

Kearney, Nebraska
January 23, 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 January 23, 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, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Brenda Jensen, Interim City Manager; Michael Tye, City Attorney; Kayla James, Director of Finance; Bryan Waugh, Chief of Police and Sarah Sawin, Assistant Director of Utilities, were also present. Members of the media present included: Mike Konz, Kearney Hub

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the City Council and a copy of their acknowledgment or receipt of such notice is attached to these minutes. Availability of the Agenda was communicated in the advance notice and in the notice to the Mayor and City Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

With the absence of a minister, the Council held a moment of silence.

PLEDGE OF ALLEGIANCE

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 10 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 January 9, 2024.
2. Approve the following Claims:

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

Ace Irrigation \$275.00 co; All Copy \$178.21 smcs; Artisans \$160.00 smcs; Ask Supply \$3,133.02 smcs; Aubrey, K \$18.89 smcs; Aurora Coop \$799.28 smcs; Aussie Hydraulics \$81.45 smcs; Avfuel \$51,580.14 smcs; B&G Investments \$13,215.11 co; Baker & Taylor \$3,130.72 smcs; BlueCross Blueshield \$240,313.10 smcs; Books Galore \$6,557.05 smcs; Bosselman \$7,029.00 smcs; Bossfuels \$18,661.62 smcs; Buffalo Co. Sheriff \$300.00 smcs; Builders \$133.11 smcs; Buxton \$20,000.00 smcs; Buysm Sod \$169.92 smcs; Bydalek, J \$87.48 smcs; Cal/Amp \$781.55 smcs; Carolina Software \$650.00 smcs; Caspersen, H \$19.78 smcs; Central Ag \$3,499.84 smcs; Central District Health \$4,598.00 smcs; Century 21 \$56.22 smcs; Chesterman \$340.00 smcs; City of KY \$77,595.62 smcs,ps; City Plumbing \$474.95 smcs; Clark, M \$49.19 smcs; Comm Act Part of Mid NE \$2,663.50 smcs; Compute North \$143,890.97 smcs; Country Partners \$21,580.59 smcs; Dan Roeder Concrete \$96,708.00 co; Danko Emergency \$1,949.51 smcs; Dart, L \$1,019.16 smcs; Dave Waggoner \$2,093.83 smcs; Dawson Public Power \$23,955.98 smcs; Defense Tech \$4,341.90 smcs; Delux Manufacturing \$9,000.00 smcs; Designer Craft \$2,683.00 smcs; Development Council \$500,000.00 smcs; Donkey Towing \$250.00 smcs; Drage, R \$60.47 smcs; Eakes \$1,717.97 smcs; Echo Electric \$24,379.20 smcs; Elliott Equipment \$48,065.49 smcs,co; Engineered Controls \$210.00 smcs; Envirotech \$4,462.08 smcs; ESChat \$59.41 smcs; Fiddelke Heating \$23,205.00 smcs,co; Fisher, G \$17.43 smcs; Fritzler-Zulkoski, Sarah \$85.71 smcs; Frontier \$3,449.81 smcs; Gale \$134.89 smcs; Gary Gross Truck \$8,043.75 co; Gerdes, L \$42.62 smcs; Gibson, K \$50.57 smcs; Gisch, A \$64.75 smcs; Gomez, M \$44.10 smcs; Graczyk Lawn \$2,167.00 smcs; Graham, A \$730.62 smcs; Greeley, A \$41.22 smcs; Hall Weapon Systems \$8,400.00 smcs; Halstead, A \$885.58 smcs; Hernandez, A \$612.21 smcs; Hickman, L \$44.75 smcs; Highland Park \$5,853.35 smcs; Hometown Leasing \$443.23 smcs; Hub Int'l \$6,999.92 smcs; Infobase \$9,783.00 smcs; Integrated Security \$480.00 smcs; IRS \$221,621.46 ps; Jack Lederman \$106.20 smcs; Jameson, E \$38.64 smcs; Johnson Service \$1,975.00 smcs; KY Animal Shelter \$15,218.93 smcs; KY Chamber Comm. \$275.00 smcs; KY Crete & Block \$3,041.23 smcs,co; KY Cultural Partners \$50.00 smcs; KY Towing \$901.40 smcs; Koehler, P \$595.00 smcs; Kongs, T \$8.66 smcs; Konica Minolta \$969.05 smcs; Kreis, W \$308.19 smcs; Kresser, R \$39.33 smcs; Landmark Implement \$16,622.43 co; Lerner \$459.75 smcs; Lindner, L \$163.00 smcs; L-Tron \$19,540.20 co; Magic Cleaning \$5,150.00 smcs; Mallory Safety \$43.86 smcs; Matticks, S \$42.73 smcs; McCartney, Erin Chpt. 13 \$157.00 ps; Menards \$128.20 smcs; Metzger,

