

*Kearney, Nebraska  
February 13, 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 February 13, 2024 in the Council Chambers at City Hall. Present were: Peggy Eynetich, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: Stanley A. Clouse. Brenda Jensen, Interim City Manager; Michael Tye, City Attorney; Kayla James, Director of Finance; Andy Harter, Director of Public Works; Sarah Sawin, Assistant Director of Utilities; Dan Lillis, Engineering Assistant II; Bryan Waugh, Chief of Police; Mike Young, Police Captain of Services; Kevin Thompson, Police Captain of Operations and several members of the Kearney Police Department, 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**

Vice-President Buschkoetter 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 CERTIFICATE OF COMMENDATION TO KEARNEY POLICE OFFICER CHRISTOPHER HUGHES**

Police Chief Bryan Waugh stated the Kearney Police Department Awards and Commissions Committee received a recommendation for a Certificate of Commendation for Officer Christopher Hughes for his efforts on January 29, 2023. Officer Hughes's successful apprehension and post-arrest interviews of two suspects wanted for kidnapping provided the necessary information to locate an infant child who had been

abandoned in rural Hall County in negative 20-degree weather. Chief Waugh commended Officer Hughes's leadership, decision-making, and direction as Police Officer in charge which had a direct impact on the complex and dynamic kidnapping investigation.

## **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 11 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

1. Approve Minutes of Regular Meeting held January 23, 2024.
2. Approve the following Claims:

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

1000bulbs.com \$380.28 smcs; 4Imprint \$1,106.43 smcs; A T & T \$1,248.59 smcs; Absolute Software \$13,164.00 smcs; Ace & Garden \$1,031.37 smcs; Acushnet \$3.73 smcs; ADB Safegate \$4,894.20 smcs; Advance Auto Parts \$43.83 smcs; Adventure Enterprises \$1,401.00 smcs; Alfred Benesch \$58,703.87 co; All City Garage Door \$57.00 smcs; All Copy \$869.14 smcs; Amazon \$10,907.38 smcs,co; American \$1,014.22 smcs; American Backflow \$2,840.60 smcs; American Legion Emblem \$58.77 smcs; American Red Cross \$600.00 smcs; Andersen, B \$120.00 smcs; Anderson, K \$455.88 smcs; Apple \$8.92 smcs; Apple Market \$90.90 smcs; Aramark Uniform \$734.69 smcs; Arconas \$4,970.40 smcs; Arlo Technologies \$49.99 smcs; Arnold Motor Supply \$294.89 smcs; Arrow Seed \$340.00 smcs; Artisans \$160.00 smcs; Ask Supply \$378.24 smcs; Aurora Coop \$2,216.80 smcs; Aussie Hydraulics \$359.96 smcs; Authorize.net \$10.00 smcs; AvFuel \$104,558.88 smcs; Avtech Software \$727.02 co; B&H Photo \$3,273.57 smcs,co; Babbitts Online \$472.46 smcs; Badge and Wallet \$213.00 smcs; Baker & Taylor \$3,511.13 smcs; Ball, R \$143.37 smcs; Ballast Shop \$59.90 smcs; Barney Insurance \$200.00 smcs; Battery Junction \$87.05 smcs; Beacon Athletics \$2,950.24 smcs; Best Buy \$1,155.58 co; Bibliotheca \$9,693.00 smcs; Bike Shed \$294.00 smcs; Bitwarden \$138.87 smcs; Blackburn \$311.96 smcs; Blackpoint \$119.98 smcs; Blackstone Library \$874.59 smcs; Blessing, D \$146.45 smcs; Blue Star Farm \$1,000.00 smcs; Blue to Gold \$225.00 smcs; BlueCross BlueShield \$379,841.68 smcs; Bob's Radiator Repair \$185.00 smcs; Bomgaars \$245.64 smcs; Boogaarts \$49.90 smcs; Booton, L \$142.00 smcs; Bosselman \$24,315.00 smcs; Bossfuels \$16,939.95 smcs; Bowman, R \$15.00 smcs;

