

*Kearney, Nebraska
March 26, 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 March 26, 2024 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Peggy Eynetich, City Clerk; Council Members Randy Buschkoetter, Tami James Moore and Jonathan Nikkila. Absent: Bruce Lear. Brenda Jensen, Interim City Manager; Michael Tye, City Attorney; Kayla James, Director of Finance; Mike Young, Police Captain of Services; Sarah Sawin, Assistant Utilities Director; Scott Hayden, Director of Recreational Services; and Brad DeMers, Assistant to the City 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.

ORAL COMMUNICATIONS/RECOGNITIONS

Presentation of Students Taking Action with Recognition (STAR) Advocacy Project from Isaac Smith and Katie Jurado, members of Family Career Community Leaders of America (FCCLA), a Career and Technical Student Organization (CTSO) at Kearney High School.

Katie Jurado provided information regarding the FCCLA program and discussed what brought about their project being presented this evening.

Isaac Smith explained the group's idea for combating the issue of vaping and e-cigarettes among students and reviewed the mock-up of a sign they had created for the City to review; the sign would include a QR for quick reference.

Council Member Tami James Moore complimented the group's sign suggestion and the wording they used.

Council Member Jonathan Nikkila questioned what the City has for current signage and the location where those signs are placed. Scott Hayden, Director of Recreational Services, stated there are currently signs placed in areas of congregation that were installed in 2014.

Council Member Bruce Lear stated the QR code on the sign is a good idea.

Mayor Clouse thanked Ms. Jurado and Mr. Smith and stated Council would take their recommendations under advisement.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

PROPOSED REVISED EASEMENT AGREEMENT FOR PERMANENT HIKE/BIKE TRAIL AND DRAINAGE EASEMENT GRANTED BY GENE MCELHINNY

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed revised easement agreement for a Permanent Hike/Bike Trail and Drainage Easement granted by Gene McElhinny for a tract of land being part of Lot 3, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Hike/Bike and Drainage Easement purposes and consider Resolution No. 2024-26.

Scott Hayden, Director of Recreation Services, presented this matter to the Council. Mr. Hayden stated because of the addition of a drainage pipe, the previously recorded plat and Easement Agreements for the Hike/Bike Trail and Drainage Easements required amendments.

Council Member Nikkila questioned if the Hike/Bike Trail is used much in this area. Mr. Hayden stated he feels it is an important connection to the trail in Fountain Hills. Council Member Randy Buschkoetter feels the Hike/Bike Trail is good for the neighborhood.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2024-26 approving the proposed revised easement agreement for a Permanent Hike/Bike Trail and Drainage Easement granted by Gene McElhinny for a tract of land being part of Lot 3, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Hike/Bike and Drainage Easement purposes. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2024-26

WHEREAS, Section 18-1755, R.R.S., authorizes a city obtaining an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Hike/Bike Trail and Drainage Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Gene McElhinny, has granted to the City of Kearney, Nebraska a Permanent Hike/Bike Trail and Drainage Easement as follows:

PERMANENT HIKE/BIKE TRAIL AND DRAINAGE EASEMENT

A tract of land being part of Lot 3, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Hike/Bike & Drainage Easement purposes and more particularly described as follows: BEGINNING at the Southwest corner of said Lot 3; thence N 00°23'33" E on the West line of said Lot 3 a distance of 225.61 feet to the Northwest corner of said Lot 3; thence S 89°38'26" E on the North line of said Lot 3 a distance of 50.47 feet; thence S 00°06'07" W a distance of 203.58 feet to the South line of said Lot 3; thence S 67°12'16" W on said South line a distance of 56.03 feet to the Point of Beginning. Said Hike/Bike & Drainage Easement contains 0.25 acres, more or less.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Hike/Bike Trail and Drainage Easement granted by Gene McElhinny, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

PROPOSED REVISED EASEMENT AGREEMENT FOR PERMANENT HIKE/BIKE TRAIL AND DRAINAGE EASEMENT GRANTED BY DAVID GRIEK AND MACHAELA GRIEK HUSBAND AND WIFE

