

*Kearney, Nebraska*  
*June 14, 2022*  
*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 June 14, 2022 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear and Tami James Moore. Absent: Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Brenda Jensen, Assistant City Manager; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Bryan Waugh, Chief of Police and Shawna Erbsen, Administrative Services Director, were also present. Members of the media present included: Mike Konz, Kearney Hub and Gwyneth Falloon, NTV.

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**

Mayor Clouse and 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**

#### **VACATE PROPERTY LOCATED AT 4810 11TH AVENUE**

Mayor Clouse opened the public hearing on the Application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) to vacate a 10-foot utility easement as platted on the Northerly 10.00 feet of Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, as shown and dedicated on said Fountain Hills Tenth Addition (4810 11th Avenue) and consider Ordinance No. 8579.

Craig Bennett, Miller and Associates, presented this matter to the Council. Mr. Bennett stated this vacation is in relation to Fountain Hills Fifteenth Addition that was previously in front of Council. This item is a formal request to vacate the 10-foot utility easement that was shown on the now vacated Fountain Hills Tenth Addition plat.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the Application submitted by Miller & Associates for Grand West LLC, a Nebraska Limited Liability Company (c/o Kent Holsten) and introduced Ordinance No. 8579 vacating a 10-foot utility easement as platted on the Northerly 10.00 feet of Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, as shown and dedicated on said Fountain Hills Tenth Addition (4810 11th Avenue) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8579 vacating a 10-foot utility easement as platted on the Northerly 10.00 feet of Lot 1, Fountain Hills Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, as shown and dedicated on said Fountain Hills Tenth Addition (4810 11th Avenue). President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter. Nay: None. Nikkila absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8579 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8579 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8579 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

## IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 21 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

1. Approve Minutes of Regular Meeting held May 24, 2022.
2. Approve the following Claims:

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

AFC-Grand Island \$975.85 smcs; All City Garage Door \$4,303.00 smcs; All Copy \$922.08 smcs; All Safe Industries \$274.78 smcs; Amazon \$669.37 smcs; Anderson,J \$1,070.83 smcs; Arrow Seed \$2,124.50 smcs; Artisans \$200.00 smcs; Ask Supply \$853.75 smcs; Aurora Coop \$66.00 smcs; AvFuel \$201,885.52 smcs; Bahe, Lauren \$100.00 smcs; Baker & Taylor \$8,130.43 smcs; Bellairs,J \$332.14 smcs; Biggs,A \$3.21 smcs; Blessing \$92,646.00 co; Bluecross Blueshield \$232,578.00 smcs; Bosselman \$47,064.47 smcs; Bourg,B \$14.19 smcs; Bradley,B \$173.77 smcs; Broadfoot's \$9.00 smcs; Buffalo Co. Redi-Mix \$4,651.50 co; Buffalo Co. Register \$28.00 smcs; Buffalo Co Sheriff \$433.40 smcs; Builders \$275.25 smcs; Cash Wa \$24,183.46 smcs; Casper,O \$45.49 smcs; Central NE Bobcat \$16,903.24 co; Chesterman \$5,064.75 smcs; Christensen,K \$45.00 smcs; City of Ky \$422,578.47 smcs,ps; City of Ky CRA \$165,529.95 smcs; Cold Spring \$274.50 smcs; Comm. Action Partnership \$1,985.50 smcs; Comm. Health Agencies \$36.00 ps; Comm. Service Fund \$6.00 ps; Compute North \$154,742.64 smcs; Connell,C \$11.43 smcs; Country Partners \$32,207.35 smcs; CPNRD \$500.00 co; Crane River Theater \$600.00 smcs; Crane Sales \$110,000.00 co; Culler,J \$370.51 smcs; Curbit \$4,144.00 smcs; Cutting Edge Cleaning \$250.00 smcs; D & K Products \$1,116.00 smcs; Danburg,K \$60.00 smcs; Dan's Plumbing \$669.23 smcs; Darling,D \$35.00 smcs; Davidson,K \$294.77 smcs; Depository Trust \$767,336.25 ds; Deterding's \$38,057.82 smcs; DPC Industries \$9,349.20 smcs; Eagle Distributing \$1,995.65 smcs; Eakes \$11,791.65 smcs,co; Elder,E \$81.00 smcs; Electronic Systems \$101.00 smcs; Enterprise Electric \$2,861.00 smcs; Erin McCartney Trustee \$70.00 ps; Etherton,R \$12.48 smcs; Expression Wear \$200.00 smcs; Family Advocacy Network \$2,000.00 smcs; Family Practice \$481.00 ps; Farm Credit Services \$20.00 smcs; Fedex \$118.81 smcs; Flynn,C \$7.74 smcs; Frontier \$6,652.74 smcs; Gale \$655.66 smcs; Gangwish Turf \$454.50 smcs,co; Gannon Travel \$2,160.00 smcs; GD Concrete \$44,656.50 co; General Collection \$45.97 smcs; Gerdes,J \$154.83 smcs; Gillming,R \$43.00 smcs; Godinez,A \$37.50 smcs; Grams,C \$1.74 smcs; Greater NE Cities \$1,000.00 smcs; Groseth,C \$39.52 smcs; Gugel,C \$32.08 smcs; Hawkins,J \$154.61 smcs; Henry,C \$7.70 smcs; Henry,Taylor \$46.96 smcs; HM Life Insurance \$42,930.93 smcs; HOA Solutions \$776.82 smcs; Holbrook,C \$46.96 smcs; Hromadka,F \$100.00 smcs; Hudson,N \$45.26 smcs; Huston,L \$42.62 smcs; Idemia Identity \$14,777.00 smcs; Independence Rising \$43.75 smcs; Integrated Security \$2,205.00 co; Interstate Battery \$538.50 smcs; IRS \$188,800.58 ps; Jack Lederman \$115.47 smcs; Jack's Uniforms \$1,366.02 smcs;

