

*Kearney, Nebraska
November 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 November 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, Bruce Lear, and Jonathan Nikkila. Absent: Tami James Moore. Brenda Jensen, City Manager; Michael Tye, City Attorney; Kayla James, Director of Finance; Sarah Sawin, Director of Utilities; Andy Harter, Director of Public Works; and Bryan Waugh, Chief of Police, 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

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

There were no Public Hearings.

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held November 12, 2024.
2. Approve the following Claims:

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

5G Store \$1,414.81 smcs; ADB Safegate \$7,059.61 smcs; Alfred Benesch \$8,381.61 co; All City Garage Door \$2,241.00 smcs; Arram Equities \$375.00 smcs; Ask Supply \$846.56 smcs; Aurora Coop \$3,258.88 smcs; Automatic Systems \$2,494.04 smcs; AVFuel \$72,827.43 smcs; Baker & Taylor \$4,357.62 smcs; Bibliotheca \$10,177.65 smcs; BlueCross BlueShield \$82,876.23 smcs; Boehler, C \$60.00 smcs; Boogaarts \$913.00 smcs; Bosselman \$7,497.68 smcs; Bossfuels \$39,454.72 smcs; Brite \$2,878.00 smcs; Brothers Equipment \$461.00 smcs; Brown, C \$150.00 smcs; Buffalo Co. Redi-Mix \$17,021.47 smcs,co; Buffalo Co. Treasurer \$207,303.65 ds; Buffalo Outdoor Power \$153.57 smcs; Builders \$47.75 smcs; Butler Machinery \$77,923.51 co; C & H Precision \$2,626.40 smcs; Cal/Amp \$781.55 smcs; Cash Wa \$319.33 smcs; CDW Government \$6,955.20 smcs; Central Hydraulic \$6,282.00 co; Central NE Bobcat \$4,133.80 co; Chandler Well Service \$2,146.20 smcs; Chesterman \$131.00 smcs; City of KY \$29,142.95 smcs,ps; City Plumbing \$124.71 smcs; Comm Act Part Mid NE \$5,686.87 smcs; Consolidated Concrete \$5,276.05 co; Cooperative Producers \$5,868.91 smcs; Country Partners \$80,747.93 smcs; Dandee Concrete \$19,539.22 co; Dan's Plumbing \$366.20 smcs; Dawson Public Power \$37,837.19 smcs; Denver Intl Airport \$3,000.00 smcs; Depository Trust \$642,387.50 ds; Dev. Council Buffalo Co. \$1,500.00 smcs; Dostal, K \$112.00 smcs; Eakes \$4,162.21 smcs; Elliott Equipment \$7,266.90 smcs; EMC Insurance \$21.32 smcs; Engineering Technologies \$3,180.00 co; Expression Wear \$27.00 ps; Fedex \$26.60 smcs; Frontier \$2,495.84 smcs; Gale \$754.94 smcs; Gangwish Turf \$360.00 smcs; Garrett Tires \$16,281.78 smcs; GO Physical Therapy \$165.00 ps; Graczyk Lawn \$2,167.00 smcs; Graczyk Sprinklers \$540.00 smcs; GSI Engineering \$2,230.50 smcs; Hall, A \$22.60 smcs; Herring, A \$130.00 smcs; Hometown Leasing \$160.00 smcs; Hot Meals \$3,000.00 smcs; Hub Int'l \$6,999.92 smcs; InfoUSA \$3,250.00 smcs; Integrated Security \$386.00 smcs; IRS \$213,029.40 ps; J&A Traffic \$1,995.00 smcs; J.I.L. Asphalt Paving \$422,745.00 co; Jack Lederman \$233.20 smcs; Jack's Uniforms \$5,070.13 smcs; Jacobs, D \$27.68 smcs; Johnson, D \$2,100.00 smcs; Kdiver \$45.61 smcs; KY Animal Shelter \$15,675.50 smcs; KY Area Storytelling \$350.00 smcs; KY Comm. Found. \$3,000.00 smcs; KY Crete & Block \$274.54 co; KY Equipment \$58.72 smcs; KY High School \$175.00 smcs; KY Hub \$3,039.97 smcs; KY Towing \$250.00 smcs; KGFW \$300.00 smcs; Kiesler Police Supply \$501.00 smcs; Lanoha Nurseries \$43,900.00 co; LCL Truck Equipment \$8,891.65 smcs; League NE Municipalities \$780.00 smcs; Lincoln Nat'l Life \$1,310.72 smcs; Love Signs \$4,880.96 co; Macqueen \$5,419.31

