

Kearney, Nebraska
July 25, 2023
5:30 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on July 25, 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, Tami James Moore, and Jonathan Nikkila. Absent: Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Brenda Jensen, Assistant City Manager; Kayla James, Director of Finance; Amber Miller, Development Services Director; Shawna Erbsen, Administrative Services Director; Tony Jelinek, Director of Utilities; Andy Harter, Public Works Director; Bryan Waugh, Chief of Police; Mike Young, Captain of Operations; Kevin Thompson, Police Captain; Aaron Jameson, Fire Chief; Jason Whalen, Fire Administrator/Deputy Fire Chief; Gene Beerbohm, Corporate Board President; JoAnn Anderson, Office Manager, and Gisel Krueger, Office Manager 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.

RECOGNITION / ORAL COMMUNICATIONS

PRESENTATION OF KVFD 140TH ANNIVERSARY PROCLAMATION

Mayor Clouse read the Proclamation for the Kearney Volunteer Fire Department's (KVFD) 140th Anniversary and presented it to the members in attendance. Gene Beerbohm, Corporate Board President expressed his gratitude to Council members, City Staff, and the citizens of the City of Kearney for their years of support.

Council members thanked the KVF D for their dedicated service to the Kearney Community.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

None.

IV. CONSENT AGENDA

Mayor Clouse stated the Consent Agenda was amended on Monday, July 24, 2023, by adding Subsection 11.

Moved by Nikkila seconded by Buschkoetter that Subsections 1 through 11 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Buschkoetter. Nay: None. Moore abstained. Lear absent. Motion carried.

1. Approve Minutes of Special Meeting held July 5, 2023, Minutes of Special Joint Meeting held July 6, 2023, and Minutes of Regular Meeting July 11, 2023.

2. Approve the following Claims:

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

1000bulbs.com \$295.01 smsc; 4imprint \$582.69 smsc; 911 Custom \$10,160.40 co; Abramson, C \$19.86 smsc; Accucut \$93.33 smsc; Ace Irrigation \$744.80 smsc; Acushnet \$4,122.30 smsc; Advance Auto Parts \$16.98 smsc; Advanced Property \$3,800.00 smsc; Agri Supply \$79.59 smsc; Airnav \$590.00 smsc; Alamo Rent-A-Car \$21.00 smsc; Alfred Benesch \$62,661.35 co; All City Garage Door \$1,157.00 smsc; All Copy \$78.84 smsc; All Makes Auto \$436.23 smsc; AM Leonard \$192.26 smsc; Amazon \$15,310.47 smcs,co; American \$1,003.57 smsc; American Button \$293.39 smsc; American Fence \$3,515.39 smsc; American Instants \$89.40 smsc; American Legion \$138.94 smsc; American Red Cross \$1,577.00 smsc; Anything Truck \$174.93 smsc; Apple \$5.02 smsc; Apple Market \$73.55 smsc; Aramark Uniform \$718.56 smsc; Arbico Organics \$234.35 smsc; Arduino \$173.41 smsc; Arnold Motor \$1,273.87 smsc; Artisans \$200.00 ps; Ask Supply \$2,646.82 smsc; ASP Enterprises \$690.00 smsc; ATT \$1,221.59 smsc; Aurora Coop \$5,881.38 smsc; Authorize.net \$10.00 smsc; Avery, G \$14.04 smsc; AVFuel \$73,552.86 smsc; B&H Photo \$3,177.35 co; Babbitts Online \$239.36 smsc; Baca, C \$40.82 smsc; Back Flow Repair \$374.12 smsc; Baker & Taylor \$1,504.92 smsc; Baker's Candies \$139.25 smsc; Barth, D \$144.00 smsc; Battery Guy \$37.90 smsc; Baye, K \$50.62 smsc; Beacon Athletics \$152.00 smsc; Benson Tree \$640.00 smsc; Big O Tires \$80.79 smsc;

