

*Kearney, Nebraska  
November 28, 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 November 28, 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, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Brenda Jensen, Deputy City Manager; Kayla James, Director of Finance; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works; Dan Lillis, Engineering Assistant II; Shawna Erbsen, Administrative Services Director; Jake Misener, Deputy City Clerk; Bryan Waugh, Chief of Police; Mike Young, Captain of Operations; Kevin Thompson, Police Captain, and Jason Koettters, Police Lieutenant were also present. Members of the media present included: Mike Konz, Kearney Hub, and Brian Neben, NRG Media.

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

None.

### IV. CONSENT AGENDA

Moved by Nikkila seconded by Moore that Subsections 1 through 8 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held November 14, 2023.

2. Approve the following Claims:

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

5.11 \$327.42 smcs; 1000bulbs.com \$313.80 smcs; 4imprint \$570.16 smcs; Ace Hardware \$1,286.27 smcs; Ace Irrigation \$237.45 smcs; Ace Parking \$40.00 smcs; Acme Tools \$1,443.42 smcs; Acushnet \$9,391.76 smcs; ADB Safegate \$326.43 smcs; Advance Auto \$53.79 smcs; Adventure Enterprises \$160.00 smcs; Airport Lighting \$237.38 smcs; Alegria, R \$78.54 smcs; Alfred Benesch \$41,308.52 co; All City Garage Door \$150.00 smcs; All Makes Auto \$74.93 smcs; Ally B Designs \$100.00 smcs; Amazon \$19,289.57 smcs,co; American \$380.32 smcs; American Airlines \$140.00 smcs; American Button \$217.12 smcs; American Fence \$163.32 co; American Red Cross \$326.00 smcs; American Waterworks \$2,181.00 smcs; Apple \$3.96 smcs; Aramark Uniform \$645.87 smcs; Arnold Motor Supply \$350.31 smcs; Ask Supply \$4,171.46 smcs; AT&T \$2,497.18 smcs; Atek Access \$400.00 smcs; Aurora Coop \$12,069.04 smcs; Aussie Hydraulics \$24.46 smcs; Authorize.net \$30.00 smcs; AVFuel \$90,865.77 smcs; Aviation Laboratories \$311.55 smcs; B&H Photo \$6,878.42 smcs,co; Backflow Parts \$692.22 co; Baker & Taylor \$4,219.92 smcs; Banner Buxx \$217.42 smcs; Battery Guy \$52.00 smcs; Bauder, G \$12.49 smcs; Bear Frame \$915.65 smcs; Beyondtrust Corp. \$5,759.69 smcs; Blackstone Library \$1,510.28 smcs; Bluebeam \$220.00 smcs; BlueCross BlueShield \$130,380.87 smcs; Body Basics \$4,745.00 co; Bomgaars \$488.53 smcs; Boogaarts \$29.96 smcs; Bosselman \$10,261.40 smcs; Bossfuels \$22,541.41 smcs; Brand Mgmt. Group \$901.60 smcs; Broadfoot's \$984.00 smcs; Brown Blue Training \$595.00 smcs; Browns Shoe Fit \$150.00 smcs; BSN Sports \$419.00 smcs; Buffalo Co. Redi-Mix \$2,931.35 smcs,co; Buffalo Co. Sheriff \$172.50 smcs; Buffalo Co. Treasurer \$205,288.50 smcs,ds; Buffalo Outdoor \$30.79 smcs; Builders \$1,914.69 smcs; Button Boy \$57.82 smcs; C&I Equipment \$1,356.50 smcs; Cabela's \$399.97 smcs; Cady, J \$70.96 smcs; Card My Yard \$640.00 smcs; Carquest \$12.40 smcs; Casey's \$100.36 smcs; Cash Wa \$1,034.79 smcs; CDW \$8,133.11 smcs; Celebration on Central \$695.05 smcs; Center Point Large Print \$79.86 smcs; Central City Taxi \$54.66 smcs; Central Hydraulic \$151.46 smcs; Central NE Bobcat \$2,408.46 smcs,co; Central NE Council \$55.00 smcs; Central NE Rehab \$150.00 ps; Central States Wire \$6,952.43 smcs; Century Lumber \$44.89 smcs; Cerny, M \$40.75 smcs; Chemsearch \$365.00 smcs; Chesterman \$1,050.50 smcs;

