

*Kearney, Nebraska  
December 17, 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 December 17, 2024 in the Council Chambers at City Hall. Present were: Jonathan Nikkila, President of the Council; Peggy Eynetich, City Clerk; Council Members Randy Buschkoetter, Tami James Moore, Kurt Schmidt and Alex Straatmann. Absent: None. Brenda Jensen, City Manager; Michael Tye, City Attorney; Kayla James, Director of Finance; Clint Smith, Assistant Director of Utilities; and Bryan Waugh, Chief of Police along with several Police Officers were also present. Members of the media present included: Mike Konz, Kearney Hub and Brian Neben, NRG Media.

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

## **I. ROUTINE BUSINESS**

### **INVOCATION/MOMENT OF SILENCE**

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

### **PLEDGE OF ALLEGIANCE**

Members of the Kearney Police Department Honor Guard presented and posted the colors. Council members led the audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

Mayor Nikkila 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.

### **ADMINISTER THE OATH OF OFFICE**

City Clerk administered the Oath of Office to Council Member Alex Straatmann.

### **ORAL COMMUNICATIONS/RECOGNITION**

### **OATH OF OFFICE TO POLICE OFFICERS JONAH GRESS AND SAMUEL STEFFEN**

Chief Bryan Waugh introduced Officer Jonah Gress and Officer Samuel Steffen who both began the process of becoming Police Officers in May, were hired in July, went to the Police Academy in August, graduated last Thursday, and began work on Friday. Officer

Gress graduated from UNK with a degree in Criminal Justice and was an intern with the Kearney Police Department in 2023. Officer Steffen is a graduate of UNL with a double major and is also a member of the Army National Guard.

### **PRESENTATION OF KEARNEY VOLUNTEER FIRE DEPARTMENT SERVICE AWARDS**

Fire Chief Aaron Jameson and Battalion Chief Seth Lunbery presented awards to members of the Kearney Volunteer Fire Department in attendance and also recognized those members in attendance, who have served on the Fire Department for five, ten, 15, 20, 30, and 40 years. Fire Chief Jameson noted the combined years of service for the members being recognized this evening is 250 years.

### **PRESENTATION OF FIREFIGHTER CERTIFICATES OF TRAINING FOR COMPLETING 2024 FIREFIGHTER I CLASS**

Fire Chief Jameson and Battalion Chief Lunbery presented Firefighter Certificates of Training to those members in attendance and also recognized those members not in attendance, who completed the 2024 Firefighter 1 Course.

Mayor Nikkila thanked the volunteers for all of their work.

Council Member Randy Buschkoetter thanked the families of the Firefighters, who support them.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

There were no Public Hearings.