smcs; Mallory Safety \$443.92 smcs; Mara USA \$170,105.68 smcs; Mauch, S \$470.00 smcs; Mayhew Signs \$37,320.00 co; MCL Construction \$2,524,462.36 co; Menards \$74.25 smcs; Michael Todd \$5,960.30 smcs; Midlands Contracting \$10,584.00 co; Mid-NE Digging \$10,225.00 co; Mid-State Engineering \$497.00 co; Midwest Connect \$5,775.85 smcs; Mirror Image \$307.26 smcs; Mission Square \$7,831.44 ps; Municipal Supply \$3,845.95 smcs; Napa Auto \$3,245.90 smcs; NE Child Support \$1,688.81 ps; NE Dept. Revenue \$50,057.87 smcs; NE Machinery \$4,421.77 smcs; Northwestern Energy \$1,282.73 smcs; NPPD \$93,520.81 smcs; Olsson Associates \$22,430.00 co; Omnify \$535.50 smcs; One Call Concepts \$44.30 smcs; O'Reilly Automotive \$932.23 smcs; Overdrive \$52,500.00 smcs; Penworthy \$621.53 smcs; Pep Co. \$165.38 smcs; Platte Valley Comm. \$2,682.50 smcs; Presto-X \$594.57 smcs; Prime Secured \$1,779.75 smcs; PVS DX \$13,396.54 smcs; Rapid Fire \$2,549.64 smcs; Rasmussen Mechanical \$7,030.60 smcs; RDG Planning \$11,881.81 co; Ready Mixed Concrete \$3,496.40 co; Ring, E \$169.00 smcs; S&J Construction \$8,046.50 co; See Clear Cleaning \$425.00 smcs; Snap-On Tools \$1,990.00 smcs; SOS Portable Toilets \$234.00 smcs; Stitch 3 \$275.00 smcs; Stryker Sales \$7,197.09 co; Stutsman \$1,098.00 smcs; Superior-Central Square \$5,831.10 smcs; Tri CO Concrete \$15,180.00 co; Tri State Oil Reclaimers \$75.00 smcs; Union Bank & Trust \$120,067.16 ps; Unique Mgmt. Services \$279.60 smcs; Vanhorn, S \$150.00 smcs; Verizon \$14,232.74 smcs; Warren-T Plumbing \$190.00 smcs; Whitmore \$423.76 smcs; Wilcac Life \$5.00 ps; Yanda's Music \$2,000.00 smcs; Zoho \$1,640.00 smcs;; Payroll Ending 11/16/2024 -- \$658,285.77. 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 10, 2024 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2024-161 repealing Resolution No. 2024-118 and adopt the 2024-2025 Comprehensive Fee Schedule updating wording pertaining to carnival/circus occupation tax, removing Exhibitions fees, removing fees for Street vendor permits, adding Mobile Food Vendor Permit fees, and amending Meadowlark Hills Golf Course tournament fees.