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed revised easement agreement for a Permanent Hike/Bike Trail and Drainage Easement granted by David Griek and Machaela Griek, husband and wife, for a tract of land being part of Lot 4, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Trail and Drainage Easement purposes and consider Resolution No. 2024-27.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2024-27 approving the proposed revised easement agreement for a Permanent Hike/Bike Trail and Drainage Easement granted by David Griek and Machaela Griek, husband and wife, for a tract of land being part of Lot 4, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Trail and Drainage Easement purposes. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2024-27

WHEREAS, Section 18-1755, R.R.S., authorizes a city obtaining an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Hike/Bike Trail and Drainage Easement and voted in favor to proceed with the acquisition; and

WHEREAS, David Griek and Machaela Griek husband and wife, have granted to the City of Kearney, Nebraska a Permanent Hike/Bike Trail and Drainage Easement as follows:

PERMANENT HIKE/BIKE TRAIL AND DRAINAGE EASEMENT

A tract of land being part of Lot 4, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Hike/Bike & Drainage Easement purposes and more particularly described as follows: BEGINNING at the Southwest corner of said Lot 4; thence N 00°23'33" E on the West line of said Lot 4 a distance of 200.07 feet to the Northwest corner of said Lot 4; thence N 67°12'16" E on the North line of said Lot 4 a distance of 56.03 feet; thence S 03°23'55" W a distance of 126.76 feet; thence S 40°38'58" E a distance of 64.43 feet; thence S 03°42'44" E a distance of 46.79 feet to the South line of said Lot 4; thence N 89°47'15" W on said South line a distance of 90.51 feet to the Point of Beginning. Said Hike/Bike Trail & Drainage Easement contains 0.30 acres, more or less.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Hike/Bike Trail and Drainage Easement granted by David Griek and Machaela Griek husband and wife, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

ACCEPTANCE OF DONATED LAND FROM DT DEVELOPMENT, INC

Mayor Clouse opened the public hearing on the proposed acceptance of donated land/property from DT Development, Inc., a Nebraska Corporation described as Lot 1, Block 3, Prairie Meadows Addition, an addition to the City of Kearney, Buffalo County, Nebraska, and consider Resolution No. 2024-28.

Michael Tye, City Attorney, presented this matter to the Council. Mr. Tye stated that per State Statute, when the City acquires property, a public hearing must be held and Council must approve the acquisition. The Developer and the Park and Recreation Department have discussed locating a pocket park on this little over an acre lot in the future.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2024-28 approving the proposed acceptance of donated land/property from DT Development, Inc., a Nebraska Corporation described as Lot 1, Block 3, Prairie Meadows Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2024-28

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for public purposes and voted in favor to proceed with the acquisition; and

WHEREAS, DT Development, Inc., a Nebraska Corporation has granted to the City of Kearney, Nebraska a Warranty Deed for public purposes for Lot 1, Block 3, Prairie Meadows Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Warranty Deed granted by DT Development, Inc., a Nebraska Corporation with the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse 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 March 12, 2024.
2. Approve the following Claims:

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

10-S Tennis Supply \$151.80 smcs; 3CMA \$400.00 smcs; 4Imprint \$3,803.31 smcs; 911 Custom \$303.85 smcs; ABPA \$100.00 smcs; Ace & Garden \$572.71 smcs; Ace Irrigation \$686.40 smcs; Acushnet \$10,653.63 smcs; AD Screen \$747.50 smcs; Ad Starr \$1,419.70 smcs; Advance Auto Parts \$203.29 smcs; AED Superstore \$506.88 co; Ag-Land ATV \$898.43 smcs; All Safe Industries \$875.86 smcs; Allianz Travel \$45.17 smcs; Ally B Designs \$25.00 smcs; Amazon \$17,976.11 smcs,co; American \$4,817.85 smcs,co; American Airlines \$3,559.53 smcs; American Backflow \$64.10 smcs; American Button \$237.44 smcs; American Flagpole \$499.80 smcs; American Instants \$84.12 smcs; American Legion Emblem \$151.93 smcs; American Red Cross \$734.76 smcs; Anythingtruck.com \$342.62 smcs; Apple \$18.92 smcs; Applebee's \$92.81 smcs; APWA \$1,528.00 smcs; Aramark Uniform \$401.93 smcs; Arnold Motor \$682.09 smcs; Artisans Photography \$320.00 smcs,ps; Ask Supply \$776.91 smcs; ASP \$208.00 smcs; AT&T \$1,248.59 smcs; Atlantic, the \$84.99 smcs; Aurora Coop \$64.00 smcs; Aussie Hydraulics \$47.64 smcs; Authorize.net \$10.00 smcs; AVFuel \$83,571.32 smcs; Avis Rent-A-Car \$469.89 smcs; B&H Photo \$4,890.37 smcs,co; Backflow Parts \$1,330.46 smcs; Baker & Taylor \$3,902.46 smcs; Baseballracks.com \$2,650.00 co; Battery Junction \$33.01 smcs; Bickford, H \$39.77 smcs; Bits and Pieces \$80.20 smcs; Blackburn \$103.14 smcs; Blackstone Library \$1,045.42 smcs; BlueCross BlueShield \$138,092.52 smcs; Bomgaars \$222.33 smcs; Bosselman Energy \$9,728.91 smcs; Bossfuels \$43,997.35 smcs; Brady Worldwide \$221.69 smcs; Branch, R \$25.00 smcs; Broadfoot's \$1,487.70 smcs; BSN Sports \$1,075.41 smcs; Buffalo Co. Treasurer \$109.68 smcs; Buffalo Outdoor Power \$483.11 smcs; Builders \$2,409.39 smcs,co; Cabela's \$513.54 smcs; Canonical Group \$75.00 smcs; Canva \$134.95 smcs; Cap Corner Guards \$102.79 co; Carolina Tarps \$128.15 co; Carquest \$28.42 smcs; Casey's \$25.18 smcs; Cash Wa \$2,493.77 smcs,co; CDW \$2,363.35 smcs; Cenex \$132.53 smcs; Center Point \$159.72 smcs; Central NE Bobcat \$431.66 smcs; Central NE Rehab \$220.00 ps; Cheetah Rodent Control \$1,880.00 smcs; Chemsearch \$365.00 smcs; Chesterman \$1,315.00 smcs; Chief Construction \$548.00 smcs; Cintas \$460.36 smcs; City Glass \$982.67 smcs; City of KY \$27,245.55 smcs; CNA Surety \$160.00 smcs; Cold Spring \$709.80 smcs; Cole Parmer Instrument \$149.42 smcs; Commercial Recreation \$192.90 smcs; Community Action \$2,323.50 smcs; Computer Hardware \$30.00 smcs; Conoco \$31.49 smcs; Consolidated Mgmt. \$266.30 smcs; Constant Contact \$145.00 smcs; Construction Rental \$699.84 smcs; Control Yours \$220.00 smcs; Copycat \$477.24 smcs; Cornhusker Cleaning \$76.50 smcs; Country Partners \$22,850.61 smcs; Court Reserve \$159.62 smcs; Culligan \$254.50 smcs; Danko Emergency \$601.00 smcs; David Barth \$528.00 smcs; Davis Equipment \$3,552.62 smcs; Dawson Public Power \$20,345.10 smcs; Daylight Donuts \$30.08 smcs; Decked \$9,000.00 co; Dell \$249.72 smcs; Delta Air \$392.20 smcs; Devore-Hester, Cheyenne \$45.81 smcs; Digicert \$1,251.00 smcs; Discount Janitorial \$164.95 smcs; Dish