Christensen, K \$177.50 smcs; City of KY \$24,358.26 smcs,co; City Plumbing \$106.74 smcs; Civicplus \$15.36 smcs; CNRA Parking \$42.00 smcs; Coaching Systems \$347.91 smcs; Commonwealth Electric \$9,496.23 smcs; Community Action Part. \$10,111.98 smcs; Compute North \$163,755.90 smcs; Consolidated Mgmt. \$64.50 smcs; Constant Contact \$145.00 smcs; Construction Rental \$2,796.49 smcs,co; Control Yours \$203.45 smcs; Cooperative Producers \$808.50 smcs; Copycat \$851.61 smcs,co; Core & Main \$10,099.18 smcs; Cottonmill Enterprises \$4,950.00 co; Country Partners \$77,850.22 smcs; Court Reserve \$141.28 smcs; Criminal Addiction \$300.00 smcs; Crouch Recreational \$17,100.00 co; Crouch, M \$48.80 smcs; Crown Awards \$109.87 smcs; Crown Products \$356.91 smcs; Culligan \$4,649.50 smcs; Cummins \$753.40 smcs; Cunningham's Journal \$64.34 smcs; Cutting Edge Cleaning \$350.00 smcs; Dashlane \$11.38 smcs; Data Axle \$2,968.00 smcs; Dael, Z \$142.95 smcs; David Barth \$1,793.50 smcs; Davis Equipment \$7,189.79 smcs; Dawson Public Power \$29,554.68 smcs; Daylight Donuts \$60.17 smcs; Deardoff, W \$17.82 smcs; Dell \$1,740.73 smcs,co; Depository Trust \$642,387.50 ds; Detectachem \$188.80 smcs; Direct TV \$100.00 smcs; Discmagic \$284.70 smcs; Dish \$140.10 smcs; Ditch Witch \$164.58 smcs; Dmilaco \$190.00 smcs; Dolan Consulting \$450.00 smcs; Dollar Tree \$9.36 smcs; Door Dash \$27.27 smcs; Dowhy Towing \$100.00 smcs; Drudik, K \$31.16 smcs; Dunkin \$49.96 smcs; Eagle Distributing \$180.05 smcs; Eakes \$3,773.48 smcs; Earl May \$401.26 smcs; Ebay \$191.53 co; Ecolab \$129.91 smcs; Eileen's Cookies \$54.75 smcs; Elf Enterprises \$599.00 smcs; Ellingson, T \$17.03 smcs; Elliott Equipment \$5,392.11 smcs; England, S \$47.13 smcs; Epic Sports \$206.35 smcs; Erofins \$605.00 smcs; Expression Wear \$467.00 smcs; Eyemed \$1,980.20 smcs; F&T Fur Harvesters \$113.26 smcs; Facebook \$120.95 smcs; Fairfield Inn \$769.20 smcs; Family Fresh \$121.51 smcs; Family Practice \$554.00 smcs; Farmers Union \$580.00 smcs; Fastenal \$2,272.78 smcs; Fisher, M \$37.58 smcs; Flaherty, T \$192.00 smcs; Flashmasters \$349.95 smcs; Fletcher Const. \$133.87 smcs; Focus on the Family \$89.97 smcs; Frerichs, S \$52.18 smcs; Frontier \$745.11 smcs; Fun Express \$152.45 smcs; Fyre Modern Grill \$59.94 smcs; Gale/Cengage \$765.70 smcs; Galeton \$305.16 smcs; Gammon Technical \$353.38 smcs; Garrels, J \$163.00 smcs; Garrett Tires \$15,241.56 smcs; GBF Holdings \$39.36 smcs; Georgia Fountain \$425.00 smcs; Glow With Us \$423.00 smcs; Gnuse Video & Photo \$420.00 smcs; Goodier, J \$19.89 smcs; Goodwin Tucker \$1,480.95 smcs; Goto.com \$374.49 smcs; GPM Pump \$359.83 smcs; Gracie University \$4,800.00 smcs; Graczyk Lawn \$1,622.00 smcs; Graham Tire \$1,172.00 smcs; Grainger \$654.25 smcs; Great Plains Comm. \$915.53 smcs; Halva, K \$27.10 smcs; Hampton Inns \$1,873.33 smcs; Hampton, S \$3.23 smcs; Harbor Freight \$159.98 smcs; Harris, N \$4.02 smcs; Heartland Cleaning \$874.33 smcs; Hilltop Pet Clinic \$44.75 smcs; Hilton \$405.39 smcs; Himmelman, J \$125.91 smcs; Hireright \$62.70 smcs; Hobby-Lobby \$205.46 smcs; Hockemeier, J \$150.00 smcs; Holmes Plumbing \$520.12 smcs,co; Holmes, S \$67.07 smcs; Holtz Industries \$406.77 smcs; Home Depot \$605.61 smcs; Hometown Leasing \$168.00 smcs; Hooker Bros. \$946.00 smcs; Hot Meals USA \$5,000.00 smcs; Hub Int'l \$6,796.00 smcs; Hughes, C \$150.00 smcs; Hunter Industries \$102.98 smcs; Huston, L \$42.62 smcs; Hyatt Regency \$1,436.90 smcs; Hy-Vee \$308.93 smcs; I2G Hart Golf \$750.00 smcs; IACP \$1,225.00 smcs; IAEI \$336.00 smcs; ICMA \$1,057.00 smcs; Ignite Tech \$4,725.60 smcs; Impact Plastics \$2,813.55 smcs; Imperial Supplies \$202.78 smcs; Inland Truck \$608.87 smcs; Integrated Security \$783.00 smcs; Int'l Assn. \$80.00 smcs; Int'l Code Council \$110.00 smcs; Int'l Public Mgmt. \$420.00 smcs; Invoice Home \$5.28 smcs; Iprint Technologies \$989.00 smcs; IR Tools \$21.50 smcs; IRS \$195,708.18 smcs; Island Supply \$73.45 smcs; Jack Lederman \$724.73 smcs; Jacks Small Engines \$15.77 smcs;