## **IV. CONSENT AGENDA**

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

1. Approve Minutes of Regular Meeting held December 10, 2024.
2. Approve the following Claims:

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

All Copy Products-\$252.29- smcs; Alstrom,J-\$94.50- smcs; American Fence-\$1,575.68-smcs; Ask Supply-\$1,034.44- smcs; Aurora Coop-\$32.00- smcs; AvFuel-\$20,457.76-smcs; B & H Photo -\$5,545.60-co; Baker & Taylor-\$1,571.37- smcs; Benson,G-\$1,843.50- smcs; Blackstrap-\$1,761.31- smcs; BlueCross BlueShield-\$130,934.47-smcs; Buffalo Co Attorney-\$18,750.00- smcs; Buffalo Co Redi-Mix-\$1,391.60-co; Buffalo Co Sheriff-\$501.50- smcs; Cal/Amp-\$808.50- smcs; Cengage/Gale-\$166.49- smcs; City of Ky-\$18,994.67- smcs, ps; Consolidated Concrete-\$1,408.75-co; Crouch Recreation-\$80,747.50-co; Cummins-\$585.30- smcs; Cutter & Buck-\$197.28- smcs; D & K Products-\$29,645.50- smcs; Daily,A-\$10.53- smcs; Donkey Towing-\$250.00- smcs; Eakes-\$18.76-smcs; Ed Broadfoot & Sons-\$1,128.25- smcs; Engineering Technologies-\$3,180.00-co; Fedex-\$28.73- smcs; Fergueson Entp.-\$1,156.67- smcs; Fiddelke Heating -\$20,345.00-Co; Frontier-\$2,916.23- smcs; Garrett Tires-\$20,111.09- smcs; Gillming, Randy-\$111.85-smcs; Graczyk Lawn-\$3,789.00- smcs; Graf,J-\$19.14- smcs; Hecox,N-\$15.20- smcs; Hireright-\$10.76- smcs; Hometown Leasing-\$1,210.00- smcs; Hub Int'l-\$6,999.88- smcs; IACPnet-\$1,225.00- smcs; IRS-\$211,817.46-Ps; Jack's Uniforms-\$4,430.89- smcs; Jackson, Eric-\$17.14- smcs; Kart-Man-\$1,483.34- smcs; Ky Hub-\$398.09- smcs; Ky Marketplace-\$10.00- smcs; Konica Minolta-\$122.82- smcs; LexisNexis-\$231.53- smcs; Magic Cleaning-\$400.00- smcs; Mayhew Signs-\$2,940.00-co; MCL Construction-\$1,648,137.66-co; Merryman -\$300.00- smcs; Midwest Connect-\$829.69- smcs; Mirror Image-\$217.10- smcs; Mission Square-\$8,833.55-ps; Municipal Supply-\$39,732.95-smcs; Napa Auto-\$2,405.72- smcs; NDEE-\$1,281,410.22-ds; NE Child Support -\$1,454.34-ps; NE Machinery-\$2,527.08- smcs; NE State Fire Marshal-\$240.00- smcs; Northwestern Energy-\$9,534.71- smcs; Novus Glass-\$60.00- smcs; NPPD-\$93,589.65-smcs; Old Republic Aerospace-\$5,000.00- smcs; Olsson Associates-\$26,580.00- smcs; Omni Engineering-\$6,554.29- smcs; Omnify-\$535.50- smcs; One Call Concepts-\$397.44- smcs; Pep Co.-\$1,168.78- smcs; Platte Valley Comm.-\$287.00- smcs; Presto-X-\$454.96- smcs; Pronto Ky-\$752.23- smcs; Pure Platinum-\$375.00- smcs; Rapid Fire-\$3,196.00- smcs; Rasmussen Mechanical-\$9,014.50- smcs; Reinke's-\$624.47- smcs; Resource Mgmt.-\$5,502.00- smcs; Rustic Patch-\$10.00- smcs; Schwarz, Zach-\$94.50-smcs; See Clear Cleaning-\$1,472.50- smcs; Snap-On Tools-\$119.50- smcs; Snyder,D-\$37.97- smcs; SOS Portable Toilets-\$232.00- smcs; Steinbrink's-\$520.00- smcs; Stutsman-\$1,098.00- smcs; Subsurface Solutions-\$241.91- smcs; Sunset Law Enforcement-\$22,988.00- smcs; TK Elevator-\$1,542.94- smcs; Tyler Technologies-\$158,952.98- smcs; Union Bank & Trust-\$118,208.62-ps; USPS-\$232.00- smcs; Warth,H-\$798.00- smcs; Wilcac Life -\$5.00-Ps; Winter Equipment-\$13,384.20- smcs; Woods & Aitken-\$477.00- smcs; Zimmerman,N-\$47.02- smcs; Longevity Pay for 2024 -- \$72,875.76. 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 January 14, 2025 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2024-165 setting the interest rate, providing equal annual installments, providing the interest rate for delinquent installments for special assessments for 2025 with regard to the creation of paving, water and sanitary sewer districts; and to establish a policy on reimbursing developers for infrastructure costs for Developer Constructed Infrastructure Agreements.

**RESOLUTION NO. 2024-165**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. Streets that have been improved by paving, curbing and guttering and incidental work, and/or the installation of water mains, and/or the installation of sanitary sewer mains shall be assessed to lots and parcels of ground where specially benefited by said improvements and the total amount of said special assessments does not exceed the costs of said improvements exclusive of the cost of the intersections and areas formed by the crossing of streets, avenues and alleys as heretofore determined by the Mayor and City Council.

Section 2. All special assessments provided for by the laws of the state shall become due fifty (50) days after the date of levy and may be paid within that time without interest, but if not so paid, each installment, except the first, shall draw interest at the rate of 6.0 per centum per annum from the date the Board of Equalization convened until the same become delinquent. This interest rate is effective for the 2025 calendar year.

Section 3. Such assessments shall become delinquent in equal annual installments as follows:

Paving	Water	Sanitary Sewer
1/10th fifty days after date of Board of Equalization	1/5th fifty days after date of Board of Equalization	1/5th fifty days after date of Board of Equalization
1/10th one year after date of Board of Equalization	1/5th one year after date of Board of Equalization	1/5th one year after date of Board of Equalization
1/10th two year after date of Board of Equalization	1/5th two year after date of Board of Equalization	1/5th two year after date of Board of Equalization
1/10th three year after date of Board of Equalization	1/5th three year after date of Board of Equalization	1/5th three year after date of Board of Equalization
1/10th four year after date of Board of Equalization	1/5th four year after date of Board of Equalization	1/5th four year after date of Board of Equalization
1/10th five year after date of Board of Equalization		
1/10th six year after date of Board of Equalization		
1/10th seven year after date of Board of Equalization		
1/10th eight year after date of Board of Equalization		
1/10th nine year after date of Board of Equalization		

Such assessments shall become delinquent in equal annual installments over such period of years as set forth above. Delinquent installments shall bear interest at the rate specified in Section 45-104.01 of the Nebraska Revised Statutes, which is currently set at fourteen percent, and such rate may from time to time be adjusted by the Legislature, until paid and shall be collected in the usual manner for the collection of general taxes and shall be subject to the same penalties.