Jackson Services \$316.92 smcs; Jacobs,T \$54.00 smcs; JCB Delivery \$397.00 smcs; JD Air \$1,305.00 smcs; Johnson Brothers \$2,259.00 smcs; Kart-Man \$1,374.52 smcs; Kathman,K \$107.10 smcs; Ky Catholic High \$36.15 smcs; Ky Concrete \$483.00 smcs; Ky Crete & Block \$2,410.49 co; Ky Powersports \$6,512.90 smcs; Ky RV Park \$200.00 smcs; Ky Winlectric \$5,067.50 smcs; Kelly Supply \$51.29 smcs; Kern,A \$30.00 smcs; Kirkham Michael \$16,500.00 co; Konica Minolta \$994.84 smcs; Labs,K \$62.50 smcs; LCL Truck Equipment \$31,470.00 co; League NE Municipalities \$130.00 smcs; Lincoln Nat'l Life \$9,851.87 smcs; Logan Contracting \$1,231.80 co; Magic Cleaning \$6,950.00 smcs; Maher,P \$1.30 smcs; McDermott,J \$229.47 smcs; McFarland,T \$5.62 smcs; McLain,A \$12.42 smcs; Medina,A \$45.00 smcs; Menards \$340.07 smcs,co; Midwest Connect \$8,807.84 smcs; Miller & Associates \$83,695.68 co; Milliman \$2,000.00 smcs; Mirror Image \$222.30 smcs; Mission Square \$7,514.61 ps; Moonlight Screenprinting \$390.00 smcs; Morrow,M \$50.00 smcs; Municipal Supply \$21,703.88 smcs; Murphy Tractor \$100.12 smcs; NE Amateur Softball \$2,050.00 smcs; NE Child Support \$1,764.50 ps; NE Dept. Environment \$444,640.12 smcs; NE Dept. Revenue \$62,940.56 ps; NE Emergency Mgmt. \$18,992.63 smcs; NE Library Commission \$10,823.55 smcs; NE Public Health \$736.00 smcs; NE Truck Center \$159,500.00 co; Nebraskaland Dist. \$2,510.00 smcs; Northwestern Energy \$12,258.01 smcs; Obermiller,B \$40.39 smcs; O'Brien,J \$45.26 smcs; OCLC \$779.64 smcs; Olsson \$410.00 co; One Call Concepts \$671.96 smcs; Onyx Blasting \$38,042.84 smcs; Outdoor Rec Products \$3,123.50 co; Overhead Door \$862.00 smcs; Peerless Machine \$22,035.87 smcs; Penworthy \$634.42 smcs; Pep Co \$587.34 smcs; Pickering,M \$25.00 smcs; Pickhinke,L \$5.62 smcs; Presto-X \$297.00 smcs; Prime Secured \$1,429.84 smcs; Raffaeli,C \$4.20 smcs; Rasmussen Mechanical \$109.67 smcs; Raynor Garage Doors \$1,740.34 smcs; RDG Planning \$31,398.16 co; Ready Mixed Concrete \$11,043.25 co; Republic Nat'l \$1,635.11 smcs; Rheome Tree \$1,750.00 smcs; Riese,J \$100.00 smcs; RMV Construction \$70,119.00 co; Roundhouse Bunker \$685.60 smcs; RW Sorensen Co. \$2,413.60 co; Scantling,E \$700.00 smcs; Schaepler,C \$45.00 smcs; Schindler Elevator \$1,193.88 smcs; School District 7 \$1,430.00 smcs; Schroer,J \$140.00 smcs; Schumacher Fencing \$1,280.00 smcs; Schwarz,J \$122.00 smcs; Searle,L \$47.90 smcs; See Clear Cleaning \$3,000.00 smcs; Shinn,N \$52.65 smcs; Shredding Solutions \$65.70 smcs; Shumacher Brothers \$2,237.00 smcs; Sinner,J \$9.02 smcs; SOS Portable Toilets \$391.00 smcs; Southern Glazers \$1,841.32 smcs; Springer Roofing \$470.00 smcs; State of NE-DAS \$44.10 smcs; Steinbrink's \$24,493.99 smcs; Strategic Insights \$775.00 smcs; Stutsman \$2,196.00 smcs; Superior-Central Square \$6,045.00 smcs; Swanson,H \$80.00 smcs; Szczpakiewicz,J \$23.04 smcs; Teknephos \$75,676.00 co; TK Elevator \$496.60 smcs; Tri City Concrete \$3,280.00 co; Turfwerks \$2,848.06 smcs; Turner Body Shop \$100.00 smcs; Tye & Rowling \$15,169.06 smcs; U.S. Postal Service \$398.00 smcs; Union Bank & Trust \$94,303.15 ps; United State Treasury \$14.59 smcs; United Way \$202.00 smcs; University of Missouri \$12,400.00 smcs; Vanco \$83.92 smcs; Vasquez,J \$100.00 smcs; Verizon \$7,518.10 smcs; Village Cleaners \$183.54 smcs; Waldinger Corp. \$1,169.44 smcs; Walter's Electric \$130.00 smcs; Ward Laboratories \$47.00 smcs; Waterlink \$682.12 smcs; We Care Tree Care \$450.00 smcs; Western NRG \$4,167.07 smcs; Whalen,J \$634.50 smcs; Wilkins Hinrichs Stober \$59,794.66 co; Willis,H \$21.34 smcs; Payroll Ending 06/04/2022 -- \$ 636,923.35. 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. Approve setting June 28, 2022 at 5:30 p.m. as the time and date to meet as the Board of Equalization to assess costs in connection with Paving Improvement District Nos. 2019-995 and 2019-999.
4. Approve the renewal agreement with the City of Kearney and Tri-City Auction Center to provide auctioneering services for surplus City property to be sold at auction and adopt Resolution No. 2022-111.