\$145.11 smcs; Dog Waste Depot \$866.91 smcs; Dollar General \$34.13 smcs; Dollar Tree \$25.41 smcs; Dowhy Towling \$233.75 smcs; Drone Launch \$159.43 smcs; Dunkin \$13.99 smcs; Eagle Distributing \$1,629.13 smcs; Eakes \$4,712.65 smcs; Ebay \$489.95 smcs; Echo Electric \$267.29 smcs; Ecolab \$129.91 smcs; Eileen's Cookies \$37.50 smcs; Elf Enterprises \$884.22 smcs; Elliott Equipment \$16,971.64 smcs; Embassy Suites \$854.01 smcs; Entenmann-Rovin \$666.50 smcs; Enterprise \$176.43 smcs; Epic Sports \$151.06 smcs; Epoxy Proz \$11,986.00 co; Escalade Sports \$145.44 smcs; Etsy \$1.80 smcs; Evident \$653.91 smcs; Exact Eye Care \$159.00 smcs; Expedia \$30.40 smcs; Eyemed \$2,202.25 smcs; Facebook \$261.08 smcs; Fairfield Inn \$126.40 smcs; Family Practice \$363.55 smcs,ps; Fastenal \$683.08 smcs; FBINAA \$20.00 smcs; Fedex \$27.77 smcs; Fiddelke Heating \$410.00 smcs; Flock Safety \$69,616.44 smcs; Friesen Chevrolet \$722.50 smcs; Frontier \$3,066.87 smcs; Fun Express \$391.71 smcs; Galeton \$740.79 smcs; Galls \$211.83 smcs; Garrett Tires \$6,535.18 smcs; Gary Gross Truck \$713.21 smcs; General Spring \$667.61 smcs; Glock Professional \$500.00 smcs; Glowforge Store \$269.60 smcs; GMStek \$3,707.90 smcs; Godaddy.com \$110.85 smcs; Golf & Sport Solutions \$2,415.64 smcs; Good Evans \$59.68 smcs; Good Sportsman \$57.00 smcs; Goodwin Tucker \$1,253.25 smcs; Grace Alley \$85.80 smcs; Graczyk Lawn \$12,205.69 smcs; Graham Tire \$830.91 smcs; Grainger \$2,247.75 smcs; Grand Kubota \$756.25 smcs; Great Plains Comm. \$536.97 smcs; Green Part Store \$158.11 smcs; Greenhouse Megastore \$446.38 smcs; Grow Nebraska \$149.00 smcs; Harbor Freight Tools \$233.72 smcs; Hart Golf \$672.00 smcs; Heartland Motor Sports \$1,047.83 smcs; Hobby Lobby \$316.62 smcs; Holmes Plumbing \$516.75 smcs; Home Depot \$1,348.93 smcs; Hometown Leasing \$707.74 smcs; Hoops, D \$14.24 smcs; Hub Int'l \$6,999.92 smcs; Humanities Nebraska \$75.00 smcs; Hydronic Energy \$2,180.00 smcs; Hy-Vee \$279.86 smcs; Idexx Distribution \$4,023.06 smcs; IIMC \$470.00 smcs; Indentifire \$56.97 smcs; Integrated Security \$1,217.85 smcs,co; Intermountain Sales \$1,088.93 smcs; Int'l Code Council \$808.50 smcs; Invoice Home \$5.28 smcs; Iprint Technologies \$848.00 smcs; IRS \$192,100.67 smcs; Island Supply \$2,552.50 smcs; J&A Traffic Products \$1,050.00 smcs; Jack Lederman \$2,714.30 smcs,co; Jackson Services \$387.10 smcs; JCB Delivery \$96.00 smcs; Jmac Supply \$278.20 smcs; Johnstone Supply \$1,228.55 smcs,co; Jonak, K \$150.00 smcs; Justice Clearinghouse \$162.00 smcs; Kantaras, K \$60.00 smcs; Karsten Mfg. \$5,054.49 smcs; KY Animal Shelter \$15,218.93 smcs; KY Chamber Comm. \$475.00 smcs; KY Concrete \$1,858.34 smcs; KY Crete & Block \$606.05 smcs; KY Equipment \$147.29 smcs; KY Hub \$263.88 smcs; KY Power Sports \$56.60 smcs; KY Public Library \$350.00 smcs; KY Quality Sew \$434.50 smcs; KY Towing \$500.00 smcs; KY Warehouse \$4,149.45 smcs; KY Winlectric \$7,693.33 co; Kelly Supply \$2,598.06 smcs; Kenesaw Motor \$1,257.76 smcs; KGFW \$585.00 smcs; Kings III Emergency \$1,122.00 smcs; Kiplinger Editors \$105.93 smcs; Kirkham Michael \$4,550.00 smcs; Kinkle, L \$247.90 smcs; Klute, S \$85.15 smcs; Konica Minolta \$122.82 smcs; L2 Brands \$1,031.94 smcs; Lab Alley \$179.79 smcs; Landanger, N \$20.53 smcs; Landmark Implement \$5,918.27 smcs; Lange, M \$22.68 smcs; Language Line \$488.51 smcs; Law Enf. Seminars \$850.00 smcs; Lawn Builders \$3,846.92 smcs; League NE Municipalities \$1,955.00 smcs; Lewis, J \$60.00 smcs; Library Store \$235.24 smcs; Lifeguard Store \$671.45 smcs; Light & Siren \$2,064.00 smcs; LMC Truck \$812.88 smcs; LyonHeart Equine \$1,472.00 smcs; Mac Tools \$669.47 smcs; Macqueen Equipment \$12,071.81 smcs; Magpul Industries \$34.52 smcs; Maize KY Equip. \$130.58 smcs; Mara USA \$144,782.60 smcs; Maritz \$277.00 smcs; Marlatt Precision \$5,768.33 smcs,co; Marvel Industrial \$381.00 smcs; Masters True Value \$867.38 smcs; Matheson Trigas \$3,041.48 smcs; MB Companies \$669.18 smcs; McCartney, Erin Chpt. 13 \$157.00 smcs;