Jackson Services \$368.56 smcs; Jensen, J \$47.80 smcs; Jimmy Johns \$168.12 smcs; JJ Keller & Assn. \$392.51 smcs; Johnson Landscape \$2,548.13 smcs; Johnson, D \$800.00 smcs; Johnstone Supply \$1,337.34 smcs; Jonak, K \$31.00 smcs; Jones Barrel \$993.00 smcs; Jones, K \$1,050.00 smcs; JW Marriott \$2,387.56 smcs; Karg, A \$125.69 smcs; Kasson B & B \$1,172.10 smcs; KY Animal Shelter \$15,218.93 smcs; KY Concrete \$2,294.63 co; KY Crete \$733.09 smcs; KY Hub \$1,490.44 smcs; KY Partnership \$50,000.00 smcs; KY Quality Sew \$724.98 smcs; KY Tennis Assoc. \$1,928.50 smcs; KY Tire \$618.80 smcs; KY Towing \$375.00 smcs; Kelly Supply \$2,024.78 smcs,co; Keyper Store \$298.80 smcs; Kimball Midwest \$678.40 smcs; Kitts Kitchen \$200.00 smcs; Krarth, T \$21.61 smcs; Ktown Cakery \$40.00 smcs; Landmark Implement \$58,757.50 smcs,co; Law Enf. Seminars \$425.00 smcs; Love's \$30.00 smcs; Lowe Investment \$245.84 smcs; Lyft \$156.55 smcs; Macqueen \$3,937.89 smcs; Magnum \$207.94 smcs; Mallory Safety \$749.70 smcs; Masek Golf Car \$107.96 smcs; Masters True Value \$603.08 smcs; Matheson \$657.54 smcs; McCartney, Erin Chpt. 13 \$157.00 smcs; Menards \$5,788.18 smcs; Microfilm Imaging \$1,040.00 smcs; Mid American Signal \$1,275.00 smcs; Mid-State Engineering \$362.00 co; Midway USA \$123.66 smcs; Midwest Connect \$6,226.30 smcs; Midwest Restaurant \$513.95 smcs; Midwest Turf \$204.12 smcs; Miller & Associates \$3,060.00 smcs; Miller Signs \$783.00 smcs; Miller, H \$182.06 smcs; Mirror Image \$298.68 smcs; Mission Square \$7,954.64 smcs; Modern Imaging \$179.90 smcs; Moonlight Embroidery \$1,207.20 smcs; Moore & O'Connor Const. \$132.58 smcs; Motorola \$450.00 smcs; Mullen Lawn \$25.61 smcs; Municipal Supply \$15,374.54 smcs; Napa Auto \$3,635.52 smcs; Nat'l Assn. \$40.00 smcs; Nat'l Petroleum \$1,373.07 smcs; NCH Software \$51.78 smcs; NCL of Wisconsin \$1,628.57 smcs; NDEQ \$115.00 smcs; NE Arboretum \$130.00 smcs; NE Arborist Assn. \$145.00 smcs; NE Chapter IAEI \$250.00 smcs; NE Child Support \$1,594.65 smcs; NE