Brady Worldwide \$357.37 smcs; Broadfoot's \$30.00 smcs; Buffalo Co. Sheriff \$354.60 smcs; Buffalo Co. Treasurer \$133.25 smcs; Buffalo Outdoor Power \$1,229.46 smcs; Builders \$7,281.00 smcs; Buy Nebraska \$41.72 smcs; Cabelas \$39.98 smcs; Card Printing \$915.50 smcs; Carhartt \$223.57 smcs; Carquest \$43.85 smcs; Casey's \$137.83 smcs; Cash Wa \$1,351.34 smcs; CDW \$199.41 smcs; Celebration on Central \$29.92 smcs; Cenex \$41.80 smcs; Centec Cast Metal \$116.39 co; Center Point \$79.86 smcs; Central Hydraulic \$491.78 smcs; Central NE Bobcat \$7,381.78 smcs,co; Central NE Rehab \$150.00 ps; Chemsearch \$668.95 smcs; Chesterman \$656.00 smcs; Chief Construction \$1,010.00 smcs; Children's Physicians \$25.00 smcs; Choice Marketing \$89.47 smcs; Chramosta, R \$134.80 smcs; Christensen, K \$144.50 smcs; Cintas Corp \$339.49 smcs; Ciox Health \$28.50 smcs; City of KY \$47,464.22 co, smcs; City of KY \$424,819.08 ps; Coldspring \$540.00 smcs; Comm. Action Partner. \$9,139.90 smcs; Complete Tactical \$1,495.00 smcs; Computer Hardware \$169.00 smcs; Consolidated Mgmt. \$96.75 smcs; Constant Contact \$145.00 smcs; Construction Rental \$3,591.33 smcs; Control Yours \$110.00 smcs; Copycat \$1,135.10 smcs; Country Partners \$65,749.43 smcs; Court Reserve \$160.68 smcs; CovertTrack Group \$616.15 smcs; Culligan \$125.50 smcs; Cunningham's Journal \$70.94 smcs; Dan Roeder Concrete \$214,176.14 co; Danko Emergency \$1,123.31 smcs; David Barth \$7,231.55 smcs; Davis Equipment \$5,855.83 smcs; Dawson Public Power \$27,577.81 smcs; Delgadillo, R \$683.59 smcs; Dell \$787.98 smcs,co; Demco \$698.40 smcs; Designer Craft Wood \$2,683.00 smcs; Deterdings \$402.40 smcs; Diamond Tours \$77,440.00 smcs; Digicert \$289.00 smcs; Dillons Fuel \$37.44 smcs; Dish \$145.11 smcs; Displays 2 Go \$568.94 smcs; Dollar General \$35.87 smcs; Dollar Tree \$69.29 smcs; Double J Plumbing \$874.56 smcs; Dowhy Towing \$100.00 smcs; Downing General \$213.31 smcs; Dunlop Sports \$787.20 smcs; Dutton Lainson \$2.55 smcs; Eakes \$5,098.79 smcs; Earl May \$27,632.63 co; Ebay \$86.23 smcs; Echo Electric \$31.03 smcs; Ecolab \$129.91 smcs; Eggen, M \$530.00 smcs; Eileen's Cookies \$37.50 smcs; Elite Truck \$792.82 smcs; Elliott Equipment \$7,034.94 smcs; Ensurity Mobile \$1,134.00 smcs; Enterprise \$106.79 smcs; E-One \$27,850.00 co; ESChat \$54.84 smcs; ESRI \$550.00 smcs; Etsy \$227.85 smcs; Expression Wear \$184.00 smcs; Eyemed \$1,980.92 smcs; F&A Concrete \$8,500.00 co; Facebook \$201.60 smcs; Family Fresh \$110.27 smcs; Family Practice \$736.00 ps; Farm & Home Publishers \$282.60 smcs; Farmer's Union Coop \$117.00 smcs; Fastenal \$598.63 smcs; Fearnley, M \$300.90 smcs; Flock Safety \$7,500.00 smcs; Frontier \$2,696.96 smcs; Full Source \$206.52 smcs; Full Tilt Mgmt. \$2,400.00 smcs; Fun Express \$384.33 smcs; Gale \$1,178.88 smcs; Galeton \$1,432.66 smcs; Galls \$149.61 smcs; Garrett Tires \$7,482.03 smcs; Gdit FAA \$10.00 smcs; Gdots \$755.00 smcs; General Traffic Controls \$4,000.00 smcs; Genuine Varsity \$1,069.94 smcs; Gerdes, J \$245.00 smcs; Give Nebraska \$6.00 ps; Glendale Parade Store \$230.70 smcs; Godaddy.com \$431.76 smcs; Golden Ticket Cinemas \$50.00 smcs; Good Evans \$8.51 smcs; Good Sportsman \$57.00 smcs; Graham Tire \$643.12 smcs; Grainger \$1,878.23 smcs; Grant Training \$1,100.00 smcs; Great Plains Comm. \$725.07 smcs; Greater NE Cities \$1,000.00 smcs; Harbor Freight Tools \$144.42 smcs; Hawkins, C \$150.00 smcs; Hawkins, J \$150.00 smcs; Head Penn Racquet \$64.76 smcs; Heartland Motor Sports \$602.95 smcs; Help Care Clinic \$142.00 smcs; HM Life Insurance \$80,599.02 smcs; Hobby Lobby \$401.94 smcs; Holistic Healing Spa \$100.00 smcs; Holmes Plumbing \$828.95 smcs; Holtz Industries \$1,298.69 smcs; Home Depot \$3,950.17 smcs; Hotsy Equipment \$217.00 smcs; Hyatt Place \$158.04 smcs; Hydro Optimization \$2,685.40 co; HyVee \$596.34 smcs; IACP \$430.00 smcs; ID Security Online \$64.31 smcs; IECA \$175.00 smcs; Inland Truck Parts \$2,470.18 smcs; Integrated Security \$3,902.36 smcs;