M \$1,039.13 smcs; Mid-State Engineering \$7,936.00 smcs,co; Midwest Connect \$5,261.16 smcs; Midwest Petroleum \$9,900.81 smcs; Miller & Associates \$8,321.30 co; Mirror Image \$102.38 smcs; Mission Square \$7,680.26 ps; Moore & O'Connor Const. \$5.38 smcs; Motorola \$1,000.00 smcs; Municipal Supply \$15,014.00 smcs; NDEE \$19,506.50 smcs; NE Child Support \$1,419.72 ps; NE Dept. Revenue \$39,787.00 smcs,ps; NE Law Enf. Center \$10.00 smcs; NE Machinery \$11,820.96 smcs; NE Supreme Court Pub. \$113.25 smcs; Nebraska DMV \$8.20 smcs; Nickel, C \$75.85 smcs; Nielsen Contracting \$62,488.00 co; Nienhueser, H \$164.36 smcs; Northwestern Energy \$21,466.52 smcs; Northwestern University \$4,750.00 smcs; NP Realty \$91.16 smcs; Omnify \$483.00 smcs; One Call Concepts \$556.78 smcs; O'Reilly Auto \$3,287.30 smcs; Penworthy \$575.13 smcs; Petersen, A \$17.74 smcs; Pipe Works \$937.00 smcs; Platte Valley Comm. \$966.50 smcs; Presto-X \$889.10 smcs; Rapid Fire Protection \$1,755.00 smcs; Rasmussen Mechanical \$218.98 smcs; Reese, T \$35.00 smcs; Resource West \$39,756.16 co; RMV Construction \$735,137.55 co; Sapp Brothers \$3,815.75 smcs; Saylor Screenprinting \$1,756.50 smcs; See Clear Cleaning \$2,125.00 smcs; Shoutbomb \$612.00 smcs; Sister Cities Int'l \$610.00 smcs; Skyco Glass \$39,120.89 co; Stitch 3 \$290.00 smcs; Stroup, J \$3.07 smcs; Stutsman \$1,647.00 smcs; Suchsland, T \$150.00 smcs; Sunbelt Rentals \$461.03 smcs; Superion-Central Square \$64,233.00 smcs; Thorell, R \$56.91 smcs; Tinkerhollow \$60.59 smcs; Travelers \$314,354.41 smcs; Turner Technology \$87.50 smcs; Twin City Hardware \$413.14 smcs; Tyler Technologies \$151,212.33 smcs; Union Bank & Trust \$118,564.97 ps; Unique Mgmt. \$291.25 smcs; Van Diest \$47,006.96 smcs; Vasquez, J \$7.62 smcs; Volaire Aviation \$3,700.00 smcs; Vornhagen, M \$7.61 smcs; Wallick, J \$5.86 smcs; Waterlink \$709.41 smcs; Wilcac Life \$5.00 ps; Worley Monuments \$3,066.00 smcs; Manual Check to Michael Morgan 01/10/2024 -- \$138.52; Payroll Ending 01/13/2024 -- \$650,791.44. 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. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class CKG-126197 liquor license application and manager application for Chelsea Loparco submitted by Pepperjax Development, LLC dba Nebraska Ale Works located at 115 East 2nd Avenue.
4. Adopt Resolution No. 2024-9 approving the Annual Redevelopment Project Report as required by State Statute 18.2117.02.

RESOLUTION NO. 2024-9

WHEREAS, on March 21, 2018, Governor Ricketts signed LB 874, which took effect on July 19, 2018; and

WHEREAS, Section 18-2117.02 of LB 874 states that on or before May 1 of each year, each authority shall compile information regarding the approval and progress of redevelopment projects that are financed in whole or in part through the division of taxes as provided in section 18-2147 and report such information to the governing body of the city and to the governing body of each county, school district, community college area, educational service unit, and natural resources district whose property taxes are affected by such division of taxes; and

WHEREAS, the report is required to include the following information:

1. Total number of active redevelopment projects within the city that have been financed in whole or in part through the division of taxes as provided in section 18-2147.
2. Total estimated project costs for such redevelopment projects.
3. A comparison between the initial projected valuation for property included in each such redevelopment project as described in the redevelopment contract and the assessed value of the property included in each such redevelopment project as of January 1 of the year of the report.
4. The number of such redevelopment projects approved by the governing body in the previous calendar year.
5. Information specific to each such redevelopment project approved by the governing body in the previous calendar year, including the project area, project type, amount of financing approved, and total estimated project costs.
6. The number of such redevelopment projects for which financing has been paid in full during the previous calendar year and for which taxes are no longer being divided pursuant to section 18-2147.
7. The percentage of the city that has been designated as blighted; and

WHEREAS, on January 8, 2024, the Community Redevelopment Authority approved the Annual Report.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Annual Redevelopment Report required by Section 18-2117.02 of LB 874 as set forth in the attached report, marked Exhibit "A," attached hereto and made a part hereof by reference, is hereby approved.