Blackstone Library \$1,422.64 smsc; Bluebeam \$7.64 smsc; BlueCross BlueShield \$36,590.19 smsc; BNC Electronics \$329.00 co; Board Public Account \$200.00 smsc; Bomgaars \$1,050.23 smsc; Bosselman \$4,159.99 smsc; Bossfuels \$22,305.95 smsc; Brady Worldwide \$319.29 smsc; Broadfoot's \$946.44 smsc; Buffalo Co. Attorney \$131,250.00 smsc; Buffalo Co. Redi-Mix \$7,987.00 co; Buffalo Co. Sheriff \$208,596.23 smsc; Buffalo Outdoor \$2,915.51 smcs,co; Buffalo Wild Wings \$53.99 smsc; Builders \$1,297.03 smcs,co; Cacek, L \$122.00 smsc; Cal/Amp \$781.55 smsc; Carolina Software \$650.00 smsc; Casey's \$14.95 smsc; Cash-Wa \$6,628.53 smsc; CDW \$11,715.10 smsc; Center Point Large Print \$79.86 smsc; Central Comm. College \$600.00 smsc; Central District Health \$3,946.00 smsc; Central Hydraulic \$142.54 smsc; Central NE Bobcat \$906.13 smsc; Central NE Rehab. \$100.00 ps; Chemsearch \$365.00 smsc; Chesterman \$2,970.06 smsc; Chittenden, S \$45.50 smsc; City of KY \$30,072.53 smcs,ps; CNRA Parking \$25.00 smsc; Cold Spring \$1,967.10 smsc; Colling, G \$209.08 smsc; Colling, L \$150.00 smsc; Collinson Enterprises \$108.50 smsc; Compute North \$160,148.55 smsc; Consolidated Mgmt. \$1,141.50 smsc; Constantcontact.com \$125.00 smsc; Construction Rental \$2,120.74 smcs,co; Control Yours \$220.00 smsc; Cook, M \$59.22 smsc; Copycat Printing \$555.89 smsc; Core & Main \$40.35 smsc; Cotterman Co. \$1,768.18 smsc; Courtreserve \$142.76 smsc; Crouch Recreation \$544.00 co; Crown Awards \$753.96 smsc; Culligan \$244.50 smsc; D & K Products \$29,453.25 smsc; Dairy Queen \$50.00 smsc; Dan Roeder Concrete \$178,097.85 co; Danko Emergency \$324.00 smsc; Dashlane \$34.24 smsc; Davis, B \$45.50 smsc; Dawson Public Power \$41,783.78 smsc; Daylight Donuts \$251.08 smsc; Del City \$210.30 smsc; Dell \$1,188.30 co; Deterdings \$368.91 smsc; Dish \$260.86 smsc; Ditch Witch \$185.92 smsc; DJI Drones \$259.00 smsc; Do My Own \$429.78 smsc; Dollar General \$42.19 smsc; Dollar Tree \$25.41 smsc; Doubletree Hotels \$652.04 smsc; DTS Technology \$192.54 smsc; EAA Chapter \$225.82 smsc; Eagle Distributing \$972.41 smsc; Eakes \$41,428.76 smcs,co; Earl May \$344.09 smsc; Ebay \$301.07 smsc; Echo Electric \$158.92 smsc; Ecolab \$126.21 smsc; EH Wachs \$1,559.50 smsc; Eileen's Cookies \$13.50 smsc; Eldt.com \$25.00 smsc; Enterprise \$274.40 smsc; Ereplacementparts.com \$26.63 smsc; Exit Light Co. \$53.50 smsc; Expression Wear \$192.00 smsc; Eyemed \$7,905.04 smsc; Facebook \$182.38 smsc; Family Fresh \$144.71 smsc; Fastenal \$874.97 smsc; First Due Intelligence \$5,000.00 smsc; Flying D \$45.99 smsc; Fong, A \$92.18 smsc; Forensic Pieces \$465.00 smsc; Friesen Chevrolet \$193.50 smsc; Frontier \$3,225.22 smsc; Fun Express \$67.52 smsc; Galeton \$1,418.38 smsc; Galls \$352.00 smsc; Garrett Tires \$4,802.63 smsc; Gaylord Opry Resort \$2,029.23 smsc; Godaddy.com \$158.56 smsc; Good Evans \$34.87 smsc; Govt. Finance Officers \$150.00 smsc; GPM Pump & Truck \$366.01 smsc; Graczyk Lawn \$2,027.00 smsc; Graczyk Sprinklers \$412.37 smsc; Graham Tire \$1,211.12 smsc; Grainger \$662.12 smsc; Grand Kubota \$1,717.70 smsc; Great Plains Comm. \$914.93 smsc; Great Plains Uniforms \$1,040.40 smcs,ps; Greater NE Cities \$1,000.00 smsc; Greenhouse Megastore \$631.31 smsc; H to O Supply \$239.98 smsc; Harbor Freight \$86.63 smsc; Harmon, M \$51.00 smsc; Heartland Motor \$141.45 smsc; Hobby-Lobby \$440.74 smsc; Holmes Plumbing \$893.78 smsc; Home Depot \$2,342.86 smsc; HTS Ag \$3,361.58 smsc; Hub Int'l \$6,796.00 smsc; Hy-Vee \$183.56 smsc; ICMA \$1,380.00 smsc; Independent Travel \$1,000.00 smsc; Inland Truck Parts \$2,430.97 smsc; Interlight \$279.91 smsc; Invoicehome.com \$5.28 smsc; Irobot \$90.92 smsc; IRS \$223,388.06 ps; Jack Lederman \$158.48 smsc; Jack's Uniforms \$327.84 smsc; Jackson Services \$357.20 smsc; Jacobsen, S \$76.64 smsc; JCB Delivery \$8.00 smsc; Jimmy Johns \$139.98 smsc; John Deere Financial \$1,146.50 smsc; Johnson Landscape \$1,376.75 smsc; Johnstone Supply \$148.77 smsc; Kansas City Royals \$3,176.00 smsc; Kara Co. \$165.69 smsc; Kaw