Dept. Revenue \$43,691.25 smcs; NE GCSAA \$100.00 smcs; NE Generator \$39,879.53 smcs,co; NE Golf Assn. \$23.00 smcs; NE Law Enforcement \$80.00 smcs; NE Machinery \$832.42 smcs; NE Peterbilt \$737.54 smcs; NE Planzone \$100.00 smcs; NE Safety & Fire \$90.00 smcs; NE Section PGA \$120.00 smcs; NE Truck Center \$7,243.53 smcs; Network Solutions \$63.96 smcs; Next Batteries \$36.10 smcs; Nguyen, T \$47.53 smcs; NIAIA \$100.00 smcs; Nicole Craft \$34.66 smcs; NMS Labs \$2,970.00 smcs; Northern Safety \$106.56 smcs; Northwestern Energy \$111.53 smcs; Novus \$50.00 smcs; NSA POAN \$165.00 smcs; NSGA \$250.00 smcs; NWEA \$800.00 smcs; Office Depot \$235.21 smcs; Officemax \$115.11 smcs; Omaha South Garage \$168.00 smcs; Omaha Track \$1,498.00 smcs; One Call Concepts \$968.34 smcs; O'Reilly Automotive \$1,252.09 smcs; Orkin \$54.57 smcs; Otterbox \$10.54 smcs; Overhead Door \$42.09 smcs; Packer Brothers \$898.67 smcs; Paint Paradise \$171.20 smcs; Panera Bread \$45.85 smcs; Penworthy \$532.07 smcs; Pep Co. \$367.50 smcs; Peters, H \$42.16 smcs; Petsmart \$129.41 smcs; Philby, J \$150.00 smcs; Phillips 66 \$204.37 smcs; Pitney Bowes \$1,260.58 smcs; Platinum Awards \$1,447.32 smcs,co; Platte Valley Auto Mart \$15.77 smcs; Platte Valley Comm. \$339.81 smcs; Ploeger, L \$34.05 smcs; Presto-X \$546.79 smcs; Pretzel Maker \$107.64 smcs; Propluggger \$79.90 smcs; Pump & Pantry \$78.62 smcs; QT \$48.07 smcs; Quill \$549.93 smcs; Radwell Int'l \$2,600.63 smcs; Ragic \$709.44 smcs; RDG Planning & Design \$13,413.27 co; Reams \$16,558.22 smcs,co; Red Equipment \$568.82 smcs; Redbox \$2.41 smcs; Redmans Shoes \$1,456.00 smcs; Reinke's \$3,202.84 smcs; Rentokil \$73.22 smcs; Resource Mgmt. \$817.25 smcs; Ribbons Unlimited \$29.69 smcs; Rockit Event Pros \$378.39 smcs; Rogue Valley \$31.52 smcs; Rootmaker Products \$203.06 smcs; Rosen Hotels \$938.28 smcs; S & J Construction \$15,120.00 co; Sampson Construction \$865,176.57 co; Sandry Fire Supply \$53.50 smcs; Sapp Bros. \$15,253.94 smcs; Saylor Screenprinting \$2,564.25