McConville, J \$117.76 smcs; McCormack Distributing \$308.05 smcs; McDonald Uniforms \$322.66 smcs; McMaster-Carr \$433.32 smcs; Menards \$9,883.94 smcs,co; Merrill Company \$514.67 smcs; Microsoft \$1,792.82 smcs; Mid American Signal \$64,124.00 co; Mid-State Engineering \$5,236.00 co; Midway USA \$28.97 smcs; Midwest Connect \$5,918.93 smcs; Midwest Turf \$104.65 smcs; Miller & Associates \$12,800.00 co; Miller Signs \$1,343.84 smcs; Mirror Image \$166.64 smcs; Mission Square \$24,187.18 smcs; Mitchell1 \$1,163.18 smcs; Modern Cleaners \$22.40 smcs; Moonlight Embroidery \$1,659.50 smcs; Morrow, M \$81.00 smcs; Most Depend. Fountains \$8,995.00 co; Mostek Electric \$4,147.46 co; Motorola \$1,000.00 smcs; Municipal Supply \$122,576.16 smcs; Napa Auto \$3,113.20 smcs; Nat'l Safety Gear \$2,989.13 smcs; Nature Watch \$492.61 smcs; NCH Software \$82.70 smcs; NE Child Support \$1,419.72 smcs; NE Generator \$4,920.00 smcs; NE Golf Assn. \$100.00 smcs; NE IAI \$75.00 smcs; NE Law Enforcement TC \$75.00 smcs; NE Library Assn. \$75.00 smcs; NE Library Commission \$6,259.00 smcs; NE Machinery \$4,054.10 smcs; NE Peterbilt \$404.78 smcs; NE Recreation & Parks \$45.00 smcs; NE Rural \$550.00 smcs; NE Safety & Fire \$325.00 smcs; NE Secretary of State \$30.00 smcs; NE Truck Center \$7,301.57 smcs; Nebraskaland Dist. \$531.64 smcs; Network Solutions \$131.92 smcs; NI SFM Boiler \$216.00 smcs; Nielsen Contracting \$83,168.00 co; Northern Safety \$106.56 smcs; Northwest Electric \$1,710.23 smcs; Northwest River Supplies \$2,286.05 smcs,co; Northwestern Energy \$16,735.77 smcs; No-Spill Systems \$295.86 smcs; Novus Glass \$50.00 smcs; NRG Media \$606.00 smcs; ODP Business Solutions \$50.56 smcs; Office Max \$288.42 smcs,co; Officesupply.com \$137.97 smcs; Omnify \$729.50 smcs; O'Reilly Auto \$764.36 smcs; Osborn, M \$130.00 smcs; OTC Brands \$148.88 smcs; Ott, K \$300.00 smcs; Partstree.com \$287.08 smcs; Patterson, T \$150.00 smcs; Peerless Machine \$470.00 smcs; Penworthy \$816.61 smcs; Pep Co. \$584.55 smcs; Petsmart \$278.16 smcs; Photo Card Specialists \$150.59 smcs; Pioneer Athletics \$1,056.55 smcs; Pitney Bowes \$647.79 smcs; Platinum Awards \$71.75 smcs; Platte Valley Auto \$1,208.57 smcs; Platte Valley Comm. \$156.45 smcs; POAN \$20.00 smcs; Pollard Water \$1,143.08 smcs; Polydyne \$16,758.72 smcs; Prairie Nursery \$2,514.96 co; Prestige Flag \$2,465.83 smcs; Presto-X \$559.42 smcs; Pro Tint \$140.00 smcs; Project Energy Savers \$860.00 smcs; Prospiant \$230.74 co; PSI Services \$175.00 smcs; Quill \$1,302.36 smcs,co; Radwell Int'l \$741.00 smcs; Rapid Fire \$475.00 smcs; Rasmussen Mechanical \$1,539.66 smcs; Raynor Doors \$15,211.00 co; RDG Planning & Design \$24,172.77 co; Reams \$1,793.29 co; Redbox \$2.41 smcs; Redman's Shoes \$1,024.23 smcs,co; Reiman, E \$43.41 smcs; Reinke's \$115.00 smcs; Rentokil \$73.22 smcs; Republic Nat'l Dist. \$400.00 smcs; Resource West \$1,400.00 smcs; Rink Systems \$85.17 smcs; Roof Masters \$12.38 smcs; S&B Heating \$372.80 smcs; S&S Worldwide \$502.24 smcs; Saferite Solutions \$1,799.00 smcs; Safety Products \$33.44 smcs; Sandhill Plastics \$890.24 smcs; Sanitation Products \$125.27 smcs; Saylor Screenprinting \$1,387.20 smcs,ps; Schutte, O \$31.00 smcs; Schwarz, J \$245.00 smcs; Seat Covers Unlimited \$331.20 smcs; Sensit Technologies \$68.15 smcs; Shawn Area \$487.50 smcs; Shell Oil \$110.82 smcs; Sherwin Williams \$498.50 smcs,co; Shoot Steel \$125.97 smcs; Shredding Solutions \$131.06 smcs; Shutterstock \$31.04 smcs; Siedschlaw, K \$55.77 smcs; Sign Center \$9,650.75 smcs; Snap-On Tools \$23.30 smcs; Snow, T \$300.00 smcs; Spectrum \$831.17 smcs; Speedee Mart \$30.51 smcs; Starbucks \$69.24 smcs; State Supply \$980.00 smcs; Stutsman \$2,196.00 smcs; Suhr, B \$14.43 smcs; Sumuri \$1,350.00 smcs; Sunbelt Rentals \$1,614.32 smcs; Super Bright LEDs \$3,860.67 co; Superior Industries \$207.13 smcs; Supply House \$577.16 smcs; Survey Monkey \$99.00 smcs; T&T Mobile Washing \$1,319.00 smcs; Target \$245.92 smcs; Teknephos \$475.85 co; Timevalue Software \$149.00 smcs; Titan Machinery \$1,256.42 smcs; TK Elevator