Valley \$232.97 smsc; KY Ace \$780.79 smsc; KY Animal Shelter \$14,775.66 smsc; KY Concrete \$13,126.50 co; KY Crete & Block \$10,794.54 smcs,co; KY Noon Rotary \$160.00 smsc; KY Quality Sew \$60.97 smsc; KY Towing \$945.00 smsc; KY Winlectric \$12,246.50 smcs,co; Kelly Supply \$2,255.54 smsc; Knoeller, N \$69.43 smsc; Koffler Sales \$394.74 smsc; Konica Minolta \$405.04 smsc; Kroger \$132.80 smsc; Ktown Cakery \$30.00 smsc; Landmark Implement \$1,874.21 smsc; Lerner LPG \$199.99 smsc; Lighbulbs.com \$84.10 smsc; Linkedin \$98.00 smsc; Little Caesars \$69.30 smsc; Lockmobile \$36.29 smsc; Loper Athletics \$3,318.50 smsc; Mac Tools \$127.49 smsc; Macqueen Equipment \$1,129.89 smsc; Maret, R \$475.00 smsc; Marking Refrigeration \$171.45 smsc; Marlatt Precision \$513.44 smsc; Martinez, R \$395.00 smsc; Masek Golf Car \$27.41 smsc; Masters True Value \$586.14 smsc; McCartney, Erin Chpt. 13 \$157.00 ps; MCL Construction \$1,043,690.77 co; Mead Lumber \$267.54 smsc; Menards \$12,297.70 smcs,co; Merrill Company \$722.54 smsc; Michaels \$110.15 smsc; Microsoft \$2,011.58 smsc; Mid American Signal \$27,038.00 smcs,co; Mid-Iowa Solid Waste \$3,512.52 smsc; Mid-Plains Equipment \$405.60 smsc; Mid-State Org. Crime \$195.00 smsc; Midwest Connect \$6,231.13 smsc; Midwest Petroleum \$364.84 smsc; Midwest Restaurant \$1,164.70 smsc; Midwest Turf \$810.64 smsc; Miller & Associates \$51,736.52 smcs,co; Miller Signs \$353.00 smsc; Mirror Image \$29.91 smsc; Mission Square \$8,328.64 ps; MNA Landscape \$660.00 smsc; Modern Cleaners \$33.15 smsc; Moncrief, J \$18.14 smsc; Moonlight Embroidery \$5,232.00 smsc; Motorola \$200.00 smsc; Mouser Electronics \$534.73 smsc; Municipal Supply \$18,619.63 smsc; Murphy Tractor \$398.97 smsc; Najera, A \$175.00 smsc; Nat'l Registry EMT \$18.00 smsc; NDEE \$19,648.80 smsc; NE Child Support \$1,594.65 ps; NE Crane \$342.85 smsc; NE Dept. Revenue \$55,324.25 smsc; NE Floodplain \$125.00 smsc; NE Generator \$856.59 smsc; NE Law Enforcement \$350.00 smsc; NE Library Commission \$6,992.00 smsc; NE Machinery \$2,760.82 smsc; NE Municipalities \$583.00 smsc; NE Peterbilt \$113.05 smsc; NE Public Health \$33.00 smsc; NE Safety \$210.00 smsc; NE Softball \$2,040.00 smsc; NE Truck Center \$3,348.24 smsc; Nebraskaland Dist. \$552.85 smsc; Nelson, A \$8.86 smsc; Network Solutions \$166.91 smsc; Nielsen Contracting \$1,530,283.96 co; No Blue Rescue \$800.00 smsc; Northern Safety \$106.56 smsc; Northwest Electric \$378.60 smsc; Northwestern Energy \$2,663.56 smsc; Nutrien Ag \$697.90 smsc; OCLC \$10,215.25 smsc; Off Duty Mgmt. \$506.97 smsc; Office Depot \$1,426.38 smsc; OMABL \$234.22 smsc; Omaha South Canopy \$24.00 smsc; Omnify \$483.00 smsc; One Call Concepts \$880.12 smsc; O'Reilly Automotive \$416.29 smsc; Orkin \$54.57 smsc; OTC Brands \$110.24 smsc; Outdoor Recreation \$1,288.70 smsc; Overhead Door \$615.33 smsc; Panera Bread \$178.81 smsc; Paper Works \$160.61 smsc; Pauly, C \$25.58 smsc; Paypal*Altinex \$121.07 smsc; Paypal*Azingelectr \$31.64 smsc; Peerless Machine \$2,730.00 smsc; Pep Co \$157.50 smsc; Petsmart \$376.42 smsc; PGA America \$587.00 smsc; Phillips 66 \$73.30 smsc; Ping \$267.93 smsc; Pitney Bowes \$517.50 smsc; Platinum Awards \$48.63 smsc; Platte Valley Auto \$649.75 smsc; Platte Valley Comm. \$142.50 smsc; Platte Valley Taphouse \$600.00 smsc; Positive Concepts \$230.00 smsc; Postermymwall \$29.95 smsc; Presto-X \$348.66 smsc; Provantage \$205.79 smsc; Public Agency \$650.00 smsc; QA Balance \$125.00 smsc; Quill \$471.80 smsc; R&R Repair \$204.52 smsc; Rapid Fire \$471.00 smsc; Rasmussen Mechanical \$6,868.85 smsc; Ready Mixed Concrete \$11,757.20 co; Reams \$1,096.01 smsc; Redbox \$13.90 smsc; Remarkable \$1,873.57 smsc; Rentokil \$280.53 smsc; Residence Inn \$957.37 smsc; Resource Mgmt. \$3,409.00 smsc; Reyes, J \$39.20 smsc; Rheome Tree \$8,275.00 smsc; RMV Construction \$609,222.46 co; Rockmount Research \$363.43 smsc; Ross Store \$58.84 smsc; S&S Worldwide \$100.00 smsc; Safety Vision \$446.79 smsc; Sahling