RESOLUTION NO. 2024-161

WHEREAS, the Mayor and City Council of the City of Kearney have established fees for items and services provided to its citizens; and

WHEREAS, the Comprehensive Fee Schedule setting forth the fees for such items and services to be provided during the 2024-2025 fiscal year was adopted by Resolution No. 2024-118 on September 10, 2024, by the City Council; and

WHEREAS, the Comprehensive **Fee Schedule** attached hereto as Exhibit "A" sets out the proposed fees for such items and services to be provided during the 2024-2025 fiscal year beginning January 1, 2025; and

WHEREAS, it is recommended that such amended Comprehensive Fee Schedule be adopted.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the amended Comprehensive **Fee Schedule** attached hereto as Exhibit "A" is hereby approved and adopted with an effective date of January 1, 2025.

BE IT FURTHER RESOLVED that Resolution No. 2024-118 be and is hereby repealed in its entirety as of January 1, 2025.

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

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

5. Adopt Resolution No. 2024-162 approving the recommendation submitted by the Fire Chief to include the following as a member of the Kearney Volunteer Fire Department: Zachary T. Beckman.

RESOLUTION NO. 2024-162

WHEREAS, Aaron Jameson, Chief of the Kearney Volunteer Fire Department, has forwarded the name of an individual desiring to serve as a volunteer in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Jameson, the City Council of the City of Kearney, Nebraska hereby finds and determines that said person listed is fully capable and qualified to serve a membership in the Kearney Volunteer Fire Department; and

WHEREAS, in order to be qualified for benefits in accordance with Sections 48-115, et seq. of the Nebraska Revised Statutes, said volunteer firefighters acting outside the corporate limits of the City must be officially directed to do so in order to be eligible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that the person recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as members of the Kearney Volunteer Fire Department for the purposes of and in accordance with Section 48-115 of the Nebraska Revised Statutes, and that said members are fully entitled to benefits under the Workers' Compensation Act.

BE IT FURTHER RESOLVED that the said volunteer firefighter named on Exhibit "A" is hereby specifically authorized and directed to serve outside the corporate limits of the municipality under the direction, orders and authority of the Chief of the Kearney Volunteer Fire Department in accordance with Section 4-204 of the Kearney City Code.

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

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

6. Approve the purchase of a Side Loading Refuse Compactor Truck in the amount of \$390,638.00 submitted by Elliot Equipment Co. under the Sourcewell Cooperative Purchasing Contract Program to be used in the Utilities Department.

7. Approve the Plans and Specifications for 2025 Part 1 Improvements – 30th Avenue Overpass Rehabilitation and set the bid opening date for January 7, 2025 at 2:00 p.m.

8. Adopt Resolution No. 2024-163 approving the Application and Certificate for Payment No. 27 in the amount of \$483,184.47 submitted by John T. Jones Construction

Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

RESOLUTION NO. 2024-163

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. 27 in the amount of \$483,184.47 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)	+ 21,141.00
Change Order No. 3 (08-13-2024)	+ 156,336.00
Change Order No. 4 (09-10-2024)	<u>+ 97,906.93</u>
Contract Sum To Date	35,493,750.93
Gross Amount Due	34,831,549.08
Retainage	<u>- 1,748,290.14</u>
Amount Due to Date	33,083,258.94
Less Previous Certificates for Payment	<u>- 32,600,074.47</u>
Current Payment Due	<u>\$ 483,184.47</u>
Balance to finish, including retainage	\$ 2,410,491.99

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. 27 in the amount of \$483,184.47, as shown on Exhibit "A" be and is hereby accepted and approved.

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

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

There were no Consent Agenda Ordinances.

VI. REGULAR AGENDA

There were no Regular Agenda items.

VII. REPORTS

Brenda Jensen, City Manager reminded everyone there will be a reception immediately following the December 10th City Council meeting in honor of Mayor Clouse and Council member Bruce Lear's years of service to the Kearney Community.

Council Member Jonathan Nikkila thanked Sarah Sawin, Director of Utilities, Ms. Jensen and City staff for adding an additional day for yard service pickup in December.

VIII. ADJOURN

Moved by Clouse seconded by Buschkoetter that Council adjourn at 5:32 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Moore absent. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
CITY CLERK**