Interlight \$934.39 smcs; Invoice Home \$5.28 smcs; Iprint Technologies \$1,901.00 smcs; IRS \$412,675.86 ps; Jack Lederman \$313.91 smcs,co; Jack's Uniforms \$4,690.27 smcs; Jackson Services \$463.16 smcs; Jmac Supply \$1,757.48 smcs; John T. Jones Const. \$966,913.61 co; Johnstone Supply \$2,098.73 smcs; KY Area Storytelling \$350.00 smcs; KY Chamber \$375.00 smcs; KY Concrete \$2,709.24 smcs; KY Crete & Block \$1,307.01 smcs; KY Cultural Partners \$150.00 smcs; KY Hub \$2,221.58 smcs; KY Tire & Auto \$474.88 smcs; KY Towing \$200.00 smcs; KY Warehouse \$166.47 smcs; Kelly Supply \$2,265.29 smcs; Keurig Green Mountain \$922.86 smcs; Kiefer USA \$3,125.00 co; Kimball Midwest \$157.20 smcs; Kings III Emergency \$1,024.54 smcs; Kirby K9 \$1,750.00 smcs; Klog \$2,085.26 smcs; Kociemba, T \$150.00 smcs; Konica Minolta \$687.42 smcs; Ktown Cakery \$12.00 smcs; KVFD \$92,675.00 smcs; Landmark Implement \$26,977.25 smcs,co; Language Line \$6.49 smcs; Law Enfrmt. Drone \$400.00 smcs; Librarica \$907.35 smcs; Lincoln Nat'l Life \$11,155.84 smcs; Long Building \$969.31 smcs; Luke, D \$81.00 smcs; Mac Tools \$158.09 smcs; Macqueen \$333.50 smcs; Magic Cleaning \$9,950.00 smcs; Mallory Safety \$65.70 smcs; Maloley, S \$60.00 smcs; Marlatt Precision \$22.86 smcs; Marlow White Uniforms \$479.40 smcs; Martinez, M \$1,100.00 smcs; Masek Golf Car \$47.08 smcs; Masters True Value \$794.44 smcs; Matheson Trigas \$102.07 smcs; Matt Friend Truck \$2,552.10 smcs; McCartney, Erin Chpt 13 \$314.00 ps; McCormack Distributing \$52.24 smcs; MCL Construction \$966,457.21 co; Menards \$9,150.52 smcs; Merrill \$354.29 smcs; Microsoft \$12.62 smcs; Mid American Signal \$34,597.00 co; Mid-Atlantic Receptive \$3,150.00 smcs; Midlands Contracting \$174,037.17 co; Midwest Connect \$6,433.94 smcs; Midwest Restaurant \$276.56 smcs; Midwest Turf \$5,494.36 smcs; Mieth, T \$150.00 smcs; Miller & Associates \$300.00 smcs; Mirror Image \$243.91 smcs; Mission Square \$184,371.71 ps; Molina, F \$351.82 smcs; Mom & Dads BBQ \$30.00 smcs; Moonlight Embroidery \$564.00 