Kenworth \$402.64 smsc; Sam's Club \$16.56 smsc; Sapp Bros. \$1,140.98 smsc; Saylor Screenprinting \$61.00 smsc; Scarlet Hotel \$160.60 smsc; Schwan's \$5,008.01 smsc; Scorr Marketing \$218.75 smsc; See Clear Cleaning \$1,700.00 smsc; Select Sprayers \$122.27 smsc; Shell \$41.26 smsc; Sheraton \$536.97 smsc; Sherwin Williams \$404.67 smsc; Shredding Solutions \$103.13 smsc; Shutterstock \$31.04 smsc; Siddons Martin Emerg. \$8,069.79 smsc; Sign Center \$1,479.34 smcs,co; Siteone Landscape \$862.19 smsc; Smallcakes \$126.00 smsc; SOS Portable Toilets \$530.00 smsc; Spectrum \$825.41 smsc; Sporting Edge \$34.23 smsc; Springhill Suites \$1,067.95 smsc; Sprinkler Warehouse \$1,231.85 smsc; Steinbrink's \$154,660.64 smcs,co; Stitch 3 \$520.00 smsc; Stutsman \$3,294.00 smsc; Sunbelt Rentals \$541.72 smsc; Sybrant Machining \$30.00 smsc; Target \$68.82 smsc; Tilley Sprinklers \$1,772.00 smsc; Titan Machinery \$2,349.20 smsc; TK Elevator \$9,668.34 smsc; Tommy's Express \$243.56 smsc; Tractor Supply \$1,312.19 smsc; Transunion \$115.20 smsc; Trausch Dynamics \$271.34 smsc; Turner Body Shop \$250.00 smsc; Twin City Hardware \$620.28 smsc; Uber \$74.62 smsc; Uline \$2,339.26 smsc; Union Bank \$108,060.05 ps; Unique Management \$209.70 smsc; United \$80.00 smsc; United States Treasury \$1,401.00 smsc; Universal Merc \$347.34 smsc; UPS \$155.19 smsc; USA Bluebook \$1,234.81 smsc; USPS \$251.50 smsc; Van Wall Equipment \$885.40 smsc; Village Services \$255.54 smsc; Village Uniform \$217.94 smsc; Volaire Aviation \$2,000.00 smsc; VW Golf \$1,680.72 smsc; Wal-mart \$4,019.16 smsc; Walters Electric \$1,004.48 smsc; Ward Laboratories \$21.50 smsc; Wastecorp Pumps \$3,639.08 smsc; Waterlink \$709.41 smsc; Waugh, B \$142.48 smsc; We Care Tree Care \$790.00 smsc; Webstaurant Store \$345.64 smsc; Wedding Sisters \$198.00 smsc; WEF Main \$85.00 smsc; Welding Supplies \$148.79 smsc; Wells Fargo \$175.00 smsc; Wessels, W \$3,980.00 smsc; Wiedel, G \$79.08 smsc; Wilcac Life \$5.00 ps; Wilkins Hinrichs Stober \$3,653.60 co; WPCI \$598.00 ps; Yendra, S \$135.00 smsc; Young, M \$122.00 smsc; Youtube TV \$418.91 smsc; Zoro Tools. \$162.57 smsc; Payroll Ending 07/15/2023 -- \$722,332.37. 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. 2023-105 appointing citizens to serve on the Airport Advisory Board, Civil Service Commission, Community Redevelopment Authority, Downtown Improvement Board, Kearney Housing Agency, Advisory Board of Park and Recreation Commissioners and Planning Commission.