\$1,199.00 co; T-Mobile \$25.00 smcs; Tommy's Express \$235.00 smcs; Tractor Supply \$183.81 smcs; Transunion \$119.60 smcs; Trujillo, J \$31.00 smcs; TVH Parts \$1,343.00 smcs; Tyler Technologies \$3,980.20 smcs; UI \$240.00 smcs; Uline \$1,818.30 smcs; Union Bank & Trust \$107,477.80 smcs; Unique Management \$291.25 smcs; Univ. of NE Event \$95.00 smcs; UNK \$1,026.58 smcs; UPS \$47.36 smcs; USA Blue Book \$725.14 smcs; USPS \$424.59 smcs; Village Services \$258.79 smcs; Volaire Aviation \$2,000.00 smcs; VW Golf \$946.42 smcs; Walgreens \$4.91 smcs; Walmart \$879.13 smcs; Walters Electric \$180.00 smcs; Ward Laboratories \$147.00 smcs; Wastecorp Pumps \$847.12 smcs; Wausau Tile \$2,198.61 co; WEF Main \$1,063.92 smcs; Western NRG \$225.00 smcs; Willhite, B \$44.04 smcs; Winlectric \$7,238.38 smcs,co; Winnelson \$428.72 smcs; World Herald \$30.99 smcs; World Theatre \$150.00 smcs; WPCI \$546.93 ps; Yanda's \$239.98 smcs; Youtube \$426.80 smcs; Zimco Supply \$345.00 smcs; Payroll Ending 03/09/2024 -- \$613,975.74. 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 April 9, 2024 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2024-29 approving the Application and Certificate for Payment No. 19 in the amount of \$1,413,736.52 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