**RESOLUTION NO. 2022-111**

WHEREAS, the City Council passed and approved Resolution No. 2021-85 on May 25, 2021 approving the Agreement for Auction Services between the City of Kearney and Tri-City Auction Center for auctioneering services for City surplus property to be sold at auction by the City of Kearney; and

WHEREAS, both the City of Kearney and Tri-City Auction desire to the renew the Agreement for Auction Services for auctioneering for City surplus property to be sold at auction by the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Agreement for Auction Services between the City of Kearney and Tri-City Auction Center 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 Mayor 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 14TH DAY OF JUNE, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

5. Adopt Resolution No. 2022-112 approving Application and Certificate for Payment No. 2 in the amount of \$70,119.00 submitted by RMV Construction and approved by Wilkins ADP for the Harmon Park Sonatorium Restoration.

**RESOLUTION NO. 2022-112**

WHEREAS, RMV Construction, LLC of Kearney, Nebraska has performed services in connection with Harmon Park Sonatorium Restoration, and the City's architect, Wilkens ADP, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$70,119.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 1,301,400.00
Change Order No. 1 (12-21-2021)	- <u>97,325.00</u>
Contract Sum To Date	1,204,075.00
Gross Amount Due	123,200.00
Retainage (10%)	- <u>12,320.00</u>
Amount Due to Date	110,880.00
Less Previous Certificates for Payment	<u>40,761.00</u>

Current Payment Due \$ 70,119.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 2, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

6. Adopt Resolution No. 2022-113 approving Application and Certificate for Payment No. 2 in the amount of \$23,875.20 submitted by Ensley Electrical Services and approved by Olsson for 2021 Part 4 Improvements; Traffic Signal at the Intersection of 15th Avenue and 11th Street.