RESOLUTION NO. 2023-105

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

WHEREAS, vacancies currently exist on certain Boards/Commissions.

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

AIRPORT ADVISORY BOARD

Ronald Tuttle appointed to succeed Jacob Barth to July 31, 2028

CIVIL SERVICE COMMISSION

Jason Sharp reappointed to July 31, 2029

COMMUNITY REDEVELOPMENT AUTHORITY

Patrick Moore reappointed to July 31, 2028

DOWNTOWN IMPROVEMENT BOARD

Chais Meyer reappointed to July 31, 2028

GOLF ADVISORY BOARD

Brandon Holt reappointed to July 31, 2026 (corrected expiration year due to error in Resolution 2022-140 that listed expiration year as 2027).

Dan Theobald reappointed to July 31, 2026 (corrected expiration year due to error in Resolution 2022-140 that listed expiration year as 2027).

Jim Van Amburg reappointed to July 31, 2026 (corrected expiration year due to error in Resolution 2022-140 that listed expiration year as 2027).

KEARNEY HOUSING AGENCY

Maxine Lillis reappointed to July 31, 2028

ADVISORY BOARD OF PARK AND RECREATION COMMISSIONERS

Michaela Lewis (County appointment) reappointed to July 31, 2028

Nicole Mailahn reappointed to July 31, 2028

PLANNING COMMISSION

Melissa Scott-Pandorf reappointed to July 31, 2026

Brent Yaw reappointed to July 31, 2026

Dave Malone reappointed to July 31, 2026

SENIOR SERVICES ADVISORY BOARD

Sheila Kennedy reappointed to July 31, 2026

Shirley Johnson appointed to succeed Dick Johnson to July 31, 2026

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

PASSED AND APPROVED THIS 25TH DAY OF JULY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

4. Adopt Resolution No. 2023-106 establishing a Social Media Policy for the City of Kearney.

RESOLUTION NO. 2023-106

WHEREAS, it has been determined by City staff that a Social Media Policy, which sets forth guidelines for the use and management of the City of Kearney's various social media accounts, is needed.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the "City of Kearney Social Media Policy" be and is hereby established. A copy of the Social Media Policy, marked as Exhibit "A", is attached hereto and made a part hereof.

PASSED AND APPROVED THIS 25TH DAY OF JULY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

5. Adopt Resolution No. 2023-107 approving the Real Estate Purchase Agreement between Kearney Public Schools (KPS) and the City of Kearney for the transfer of a tract of land to expand playground facilities for Park Elementary School located at 3000 7th Avenue.

RESOLUTION NO. 2023-107

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the "Real Estate Purchase Agreement" between Kearney Public Schools and the City of Kearney for the transfer of real property as shown on Exhibit A of the Real Estate Purchase Agreement be and is hereby accepted and approved. The Agreement, marked as Exhibit 1, is attached and made a part hereof.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 25TH DAY OF JULY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

6. Authorize the Mayor to amend the letter of no recommendation approved at the July 11, 2023 City Council meeting to show the approval for a location change submitted by B & B Research and Investments, LLC, dba The Game Room (formerly The Cup 1919) located at 2010 Central Avenue (new location) in connection with their Class CK-124010 liquor license per the Nebraska Liquor Control Commissions request.

7. Adopt Resolution No. 2023-108 approving Application and Certificate for Payment No. 4 in the amount of \$96,760.06 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the Booster Pump Stations, Renovations and Associated Improvements.

RESOLUTION NO. 2023-108

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. 4 in the amount of \$96,760.06 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 2,185,960.00</u>
Change Order No. 1 (09/13/2022)	- 345,373.00
Contract Sum To Date	1,840,587.00
Gross Amount Due	759,911.96
Retainage (10%)	- <u>75,991.20</u>
Amount Due to Date	683,920.76
Less Previous Certificates for Payment	<u>587,160.70</u>
Current Payment Due	\$ 96,760.06

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 25TH DAY OF JULY, 2023.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

8. Adopt Resolution No. 2023-109 approving Application and Certificate for Payment No. 11 in the amount of \$2,209,158.98 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