smcs; MT RSR \$86.63 smcs; Municipal Emergency \$1,914.53 smcs; Municipal Supply \$55,481.00 smcs; Musil, Monica \$907.54 smcs; Nap Industrial \$119.79 smcs; Napa Auto Parts \$4,730.34 smcs; Nat'l Assn. \$425.00 smcs; Nat'l Org. Victim Assist. \$100.00 smcs; Nat'l Sports Products \$3,968.00 co; Nat'l Tactical \$239.00 smcs; NDEQ \$805.00 smcs; NE Arborists \$590.00 smcs; NE Aviation \$1,080.00 smcs; NE Child Support \$2,839.44 ps; NE Dept of Revenue \$102,317.98 smcs,ps; NE Floodplain \$35.00 smcs; NE Generator \$8,993.56 smcs; NE Library Commission \$897.20 smcs; NE Machinery \$6,065.06 smcs; NE Municipal Utilities \$2,200.00 smcs; NE Public Health \$43.00 smcs; NE Safety & Fire \$360.00 smcs; NE Society of CPAs \$654.00 smcs; NE Truck Center \$2,520.17 smcs; NE Turf \$675.00 smcs; Network Solutions \$218.92 smcs; NI E and A Renew \$80.00 smcs; NI State Payport \$122.99 smcs; NLETC \$200.00 smcs; Northern Safety \$88.80 smcs; Northern Tool \$859.80 smcs; Northwest Electric \$9,743.56 smcs; Northwestern Energy \$36,253.27 smcs; NSF \$2,503.00 smcs; Oak Creek Engineering \$17,103.75 smcs; OCLC \$3,110.63 smcs; ODP Business \$462.61 smcs; Office Max \$2,342.42 smcs; One Call Concepts \$445.98 smcs; O'Neill Wood Resources \$51,925.00 smcs; Optics Planet \$64.19 smcs; O'Reilly Auto \$176.24 smcs; Outdoor Recreation \$9,052.50 smcs,co; Paessler \$1,793.50 smcs; Paint Paradise \$398.04 smcs; Paladin Artists \$2,250.00 smcs; Patriotic Brands \$1,714.20 smcs; Paymentus \$5,803.55 smcs; Peitzmeier Demolition \$825.00 smcs; Pep Co. \$532.06 smcs; Pet Pickups \$1,528.64 smcs; Phillips 66 \$40.20 smcs; Pilot \$125.50 smcs; Pitney Bowes \$517.50 smcs; Platinum Awards \$25.85 co; Platte Valley Auto Mart \$620.11 smcs; Platte Valley Comm. \$50.00 smcs; Plixer \$1,736.85 smcs; Poster My Wall \$29.95 smcs; Powertech \$632.56 smcs; Prairie Moon Nursery \$18.00 smcs; Preserve \$110.00 smcs; Presto-X \$153.09 smcs; Priority Mgmt. \$98.00 smcs; Pump & Pantry \$123.60 smcs; PVS DX \$29,393.40 smcs; Quill \$293.34 smcs; R&R Repair \$269.17