smcs; Schanou, J \$243.00 smcs; Scheepers Flower \$1,259.75 smcs; Schindler Elevator \$1,823.88 smcs; Schroer, J \$559.50 smcs; Scorr Marketing \$187.50 smcs; See Clear Cleaning \$3,122.50 smcs; Select Sprayers \$1,441.19 smcs; Serr, E \$31.34 smcs; SG Leasing \$115.28 smcs; Shaddock, M \$56.51 smcs; Sheets, C \$9.07 smcs; Shotkoski, Z \$28.57 smcs; Shredding Solutions \$112.01 smcs; Shutterstock \$31.04 smcs; Sid Dillon Chevrolet \$116,746.00 co; Sign Center \$1,152.97 smcs; Signit \$957.82 smcs; Signs on the Cheap \$404.06 co; Sims \$122.67 smcs; Siteone Landscape \$234.79 co; SLA Corp \$191.94 smcs; Smith, G \$75.16 smcs; Snap-On Tools \$971.00 smcs; Society Human Resource \$244.00 smcs; SOS Portable Toilets \$478.00 smcs; Southwest \$756.96 smcs; Sowles, A \$5.58 smcs; Spectrum \$794.68 smcs; Sporting Edge \$803.17 smcs; Spraywell \$90.45 smcs; Springhill Suites \$1,627.40 smcs; Sprinkler Warehouse \$586.68 smcs; Starbucks \$121.61 smcs; Steinbrink's \$599.41 smcs; Stickels, S \$39.23 smcs; Stitch 3 \$240.00 smcs; Stutsman \$2,745.00 smcs; Sunbelt Rentals \$1,324.47 smcs; Sunset Law Enforcement \$172.00 smcs; Supanchick, D \$47.43 smcs; Superior \$899.00 smcs; Supply House \$2,913.47 smcs; Sutphen \$291.49 smcs; Svoboda, C \$150.00 smcs; Target \$402.70 smcs; Texas Roadhouse \$1,125.52 smcs; Tiger Tough \$296.40 smcs; TK Elevator \$1,885.58 smcs; Tommy's Express \$185.00 smcs; Totally Promotional \$1,010.16 smcs; Towneplace Suites \$326.70 smcs; Tractor-Supply \$412.24 smcs; Traffic Safety \$542.85 co; Transunion \$115.60 smcs; Traveler's \$90,560.00 smcs; Tri City Auction \$86.87 smcs; Tri-Cities Roofing \$284.41 smcs; Turfwerks \$89,919.56 co; Turner Body Shop \$7,570.58 smcs; Twin City Hardware \$1,621.29 smcs; Tyler Technologies \$599.00 smcs; Uber \$44.37 smcs; UI \$601.00 co; Uline \$972.22 smcs,co; Ulrick, R \$32.35 smcs; Union Bank & Trust \$105,308.97 smcs; Union Pacific \$5,533.16 smcs; Unique Management \$361.15 smcs; United \$20.00 smcs; UPS \$380.54 smcs; USA Blue Book \$799.95 smcs; USPS \$293.90 smcs; Village Services \$561.96 smcs; VW Golf \$88.26 smcs; Walgreens \$15.96 smcs; Walmart \$2,755.05 smcs,co; Warren T Plumbing \$220.42 smcs; Wayfair \$34.32 smcs; Webstaurant Store \$1,698.25 smcs; Wilcac Life \$5.00 smcs; Wilson Sporting Goods \$162.44 smcs; Window World \$992.50 smcs; Winlectric \$14,033.91 smcs,co; Winnelson \$1,548.52 smcs,co; World Herald \$21.99 smcs; WPCI \$738.51 ps; WTT Consultants \$225.00 smcs; Xpanxion \$176.08 smcs; Young, M \$217.00 smcs; Youtube \$426.80 smcs; Zagg \$10.54 smcs; Zarraga, A \$25.47 smcs; Payroll Ending 11/18/2023 -- \$627,002.89. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$\_\_\_\_\_ to the City of Kearney.