PASSED AND APPROVED THIS 23RD DAY OF JANUARY, 2024.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

5. Adopt Resolution No. 2024-10 approving the revised Kearney Public Library Policy Manual as recommended by the Library Advisory Board.

RESOLUTION NO. 2024-10

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

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

WHEREAS, on April 10, 2012, April 13, 2015, May 23, 2017, October 8, 2019, July 28, 2020, July 27, 2021, January 25, 2022, September 27, 2022 and again on November 22, 2022 the Council approved the revised policy by Resolution Nos. 2012-59, 2015-74, 2017-85, 2019-186, 2020-112, 2021-126, 2022-29, 2022-201 and 2022-255 respectively; and

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

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the recommendation from the Library Advisory Board, on

adopting a revised Kearney Public Library Policy Manual, a copy marked as Exhibit "A", attached hereto and made a part hereof, be and is hereby adopted.

BE IT FURTHER RESOLVED that the revised policy adopted in 2022 by Resolution No. 2022-255 be and is hereby repealed in its entirety.

PASSED AND APPROVED THIS 23RD DAY OF JANUARY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

6. Adopt Resolution No. 2024-11 approving the Application and Certificate for Payment No. 17 in the amount of \$966,913.61 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

RESOLUTION NO. 2024-11

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. 17 in the amount of \$966,913.61 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 35,218,367.00
Change Order No. 1 (07-12-2022)	- 639,633.00
Change Order No. 2 (08-22-2023)	+ 21,141.00
Contract Sum To Date	35,239,508.00
Gross Amount Due	28,471,883.10
Retainage	- 2,091,724.06
Amount Due to Date	26,380,159.04
Less Previous Certificates for Payment	- 25,413,245.43
Current Payment Due	\$ 966,913.61
Balance to finish, including retainage	\$ 8,859,348.96

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

PASSED AND APPROVED THIS 23RD DAY OF JANUARY, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

7. Adopt Resolution No. 2024-12 approving Application and Certificate for Payment No. 7 in the amount of \$141,570.00 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the Booster Pump Stations, Renovations and Associated Improvements.

RESOLUTION NO. 2024-12

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. 7 in the amount of \$141,570.00 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	1,137,292.12
Retainage (10%)	- 113,729.21
Amount Due to Date	1,023,562.90
Less Previous Certificates for Payment	<u>881,992.90</u>
Current Payment Due	\$ 141,570.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 7, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF JANUARY, 2024.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

8. Adopt Resolution No. 2024-13 approving Change Order No. 4 showing an increase in the amount of \$6,269.00, Application and Certificate for Payment No. 13-Final in the amount of \$32,467.17 and accept the Certificate of Substantial Completion submitted by Midlands Contracting Inc. and approved by Miller & Associates for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water).

RESOLUTION NO. 2024-13

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water), and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 4 showing an increase to the contract sum in the amount of \$6,269.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 13 in the amount of \$32,467.17 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 2,343,960.00</u>
Change Order No. 1 (3/8/2022)	- 114,660.00
Change Order No. 2 (6/14/2022)	+ 4,240.00
Change Order No. 3 (9/14/2022)	+ 298,563.00
Change Order No. 4 (1/23/2024)	<u>+ 6,269.00</u>
Contract Sum To Date	2,538,372.00
Gross Amount Due	2,231,217.00

Retainage (0%)	-	0.00
Amount Due to Date		2,538,372.00
Less Previous Certificates for Payment		2,505,904.83
Amount Due This Application	\$	32,467.17

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of December 31, 2023, 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. 4, as shown on Exhibit "A", Application and Certificate for Payment No. 13-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 23RD DAY OF JANUARY, 2024.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

9. Approve the purchase of a 2024 Chevrolet Silverado 1500 4WD Crew Cab Work Truck in the amount of \$46,382.00 submitted by Husker Auto Group under the Nebraska State Bid Contract to be used in the Parks Department.

10. Approve the purchase of a 2024 Chevrolet Silverado 2500 4WD Crew Cab Work Truck in the amount of \$60,417.00 submitted by Husker Auto Group under the Nebraska State Bid Contract to be used in the Parks Department.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Moore seconded by Lear that the Open Account Claim in the amount of \$86,365.89 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:31 p.m. Roll call resulted

as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
CITY CLERK**