RESOLUTION NO. 2023-109

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. 11 in the amount of \$2,209,158.98 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	19,353,518.48
Retainage	- <u>1,891,727.05</u>
Amount Due to Date	17,461,791.43
Less Previous Certificates for Payment	- <u>15,252,632.45</u>
Current Payment Due	<u>\$ 2,209,158.98</u>
Balance to finish, including retainage	\$ 17,756,575.57

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

PASSED AND APPROVED THIS 25TH DAY OF JULY, 2023.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

9. Adopt Resolution No. 2023-110 approving Application and Certificate for Payment No. 13 in the amount of \$76,995.00 submitted by Caldwell Tank and approved by Miller & Associates for the 2.0 MG Elevated Water Tower.

RESOLUTION NO. 2023-110

WHEREAS, Caldwell Tank of Louisville, Kentucky and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 13 in the amount of \$76,995.00 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)	- 10,991.50
Change Order	<u>+ 12,000.00</u>
Contract Sum To Date	4,974,008.50
Gross Amount Due	4,299,558.50
Retainage (10%)	<u>- 429,955.85</u>
Amount Due to Date	3,869,602.65
Less Previous Certificates for Payment	<u>- 3,792,607.65</u>
Current Payment Due	\$ 76,995.00

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. 13, as shown on Exhibit “A” is hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF JULY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

10. Adopt Resolution No. 2023-111 approving the revised City of Kearney Personnel Manual.

RESOLUTION NO. 2023-111

WHEREAS, the City of Kearney has adopted a Personnel Manual since September 1, 1973, and has for several years prior to that time, maintained a cohesive personnel program including standard rules and regulations; and

WHEREAS, on August 22, 2006, the City Council formally adopted the revised Personnel Manual of the City of Kearney as the embodiment of the City’s rules and regulations governing personnel matters; as amended by the City Council on December 26, 2007 by Resolution No. 2007-264, amended on October 28, 2014 by Resolution No. 2014-224, amended on October 25, 2016 by Resolution No. 2016-184, amended on March 27, 2018 by Resolution No. 2018-41, amended on May 22, 2018 by Resolution No. 2018-77, amended on September 22, 2020 by Resolution No. 2020-151; amended on June 14, 2022 by Resolution No. 2022-120; amended on August 23, 2022 by Resolution No. 2022-164 and amended on January 24, 2023 by Resolution No. 2023-17; and

WHEREAS, the City Manager and administrative staff have made several revisions and essential changes to the latest version of the Personnel Manual adopted on August 22, 2006, as amended in 2007, 2014, 2016, 2018, 2020, 2022 and 2023 and have recommended the adoption of a newly revised Personnel Manual; and

WHEREAS, the City Council having reviewed these recommended revisions and changes, finds them to be appropriate and necessary to the continued effective performance of duties by employees of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Personnel Manual adopted on August 22, 2006, as amended in 2007, 2014, 2016, 2018, 2020, 2022, and 2023 be and are hereby repealed.

BE IT FURTHER RESOLVED that the newly revised Personnel Manual be and is hereby adopted and will become effective immediately. A copy of the newly revised Personnel Manual, marked Exhibit "A", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to implement the policies and provisions of the said Personnel Manual in the fairest and most constructive manner possible.

PASSED AND APPROVED THIS 25TH DAY OF JULY, 2023.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

11. ADDENDUM ITEM: Receive recommendations of Planning Commission and set August 8, 2023 at 5:30 p.m. as date and time for hearing on those applications where applicable.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Moore seconded by Buschkoetter that the Open Account Claim in the amount of \$112,906.22 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter. Nay: None. Clouse abstained. Lear absent. Motion carried.

VII. REPORTS

Michael Morgan, City Manager provided updates on various City projects.

Council Member Tami James Moore expressed her appreciation for the community support of the Law Enforcement Banquet.

Council Member Randy Buschkoetter commended City Staff for their efforts on the 56th

Street and N Avenue turn lane construction project.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:46 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
CITY CLERK**