RESOLUTION NO. 2024-29

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. 19 in the amount of \$1,413,736.52 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 35,858,000.00</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	30,630,256.02
Retainage	<u>- 1,471,784.06</u>
Amount Due to Date	28,888,471.96
Less Previous Certificates for Payment	<u>- 27,474,735.44</u>
Current Payment Due	<u>\$ 1,413,736.52</u>
Balance to finish, including retainage	\$ 6,351,036.04

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

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

5. Adopt Resolution No. 2024-30 approving Application and Certificate for Payment No. 18 in the amount of \$415,109.34 submitted by Caldwell Tank and approved by Miller & Associates for the 2.0 MG Elevated Water Tower.

RESOLUTION NO. 2024-30

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. 18 in the amount of \$415,109.34 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)	<u>+ 12,000.00</u>
Contract Sum To Date	4,974,008.50
Gross Amount Due	4,973,883.50
Retainage (3%)	<u>- 149,216.51</u>
Amount Due to Date	4,824,666.99
Less Previous Certificates for Payment	<u>- 4,409,557.65</u>
Current Payment Due	\$ 415,109.34

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

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

6. Adopt Resolution No. 2024-31 approving Application and Certificate for Payment No. 9 in the amount of \$94,093.20 and Application and Certificate for Payment No. 10 in the amount of \$43,582.77, both submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the Booster Pump Stations, Renovations and Associated Improvements.

RESOLUTION NO. 2024-31

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. 9 in the amount of \$94,093.20 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)	<u>- 345,373.00</u>
Contract Sum To Date	1,840,587.00
Gross Amount Due	1,437,466.52
Retainage (10%)	<u>- 143,746.65</u>
Amount Due to Date	1,293,719.86
Less Previous Certificates for Payment	<u>1,199,626.66</u>
Current Payment Due	\$ 94,093.20

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. 10 in the amount of \$43,582.77 as shown on Exhibit "B" 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)	<u>- 345,373.00</u>
Contract Sum To Date	1,840,587.00
Gross Amount Due	1,485,891.82
Retainage (10%)	<u>- 148,589.18</u>
Amount Due to Date	1,337,302.63
Less Previous Certificates for Payment	<u>1,293,719.86</u>
Current Payment Due	\$ 43,582.77

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. 9 and Application and Certificate for Payment No. 10, as shown on Exhibit "A" and Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2024.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

7. Accept the bids received for the 2024 Part 2 Improvements, Mill & Asphalt Overlay, and adopt Resolution No. 2024-32, awarding the bid to Gary Smith Construction Company, Inc. in the amount of \$356,055.00.

