of the Disadvantaged Business Enterprise Program for FY25-26-27, marked Exhibit "A", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that Airport Manager Jim Lynaugh be and is hereby designated as the Liaison Officer for the implementation and monitoring of the Disadvantaged Business Enterprise Program at the Kearney Regional Airport.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the Disadvantaged Business Enterprise Program, on behalf of the City of Kearney.

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

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

5. Adopt Resolution No. 2024-156 approving the Lease Agreement between the City of Kearney and Kearney Raceway Park for property located at the Kearney Regional Airport.

**RESOLUTION NO. 2024-156**

WHEREAS, on April 13, 2021, a three-year property lease agreement was entered into between Kearney Raceway Park and the City of Kearney;

WHEREAS, Kearney Raceway Park desires to renew their lease for an additional three-years.

THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Lease Agreement, on behalf of the City of Kearney, Nebraska, with Kearney Raceway Park, a copy of the Agreement, marked Exhibit "A", is attached hereto and made a part hereof by reference.

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

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

6. Approve Resolution No. 2024-157 authorizing the City Manager or their designee to execute Sponsorship Agreements for the Kearney SportsPlex.

**RESOLUTION NO. 2024-157**

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Manager or their designee be authorized to execute sponsorship agreements for the Kearney SportsPlex.

PASSED AND APPROVED THIS 12TH DAY OF NOVEMBER, 2024

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

7. Approve the purchase of a 2024 John Deere 3139R Tractor, backhoe, grooming mower, and snow blower in the amount of \$78,335.67 submitted by Landmark Implement under the Sourcewell Cooperative Purchasing Contract Program to be used in the Parks Department.

8. Approve the purchase of a Envirosight Sewer Rover camera equipment mounted on a 2024 Ford F-550 Chassis in the amount of \$495,339.88 submitted by Macqueen Equipment under the Sourcewell Cooperative Purchasing Contract Program to be used in the Utilities Department.

9. Adopt Resolution No. 2024-158 approving the recommendation submitted by the Fire Chief to include the following as a member of the Kearney Volunteer Fire Department: Caleb M. Miller.

**RESOLUTION NO. 2024-158**

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that the person recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as members of the Kearney Volunteer Fire Department for the purposes of and in accordance with Section 48-115 of the Nebraska Revised Statutes, and that said members are fully entitled to benefits under the Workers' Compensation Act.

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

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

ATTEST:  
PEGGY EYNETICH  
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 manager application for Melissa Fox submitted by Kearney Country Club located at 2800 19th Avenue, in connection with their Class C-009051 liquor license.

11. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class AB liquor license application and manager application for Michole Yaw submitted by UN:Inebriated, LLC dba UN:Inebriated, located at 2102 Central Avenue.

12. Adopt Resolution No. 2024-159 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Butler Addition, Phase 2 (Chase Avenue extension) for paving and storm sewer infrastructure to serve 66.00 Foot Permanent Right of Way & Utility Easement as Recorded on Inst. 2021-06406 in the Buffalo County Register of Deeds Office.

**RESOLUTION NO. 2024-159**

WHEREAS, on the 13th day of August, 2024 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2024-111 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Travis Solberg, CFO of Butler Machinery Company, Inc., a North Dakota Corporation, to construct paving and storm sewer infrastructure to serve 66.00 Foot Permanent Right of Way & Utility Easement as Recorded on Inst. 2021-06406 in the Buffalo County Register of Deeds Office; 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 construction of paving and storm sewer infrastructure to serve 66.00 Foot Permanent Right of Way & Utility Easement as Recorded on Inst. 2021-06406 in the Buffalo County Register of Deeds Office 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 12TH DAY OF NOVEMBER, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

13. Adopt Resolution No. 2024-160 approving Change Order No. 1 showing a decrease in the amount of \$30,363.25, Application and Certificate for Payment No. 1-Final in the amount of \$422,745.00 and accept the Certificate of Substantial Completion submitted by J.I.L. Asphalt Paving Company and approved by Miller & Associates, for

Cottonmill Park Paving Improvements.