smcs; Raising Canes \$299.48 smcs; Rapid Fire Protection \$275.00 smcs; Rasmussen Mechanical \$15,077.63 smcs; RDG Planning & Design \$33,685.19 co; Reams Supply \$590.94 smcs; Redman's Shoes \$2,100.00 smcs; Reinke's \$172.50 smcs; Remarkable \$143.38 smcs; Rentokil \$419.06 smcs; Reservations Center \$8.99 smcs; Resource Mgmt. \$3,032.75 smcs; Reverse Osmosis \$261.05 smcs; Rheome Tree \$3,900.00 smcs; Ring, E \$446.25 smcs; RMV Construction \$649,407.20 co; Safari Land \$162.00 smcs; Sahling Kenworth \$167.76 smcs; Salvation Army \$14.97 smcs; Sampson Construction \$848,046.96 co; Sam's Club \$115.91 smcs; Sandry Fire \$487.55 smcs; Sapp Brothers \$1,168.75 smcs; Saylor Screenprinting \$1,654.75 smcs; SCALES \$1,000.00 smcs; School District 7 \$345.00 smcs; Schroer, J \$385.00 smcs; Seat Covers Unlimited \$257.60 smcs; Secretary of State \$30.00 smcs; See Clear Cleaning \$997.50 smcs; Select Sprayers \$19.62 smcs; Sequel Bookshop \$74.00 smcs; Shawn Area \$85.00 smcs; Sherwin Williams \$4,559.88 smcs; Shredding Solutions \$76.94 smcs; Shutterstock \$31.04 smcs; Sign Center \$2,732.43 smcs; Sirsi Dynix \$2,970.00 smcs; Siteone Landscape \$3,496.98 smcs; SLA Corp \$191.94 smcs; SOS Portable Toilets \$769.00 smcs; Spectrum \$995.14 smcs; Springhill Suites \$219.52 smcs; Sprinkler Warehouse \$298.00 co; Starbucks \$84.09 smcs; State of NE/DAS \$68.67 smcs; Steel Toe Shoes \$219.34 smcs; Steinbrink Landscaping \$330.00 smcs; Stewart, N \$245.00 smcs; Stitch Ranch \$4,600.00 co; Stop Stick \$18,210.00 smcs,co; Streakwave Wireless \$337.35 co; Strickland Brothers \$141.22 smcs; Stryker Sales \$204.16 smcs; Stutsman \$2,196.00 smcs; Supply House \$343.85 smcs; Sybrant Machining \$144.87 smcs; Tactical Gear \$372.86 smcs; Target \$210.47 smcs,co; Tennis Warehouse \$350.00 smcs; TIC Computer \$80.00 smcs; Tidmore, C \$1,000.00 smcs; Tim Davidson Plumbing \$1,364.76 co; Titan Machinery \$2,448.43 smcs; TK Elevator \$513.94 smcs; Tommy's Express \$150.00 smcs; Tractor Supply \$822.25 smcs; Transuion \$117.20 smcs; Tri Co Glass \$135.00 smcs; Triple Crown \$1,879.93 smcs; TS Auto Glass \$95.00 smcs; Turner Body \$8,265.58 smcs; Twin City Hardware \$725.97 smcs,co; Tye & Rowling \$15,995.54 smcs; Tyler Technologies \$305.33 smcs; UI \$601.00 smcs; Uline \$294.29 smcs; Union Bank & Trust \$230,211.75 ps; United Way of KY \$54.00 ps; University of NE Event \$285.00 smcs; UNL Lied Center \$1,632.75 smcs; UPS \$109.55 smcs; USA Blue Book \$1,015.64 smcs; USPS \$673.78 smcs; Valley Forklift \$129.00 smcs; Van Diest \$2,349.66 smcs; Verizon \$16,428.30 co, smcs; Vermeer Equipment \$3,510.33 smcs; Vessco \$1,847.95 smcs; Village Services \$304.83 smcs; Village Uniform \$154.08 smcs; Volaire \$2,000.00 smcs; Waldinger \$267.50 smcs; Walmart \$2,154.61 smcs; Ward Laboratories \$26.00 smcs; Warren-T Plumbing \$225.00 smcs; Wausau Equipment \$1,219.66 smcs; Wayfair \$34.79 smcs; Webstaurant Store \$3,587.69 smcs; Wedding Sisters \$200.85 smcs; Wessels, W \$500.00 smcs; Western NRG \$225.00 smcs; Wilcac Life \$5.00 ps; Wilson Sporting Goods \$3,017.78 smcs; Winlectric \$6,833.87 smcs,co; Winnelson \$772.29 smcs; Wolfe Comm. \$366.80 smcs; WPCI \$1,113.43 ps; WT Cox \$80.46 smcs; X-Chair \$1,801.88 smcs; Yandas \$59.95 smcs; Young, M \$189.00 smcs; Youtube \$259.93 smcs; Payroll Ending 01/27/2024 -- \$657,315.08. 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. 2024-14 authorizing the Interim City Manager, Director of Finance, Assistant Director of Finance, and City Clerk to sign checks, drafts or other withdrawal orders issued against the funds of the City on deposit with designated depositories.