3. Receive recommendations of Planning Commission and set December 12, 2023 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2023-166 approving the First Amendment to Communications Site Option and Land Lease Agreement and Memorandum of Lease between the City of Kearney and Alltel Corporation dba Verizon Wireless.

### **RESOLUTION NO. 2023-166**

WHEREAS, Verizon Wireless currently leases a location for a telecommunications tower at Memorial Field and 1919 15th Avenue; and

WHEREAS, Verizon Wireless has negotiated with City Staff the extension and amendment to the two existing cell tower leases; and

WHEREAS, the amendment will allow for the extension of both leases for five additional, 5-year terms, the City receiving a total of \$40,000.00 (\$20,000.00 per lease extension) with rent for both leases increasing 15% on each renewal period through the new terms of the leases.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney that the President be and is hereby authorized and directed to execute the First Amendment to Communications Site Option and Land Lease Agreements and the First Amendment to Memorandum of Leases on behalf of the City of Kearney, Nebraska, with Alltel Communications of Nebraska LLC d/b/a Verizon Wireless for the extension of leases for telecommunications towers located at Memorial Field and 1919 15th Avenue. The Agreements and Memorandums, marked Exhibit "1" for Memorial Field and Exhibit "2" for 1919 15th Avenue, are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF NOVEMBER, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

5. Adopt Resolution No. 2023-167 amending the CentralSquare Solutions Agreement between CentralSquare Technologies, LLC and Kearney Police Department, NE, to include required mobile subscriptions for mobile field reporting and patrol vehicle-installed computers.

**RESOLUTION NO. 2023-167**

WHEREAS, after review of the Agreement between CentralSquare Technologies, LLC and the Kearney Police Department that was previously approved for the update to the police records management software (RMS), it was determined an amendment was needed in order to include the required mobile subscriptions for mobile field reporting and patrol vehicle-installed computers that was inadvertently left out in the initial Agreement.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, the amendment to the Agreement between CentralSquare Technologies, LLC and the Kearney Police Department to include required mobile subscriptions for mobile field reporting and patrol vehicle-installed computers be and is hereby approved. The amended Agreement, marked Exhibit "A", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED by the President and Council of the City of Kearney, Nebraska that the Chief of Police be and is hereby authorized and directed to execute the amended Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 28TH DAY OF NOVEMBER, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

6. Approve the Agreement between the City of Kearney and Geoffrey R. Carnahan and Christina M. Carnahan to connect property described as Lot 1, Block Two, O'Brien Subdivision, Buffalo County, Nebraska (5530 East Saddlehorse Drive) to the sanitary sewer main owned by the City of Kearney and approve Resolution No. 2023-168.

**RESOLUTION NO. 2023-168**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement between the City of Kearney and Geoffrey R. Carnahan and Christina M. Carnahan, Owners, to connect property described as Lot 1, Block Two, O'Brien Subdivision and located at 5530 East Saddle Horse Drive to the sanitary sewer main owned by the City of Kearney be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto, negotiated with Geoffrey R. Carnahan and Christina M. Carnahan to connect to sanitary sewer main as stated above.