Section 4. Pursuant to Section 9-1310 of the Kearney City Code, the City will reimburse Developers for infrastructure costs considered the responsibility of the City as outlined in paragraphs 1, 2, 3, and 4 of Section 57-103(B) of the Kearney City Code based

on the most recent unit price bids received by the City, and approved by the City Council, for similar projects. The attached schedule of unit price bids is hereby approved by the City Council and shall be used by the City Engineer to calculate infrastructure reimbursements to Developers for qualified Developer Constructed Infrastructure Agreements approved by the City Council during the 2025 calendar year. Developers will not be reimbursed for infrastructure items not included on the attached schedule of unit price bids.

PASSED AND APPROVED THIS 17TH DAY OF DECEMBER, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

JONATHAN NIKKILA  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

5. Approve the Plans and Specifications in connection with the US Highway 30 and University Drive Intersection Improvements Project and set the bid opening date for January 21, 2025, at 2:00 p.m.

6. Adopt Resolution No. 2024-166 approving the updated Standard Contract for Engineering Services for the City of Kearney, Nebraska.

**RESOLUTION NO. 2024-166**

WHEREAS, in 1996 the City Administration recommended to the Council that a uniform, consistent policy with regard to the employment of professional services for the procurement of routine civil, structural, mechanical, and electrical engineering services, be adopted by the City of Kearney; and

WHEREAS, the City has developed a standard uniform engineering services contract that will give fair and equal treatment to all professionals, firms or companies seeking to provide professional engineering services to the City; and

WHEREAS, after review of the Standard Contract for Engineering Services, the Contract will now be for a period of two (2) years commencing on January 1, 2025, and extending through December 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Standard Contract for Engineering Services, be and is hereby adopted with the time frame being adjusted to a two (2) year period. The Standard Contract for Engineering Services for the City of Kearney, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 17TH DAY OF DECEMBER, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

JONATHAN NIKKILA  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

7. Adopt Resolution No. 2024-167 approving the Application and Certificate for Payment No. 4-Final in the amount of \$163,154.75, Change Order No. 2 showing a decrease in the amount of \$31,974.00, and accept the Certificate of Substantial Completion submitted by Nielsen Contracting, LLC and approved by Miller & Associates for 2024 Part 3 Improvements - 28th Street from Avenue I to Avenue L.

**RESOLUTION NO. 2024-167**

WHEREAS, Nielsen Contracting, LLC has performed services in connection with 2024 Part 3 Improvements – 28th Street from Avenue I to Avenue L, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing a decrease to the contract sum in the amount of \$31,974.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Nielsen Contracting, LLC and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$163,154.75 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 711,585.00
Change Order No. 1 (9/10/2024)	+ 24,811.00
Change Order No. 2 (12/17/2024)	- <u>31,974.00</u>
Contract Sum To Date	704,422.00
Gross Amount Due	704,422.00
Retainage (0%)	- <u>0.00</u>
Amount Due to Date	704,422.00
Less Previous Certificates for Payment	- <u>541,267.25</u>
Current Payment Due	\$ 163,154.75

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of November 13, 2024, 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. 2, as shown on Exhibit "A", Application and Certificate for Payment No. 4-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 17TH DAY OF DECEMBER, 2024.

ATTEST:  
PEGGY EYNETICH  
CITY CLERK

JONATHAN NIKKILA  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR

8. Adopt Resolution No. 2024-168 approving the Application and Certificate for Payment No. 28 in the amount of \$1,622,874.91 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

**RESOLUTION NO. 2024-168**

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. 28 in the amount of \$1,622,874.91 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>- 372,430.67</u>
Amount Due to Date	34,706,133.85
Less Previous Certificates for Payment	<u>- 33,083,258.94</u>
Current Payment Due	<u>\$ 1,622,874.91</u>
Balance to finish, including retainage	<u>\$ 787,874.91</u>

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. 28 in the amount of \$1,622,874.91, as shown on Exhibit “A” be and is hereby accepted and approved.

PASSED AND APPROVED THIS 17TH DAY OF DECEMBER, 2024.

ATTEST:  
 PEGGY EYNETICH  
 CITY CLERK

JONATHAN NIKKILA  
 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**

Jeff Morgan, Kearney resident requested that Council schedule a time to allow for the discussion of backyard chickens. He has checked with other communities in Nebraska that allow them and feels the issue should be addressed at a future Council meeting.

Council Members thanked Chief Waugh and the Kearney Volunteer Fire Department for all they do for the community.

Council Member Tami James Moore stated the Christmas lights at Yanney this year were spectacular.

City Manager Brenda Jensen thanked the Kearney Volunteer Fire Department and Chief Waugh and noted there would be upcoming Kearney tomorrow listening sessions to plan for what’s next in Kearney for the next 25 years.

**VIII. ADJOURN**

Moved by Nikkila seconded by Buschkoetter that Council adjourn at 5:57 p.m. Roll call resulted as follows: Aye: Nikkila, Moore, Schmidt, Straatmann, Buschkoetter. Nay: None. Motion carried.

**ATTEST:**

\_\_\_\_\_  
**JONATHAN NIKKILA  
PRESIDENT OF THE COUNCIL  
AND EX-OFFICIO MAYOR**

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**PEGGY EYNETICH  
CITY CLERK**