**RESOLUTION NO. 2024-14**

WHEREAS, the Vice-President and City Council have determined that it is appropriate and proper to designate various banks as depositories for funds of the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska, that the following banks be and are hereby designated as city depository banks:

- Wells Fargo Bank Nebraska, N.A.
- 1st National Bank
- Farmers & Merchants Bank
- US Bank
- Exchange Bank
- Great Western Bank
- Five Points Bank
- Heartland Bank
- Bank of the West
- FirsTier Bank
- NebraskaLand National Bank
- Pinnacle Bank
- Bruning Bank

However, such designation as a City depository shall not be exclusive and shall not be determined in any way to constitute a franchise to the exclusion of other designated depositories.

BE IT FURTHER RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska that checks, drafts or other withdrawal orders issued against the funds of the City on deposit with said depositories be signed by any one of the following who now hold offices or positions with the City:

Brenda Jensen, Interim City Manager  
 Kayla D. James, Director of Finance  
 Taylor Jaeger, Assistant Director of Finance  
 Peggy Eynetich, City Clerk

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict herewith are hereby repealed and that Resolution No. 2023-88 is hereby specifically rescinded and repealed.

PASSED AND APPROVED THIS 13TH DAY OF FEBRUARY, 2024.

ATTEST:  
 PEGGY EYNETICH  
 CITY CLERK

RANDY BUSCHKOETTER  
 VICE-PRESIDENT OF THE COUNCIL

4. Approve the purchase of a 2024 Ford F350 with a service body and crane in the amount of \$110,595.00 submitted by Sid Dillon Chevrolet-Fremont Inc. to be used at the Water Resource Recovery Facility by the Utilities Department.

5. Reject the bids received on January 18, 2024, for the purchase of one (1) new Av Gas Refueler Truck to be used at the Kearney Regional Airport.
6. Approve the Option to Purchase Agreement between the City of Kearney and Hot Meals USA, a Nebraska Non-Profit Corporation, of approximately 4.74 acres south of 56th Street and east of the NPPD substation access road and approve Resolution No. 2024-15.

**RESOLUTION NO. 2024-15**

WHEREAS, Hot Meals USA, a Nebraska Non-Profit Corporation, desires to enter into an Option to Purchase Agreement with the City of Kearney, a Municipal Corporation for approximately 4.74 acres of real property the City owns located south of 56th Street and east of the NPPD substation access road for the potential construction of a building on the property.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Option to Purchase Agreement for approximately 4.74 acres of real property the City owns located south of 56th Street and east of the NPPD substation access road, between Hot Meals USA, a Nebraska Non-Profit Corporation, and the City of Kearney, a Municipal Corporation for the potential construction of a building be and is hereby approved. The Agreement, marked Exhibit "A", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Interim City Manager be and is hereby authorized and directed to execute the Option to Purchase Agreement for approximately 4.74 acres of real property the City owns located south of 56th Street and east of the NPPD substation access road, on behalf of the City of Kearney.

PASSED AND APPROVED THIS 13TH DAY OF FEBRUARY, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

7. Adopt Resolution No. 2024-16 approving Application and Certificate for Payment No. 8 in the amount of \$176,063.76 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the Booster Pump Stations, Renovations and Associated Improvements.

**RESOLUTION NO. 2024-16**

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. 8 in the amount of \$176,063.76 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	1,332,918.52
Retainage (10%)	- 133,291.85
Amount Due to Date	1,199,626.66
Less Previous Certificates for Payment	<u>1,023,562.90</u>
Current Payment Due	\$ 176,063.76

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

PASSED AND APPROVED THIS 13TH DAY OF FEBRUARY, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

8. Adopt Resolution No. 2024-17 approving Application and Certificate for Payment No. 17 in the amount of \$45,900.00 submitted by Caldwell Tank and approved by Miller & Associates for the 2.0 MG Elevated Water Tower.