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 28TH DAY OF NOVEMBER, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

7. Adopt Resolution No. 2023-169 approving the Application and Certificate for Payment No. 15 in the amount of \$1,367,498.84 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

**RESOLUTION NO. 2023-169**

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. 15 in the amount of \$1,367,498.84 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 35,218,000.00</u>
Change Order No. 1 (07-12-2022)	- 639,633.00
Change Order No. 2 (08-22-2023)	<u>+ 21,141.00</u>
Contract Sum To Date	35,239,508.00
Gross Amount Due	25,956,236.94
Retainage	<u>- 1,944,074.87</u>
Amount Due to Date	24,012,162.07
Less Previous Certificates for Payment	<u>- 22,644,663.23</u>
Current Payment Due	<u>\$ 1,367,498.84</u>
Balance to finish, including retainage	\$ 11,227,345.93

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. 15, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF NOVEMBER, 2023.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

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

8. Approve the purchase of a 2024 Ford Super Duty F-350 SRW XL 4WD Crew Cab in the amount of \$54,887.10 submitted by National Auto Fleet Group under the Sourcewell Cooperative Purchasing program to be used in the Utilities Department, Water Operations Division.

## **V. CONSENT AGENDA ORDINANCES**

None.

## **VI. REGULAR AGENDA**

### **AMENDMENT OF RESOLUTION NO. 2023-149**

Mayor Clouse opened Regular Agenda Item 1 for consideration of Resolution No. 2023-149A amending Resolution No. 2023-149 regarding the placement of conspicuously placed signage on publicly accessed City buildings pertaining to the carrying of weapons.

Michael Tye, City Attorney presented this matter to the Council. Mr. Tye stated the City of Kearney has had a policy limiting firearms in some of the City's publicly accessible buildings since 2013. Due to recent modifications of State Statute regarding firearms, the Nebraska Attorney General issued a memorandum to all Law Enforcement Agencies and County Attorneys in the State of Nebraska outlining many of the changes and the legal authority for firearm law in Nebraska. Mr. Tye stated as a result of the memorandum, he and Bryan Waugh, Police Chief, reviewed the City's current policy and discussed amending it to include the City's ability to post signage on new and future publicly accessible buildings. Mr. Tye reviewed Legislative Bill LB77.

Council Member Randy Buschkoetter asked if any locations had changed from the previous policy. Mr. Tye stated the amended Resolution includes a list of specific City buildings where there were already signs restricting weapons, as well as new buildings that would post the signage when construction is completed.

Council Member Buschkoetter questioned if the original Resolution were to be rescinded, would the City still have the ability to post signage on publicly accessible buildings restricting the possession of weapons? Mr. Tye clarified that rescinding the Resolution and denying the amended Resolution would prohibit the City from posting of future signs and cause the removal of current signage.

Council Member Buschkoetter stated for clarification, this policy only allows for the placing of signage prohibiting the carrying of weapons in the City buildings that were listed in the amended Resolution; and further noted the policy does not include City streets, sidewalks, parks, trails, private vehicles or homes, or private businesses.

Council Member Jonathan Nikkila stated that he understands how the intent of the original Resolution establishing this policy could be misinterpreted by its broad language, which wasn't as clear as it should have been.

Mayor Clouse asked what other similarly sized municipalities have done regarding this issue. Michael Morgan, City Manager, explained that many cities are simply leaving up

their signs without creating a policy. Mr. Morgan stated that the City felt it would be appropriate to make the intent of their policy for the placement of signage on City buildings, transparent.

Council Member Tami James Moore clarified the intent of the Resolution proposed to be amended again, explained that any action taken would not change state law, and noted the revised Statute pertaining to constitutional carry still allows for the City's sign policy and has since 2013.

Chief Waugh noted the Resolutions are not a gun ordinance nor are they a law, but rather a rule or policy consistent with what the City has been doing for the past ten years regarding the posting of signage on City buildings.