RESOLUTION NO. 2024-32

WHEREAS, the City of Kearney has reviewed the sealed bids, which were opened on March 19, 2024 at 2:00 p.m. for the 2024 Part 2 Improvements, Mill & Asphalt Overlay; and

WHEREAS, the City Engineer's Opinion of Probable Construction Cost for the project was \$432,900.00; and

WHEREAS, the City has recommended the bid offered by Gary Smith Construction Company, Inc. in the amount of \$356,055.00 be accepted as the lowest responsible bid for 2024 Part 2 Improvements, Mill & Asphalt Overlay.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the said City Engineer's recommendation is hereby accepted,

that Gary Smith Construction Company, Inc. be and is the lowest responsible bidder for the 2024 Part 2 Improvements, Mill & Asphalt Overlay to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Gary Smith Construction Company, Inc. in the amount of \$356,055.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the City Engineer’s Opinion of Probable Construction Cost in the amount of \$432,900.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

8. Accept the bids received for the 2024 Part 3 Improvements - 28th Street and adopt Resolution No. 2024-33, awarding the bid to Nielsen Contracting, LLC in the amount of \$711,585.00.

RESOLUTION NO. 2024-33

WHEREAS, Miller and Associates and the City of Kearney have reviewed the sealed bids, which were opened on March 19, 2024, at 2:00 p.m. for the 2024 Part 3 Improvements - 28th Street; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$677,369.00; and

WHEREAS, Miller and Associates and the City have recommended the bid offered by Nielsen Contracting, LLC, in the amount of \$711,585.00, be accepted as the lowest responsible bid for 2024 Part 3 Improvements - 28th Street.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer’s recommendation is hereby accepted, that Nielsen Contracting, LLC be and is the lowest responsible bidder for the 2024 Part 3 Improvements - 28th Street to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Nielsen Contracting, LLC in the amount of \$711,585.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$677,369.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

9. Accept the proposals received for the Yanney Park Playground Surface and award the proposal submitted by Crouch Recreation in the amount of \$79,281.00.
10. Adopt Resolution No. 2024-34 to designate and appoint Shawna Erbsen, Director of Administrative Services, to serve as ADA, Section 504 & Title VI Coordinator for the City of Kearney and repeal Resolution Nos. 2012-130, 2013-216, 2017-215 and 2022-136.

RESOLUTION NO. 2024-34

WHEREAS, the Americans with Disabilities Act (ADA) was enacted on July 26, 1990 which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs, and telecommunications; and

WHEREAS, Title II regulations of the ADA require that all public entities with 50 or more employees designate at least one employee to coordinate compliance with ADA; and

WHEREAS, the requirement for designation of a particular employee and dissemination of information about how to locate that employee helps to ensure that individuals dealing with large agencies are able to easily find a responsible person who is familiar with the requirements of the Act and to communicate those requirements to other individuals in the agency who may be unaware of their responsibilities; and

WHEREAS, Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Resolution No. 2012-130 passed on August 14, 2012 appointing the Assistant City Manager to serve as the City of Kearney Title VI Coordinator; Resolution No. 2013-216 passed on November 12, 2013 appointing the Assistant City Manager to serve as the City of Kearney ADA Coordinator; Resolution No. 2017-215 passed on December 19, 2017 appointing the Project Coordinator to serve as the City of Kearney Title VI Coordinator, Section 504 and ADA Coordinator; Resolution No. 2022-136 passed on July 12, 2022 appointing the Assistant City Manager to serve as the City of Kearney Title VI Coordinator, Section 504 and ADA Coordinator; and Resolution No. 2023-11 passed on January 10, 2023 appointing the Assistant City Manager to serve as the City of Kearney Title VI Coordinator, Section 504 and ADA Coordinator be and are hereby repealed.

BE IT RESOLVED that Shawna Erbsen, Director of Administrative Services, under the supervision of the City Manager or his or her appointee, be and is hereby designated and appointed as the Title VI Coordinator, Section 504 and ADA Coordinator for the City of Kearney.

PASSED AND APPROVED THIS 26TH DAY OF MARCH, 2024.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Moore that the Open Account Claim in the amount of \$136,965.72 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

Brenda Jensen, Interim City Manager, thanked City crews for their hard work during the last snowstorm. Ms. Jensen also introduced Brad DeMers, who recently began employment at the City as the Assistant to the City Manager.

Council members welcomed Mr. DeMers.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:49 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
CITY CLERK**