**RESOLUTION NO. 2024-17**

WHEREAS, Caldwell Tank of Louisville, Kentucky has performed services in connection with the 2MG Elevated Water Tower, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 17 in the amount of \$45,900.00 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 (05-23-2023)	+ 12,000.00
Contract Sum To Date	4,974,008.50
Gross Amount Due	4,899,508.50
Retainage (10%)	- 489,950.85
Amount Due to Date	4,409,557.65
Less Previous Certificates for Payment	<u>- 4,363,657.65</u>
Current Payment Due	\$ 45,900.00

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, and hereby find and determine that the Application and Certificate for Payment No. 17, as shown on Exhibit "A" is hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF FEBRUARY, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

9. Approve the Agreement between the City of Kearney and Adam Marshall Land & Auction to provide auctioneering services for surplus City property to be sold at auction and adopt Resolution No. 2024-18.

### **RESOLUTION NO. 2024-18**

BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Agreement for Auction Services between the City of Kearney and Adam Marshall Land & Auction for the purpose of providing auctioneering services for City surplus property to be sold at auction by the City of Kearney be and is hereby approved. The Agreement, marked as Exhibit 'A', is hereby attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Vice-President be and is hereby authorized and directed to execute the Agreement for Auction Services on behalf of the City of Kearney.

PASSED AND APPROVED THIS 13TH DAY OF FEBRUARY, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

10. Adopt Resolution No. 2024-19 approving Amendment No. 2 to the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for Airport Improvement Program/CARES Act in connection with the Box Hangar project at the Kearney Regional Airport (AIP 3-31-0045-035) by adding additional Construction and Special (Materials Testing) services for items not originally covered in Amendment No. 1, to take place during the 2024 construction season, to expend observation days of the projected work duration shown on the Contractors construction schedule, by 56 additional days with a new end date of March 1, 2024, noting that liquidated damages are currently being assessed to the Contractor for exceeding contract calendar day allowances, contingent upon FAA concurrence.

### **RESOLUTION NO. 2024-19**

WHEREAS, on October 11, 2022 the City Council adopted Resolution No. 2022-229 approving the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for Airport Improvement Program/CARES Act Project (AIP 3-31-0045-035) in connection with the Box Hangar project at the Kearney Regional Airport; and

WHEREAS, on February 14, 2023 the City Council adopted Resolution No. 2023-25 approving Amendment No. 1 to the Consultant Agreement with Alfred Benesch and Company for Airport Improvement Program/CARES Act Project (AIP 3-31-0045-035) in connection with the Box Hangar project at the Kearney Regional Airport; and

WHEREAS, Amendment No. 2, marked as Exhibit "A" attached hereto and made a part hereof by reference, is to supplement Benesch's existing contract for additional Construction and Special (Materials Testing) services for items not originally covered in Amendment No. 1 approved at the February 14, 2023 City Council meeting, to take place during the 2024 construction season, to expend observation days of the projected work duration shown on the Contractors construction schedule, by 56 additional days with a new end date of March 1, 2024, noting that liquidated damages are currently being

assessed to the Contractor for exceeding contract calendar day allowances; and  
WHEREAS, approval is contingent upon Federal Aviation Administration (FAA) concurrence of Amendment No. 2.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Vice-President of the Council be and is hereby authorized and directed to execute Amendment No. 2 to the Consultant Agreement with Alfred Benesch and Company, contingent upon Federal Aviation Administration (FAA) concurrence. Amendment No. 2, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF FEBRUARY, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

11. Approve the purchase of Daktronics Scoreboard Systems in the amount of \$161,495.00 submitted by Crouch Recreation, Inc. under the Sourcewell Cooperative Purchasing Contract Program to be used at the Kearney SportsPlex.

**V. CONSENT AGENDA ORDINANCES**

None.

**VI. REGULAR AGENDA**

**OPEN ACCOUNT CLAIMS**

Moved by Moore, seconded by Lear, that the Open Account Claim in the amount of \$11.99 payable to Grant Buschkoetter be allowed. Roll call resulted as follows: Aye: Moore, Lear, Nikkila. Nay: None. Buschkoetter abstained. Clouse absent. Motion carried.

Moved by Lear, seconded by Buschkoetter, that the Open Account Claim in the amount of \$107,850.88 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. Motion carried.

**VII. REPORTS**

Interim City Manager Brenda Jensen provided an update on the Kearney Sportsplex.

**VIII. ADJOURN**

Moved by Buschkoetter seconded by Nikkila that Council adjourn at 5:41 p.m. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

**ATTEST:**

\_\_\_\_\_  
**RANDY BUSCHKOETTER**  
**VICE-PRESIDENT OF THE COUNCIL**

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