The following person(s) appeared and spoke in opposition of Resolution 2023-149 and amended Resolution 2023-149A:

Joe Maul, Kearney  
Kirby Wilson, Kearney  
Trent Loos, Hazard  
James Clark, Kearney  
Dan Moos, Amherst  
Randy Bendorf, Papillion  
Travis Couture-Lovelady, Hays, KS  
Joshua Sikes, Kearney  
Lana Peister, Kearney  
Dustin Bailey, Kearney  
Richard Long, Kearney  
Shane Beisheim, Kearney  
Doug Deterding, Kearney  
Milton Wood, Kearney  
Susi Wilkinson, Kearney  
Calvin Pemberton, Beaver City  
Rod Swanson, Kearney  
Ben Burkland, Gibbon  
Bill Hoffman, Kearney  
Bob Lewis, Kearney  
Doug Kramer, Kearney  
Jon Kuecker, Kearney

Moved by Clouse seconded by Nikkila to deny Resolution No. 2023-149A amending Resolution No. 2023-149 and rescind Resolution 2023-149 regarding the placement of conspicuously placed signage on publicly accessed City buildings pertaining to the carrying of weapons. Roll call resulted as follows: Aye: Clouse, Nikkila, Lear. Nay: Moore, Buschkoetter. Motion carried.

**ORDINANCE NO. 8656 AUTHORIZING THE ISSUANCE OF A COMBINED UTILITIES REVENUE BOND**

Mayor Clouse opened Regular Agenda Item 2 for consideration of Ordinance No. 8656

authorizing the issuance of a Combined Utilities Revenue Bond of the City of Kearney, Nebraska, in the principal amount of up \$4,066,550 for the purpose of paying the costs of purchasing mechanical inventory and replacing and galvanizing lead and lead containing service lines; authorizing the issuance of said bond in the form of a promissory note to evidence a loan from the Nebraska Department of Environment and Energy; approving the execution and delivery of a loan agreement with the Nebraska Department of Environment and Energy; approving related documents with respect to said loan; prescribing the form, terms and details of said bond; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said city for the payment of said bond and interest thereon; providing for the collection, segregation and application of the revenues of the City's waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system.

Chris Miller, Miller & Associates presented this item to Council. Mr. Miller reviewed the Drinking Water State Revolving Fund (DWSRF), Lead Service Line Replacement Project (LSLR), and the Safe Drinking Water Act (SDWA). Mr. Miller stated the purpose of the proposed Project is to improve the current water system by replacing lead service lines on private property on a voluntary basis.

Mayor Clouse asked who is responsible for identifying lead service lines. Mr. Miller explained that Miller & Associates and the City of Kearney will request assistance from property owners who choose to partake in the LSLR Project, as well as reviewing City records.

Council Member Nikkila questioned if there is a certain age of house likely to contain lead service lines. Mr. Miller stated most homes constructed from approximately 1940 to 1986 generally had lead service lines.

Mr. Miller reviewed the City's approach, phasing plan, community outreach, and Kearney terms for the LSLR Project and stated the DWSRF is providing \$4,066,550 in funding for the project. Mr. Morgan noted the City of Kearney will provide \$1,138,634 in funding for this project.

Council Member Buschkoetter introduced Ordinance No. 8656 authorizing the issuance of a Combined Utilities Revenue Bond of the City of Kearney, Nebraska, in the principal amount of up \$4,066,550 for the purpose of paying the costs of purchasing mechanical inventory and replacing and galvanizing lead and lead containing service lines; authorizing the issuance of said bond in the form of a promissory note to evidence a loan from the Nebraska Department of Environment and Energy; approving the execution and delivery of a loan agreement with the Nebraska Department of Environment and Energy; approving related documents with respect to said loan; prescribing the form, terms and details of said bond; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said city for the payment of said bond and interest thereon; providing for the collection, segregation and application of the revenues of the City's waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system, 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 Clouse seconded the motion to suspend the rules for Ordinance No. 8656. 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, Moore. Nay: None. 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. 8656 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, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8656 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8656 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.

### **OPEN ACCOUNT CLAIM**

Moved by Moore seconded by Lear that the Open Account Claim in the amount of \$88,428.40 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

## **VII. REPORTS**

Council Member Nikkila thanked Mr. Tye and Chief Waugh for their presentations.

## **VIII. ADJOURN**

Moved by Clouse seconded by Buschkoetter that Council adjourn at 7:28 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

**ATTEST:**

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

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