**RESOLUTION NO. 2024-160**

WHEREAS, J.I.L. Asphalt Paving Company has performed services in connection with Cottonmill Park Paving Improvements, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$30,363.25 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, J.I.L. Asphalt Paving Company and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$422,745.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 453,108.25
Change Order No. 1 (10/22/2024)	- 30,363.25
Contract Sum To Date	422,745.00
Gross Amount Due	422,745.00
Retainage (0%)	- 0.00
Amount Due to Date	422,745.00
Less Previous Certificates for Payment	0.00
Current Payment Due	\$ 422,745.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of October 5, 2024, 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. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 1-Final, 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 12TH DAY OF NOVEMBER, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

**V. CONSENT AGENDA ORDINANCES**

**ORDINANCE NO. 8702 AMENDING SEVERAL SECTIONS OF CITY CODE**

Council Member Clouse introduced Ordinance No. 8702 amending the title and several Sections of Article 14 "Amusements"; several Sections of Article 18 "Occupation, Business and Other Taxes"; a Section in Article 29 "Itinerant Merchants, Peddlers, and Solicitors"; and amend title and add Sections and Subsections of Article 31 all in Chapter 3 "Business Regulations" of the City Code as follows: Article 14 "Amusements" to amend Article title; Section 3-1401 "Definitions" to amend language and add Subsections; Section 3-1402 "Exhibitions and Carnivals" to amend Section title, update language and add Subsection; Section 3-1403 "Condition of Permit" to amend language and add Subsection; Section 3-1404 "Insurance" to amend language and update insurance

requirements; Section 3-1405 "Permit Fee" to clarify language; Section 3-1407 "Security" to amend language and add Subsection; to specifically repeal Section 3-1408 "Streets Carnivals and Circuses Prohibited: Exception"; Section 3-1409 "Penalty" to amend language; Section 3-1822 "Schedule: Circuses" amend Section title and add language; Section 3-1823 "Schedule; Concessions" to amend language; Section 3-1824; "Exhibitions" to repeal in its entirety; Section 3-2902; "Definitions" to amend language; Article 31. "Food Trucks" to amend Article title; to add Section 3-3106 "Purpose"; to add Section 3-3107 "Definitions"; to add Section 3-3108 "Permit Required"; to add Section 3-3109 "Exemptions"; to add Section 3-3110 "Application"; to add Section 3-3111 "Issuance"; to add 3-3112 "Permit Fee"; to add Section 3-3113 "Permit Renewal"; to add Section 3-3114 "General Operational Standards"; to add Section 3-3115 "Downtown District"; to add Section 3-3116 "Permit Fee; Downtown District; to add Section 3-3117 - "Suspension or Revocation"; to add Section 3-3118 - "Right to Appeal"; and to add Section 3-3119 - "Violations of Article; Penalty", 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 Nikkila seconded the motion to suspend the rules for Ordinance No. 8702. 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, Nikkila, Moore. Nay: None. Lear 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. 8702 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance No. 8702 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8702 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk and the Kearney Public Library.

## **VI. REGULAR AGENDA**

## **VII. REPORTS**

Jeff Morgan proposed that Council adopt an ordinance allowing backyard chickens within Kearney City limits. Mr. Morgan reviewed the many benefits he felt backyard chickens would add by allowing them and noted other communities that do allow chickens. Mr. Morgan suggested citizens be allowed to keep ten (10) chickens in their backyard but not be allowed to keep roosters and doesn't see a reason why citizens shouldn't be allowed to have chickens.

Council Member Jonathan Nikkila stated this issue has been litigated several times in the past and supports Mr. Morgan's sentiments.

Mayor Clouse noted there was a Veteran's Day Parade along with other events held over the weekend in support of Veteran's Day and further stated how proud he was of all Veteran's and everything they have do and have done. Mayor Clouse also noted the college students in the audience observing the Council meeting process.

Brenda Jensen, City Manager stated at the December 10th Council Meeting new Council Members will be sworn in and following that meeting, there will be cookies and punch to welcome the new Council Members and thank Council Member Bruce Lear and Mayor Stan Clouse for their years of service on the Council.

### **VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 5:42 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

**ATTEST:**

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

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**PEGGY EYNETICH  
CITY CLERK**