**RESOLUTION NO. 2022-113**

WHEREAS, Ensley Electrical Services of Grand Island, Nebraska has performed services in connection with 2021 Part 4 Improvements; Traffic Signal at Intersection of 15th Avenue and 11th Street, and the City's engineer, Olsson, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$23,875.20 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 231,276.00
Contract Sum To Date	231,276.00
Gross Amount Due	109,048.00
Retainage (10%)	<u>- 10,904.80</u>
Amount Due to Date	98,143.20
Less Previous Certificates for Payment	<u>74,268.00</u>
Current Payment Due	\$ 23,875.20

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. 2, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

7. Adopt Resolution No. 2022-114 confirming Michaela Lewis to fulfill the term vacated by Marta Moorman (County Representative) on the Advisory Board of Park & Recreation Commissioners and appointing Christine Gaspari (Resident Commissioner) to fulfill the term vacated by Ariel Ahrens on the Kearney Housing Agency.

**RESOLUTION NO. 2022-114**

WHEREAS, Resolution No. 2005-96 calls for Citizen Board/Commission member appointments to be made by resolution submitted by the Mayor to the City Council for final approval;

WHEREAS, one resident of Buffalo County vacancy currently exists on the Advisory Board of Park & Recreation Commissioners; and

WHEREAS, one Resident Commissioner vacancy currently exists on the Kearney Housing Agency.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following person, as appointed by the Buffalo County Board of Commissioners for the Advisory Board of Park & Recreation Commissioners, and as proposed by the Mayor of the City of Kearney, Nebraska for the Kearney Housing Agency, are hereby appointed to fulfill the vacated terms as indicated:

**ADVISORY BOARD OF PARK & RECREATION COMMISSIONERS**

Michaela Lewis, as appointed by the Buffalo County Board of Commissioners, confirmed to fulfill the term vacated by Marta Moorman to July 31, 2023.

**KEARNEY HOUSING AGENCY**

Resident Commissioner, Christine Gaspari appointed to fulfill the term vacated by Ariel Ahrens to July 31, 2025.

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

8. Adopt Resolution No. 2022-115 approving the Towing Agreement between the City and Donkey Towing and Transfer LLC.

**RESOLUTION NO. 2022-115**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the City Manager is authorized and directed to execute the Towing Agreement on behalf of the City of Kearney, Nebraska with Donkey Towing and Transfer LLC for towing services within the City of Kearney. The Towing Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

- 9. Reject the bid received for the Kearney Regional Airport Terminal Expansion.
- 10. Adopt Resolution No. 2022-116 approving the Agreements between the City of Kearney and Aurora Cooperative Elevator Company, dba Buffalo Air Service for T-100, T-708 and T-932 for the operation of a crop spraying service, office area, storage area, loading dock and Aeronautical Services for aerial applicator services, all located at the Kearney Regional Airport.

**RESOLUTION NO. 2022-116**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Tenant Use and Operations Agreement at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska with Aurora Cooperative Elevator, dba Buffalo Air Service, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Tenant Use and Operations Agreement for Loading Dock at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska with Aurora Cooperative Elevator, dba Buffalo Air Service, a copy of the Agreement, marked Exhibit "2", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Agreement and Permit for Aeronautical Services at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska, with Buffalo Air Service, LLC, the Agreement, marked Exhibit "3", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

- 11. Adopt Resolution No. 2022-117 approving the Use and Operations Agreement for Annex B in Hangar T-926 located at the Kearney Regional Airport between the City of Kearney and Li'l Red Aero, Inc.

**RESOLUTION NO. 2022-117**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement on behalf of the City of Kearney, Nebraska, with Li'l Red Aero, Inc. for Annex B in Hangar T-926 located at the Kearney Regional Airport, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**12.** Adopt Resolution No. 2022-118 approving the Services Agreement for between the City of Kearney and Flock Group Inc. for a 60-Day pilot program involving the installation, testing, and evaluation of Automated License Plate Reader cameras for the City of Kearney authorize the Chief of Police to execute the Services Agreement on behalf of the City.

**RESOLUTION NO. 2022-118**

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Services Agreement between the City of Kearney, Nebraska and Flock Group Inc. authorizing a 60-Day pilot program involving the installation, testing, and evaluation of Automated License Plate Reader cameras for the City of Kearney, a copy of the Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Chief of Police be and is hereby authorized and directed to execute the Services Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**13.** Adopt Resolution No. 2022-119 approving Change Order No. 1 showing a decrease in the amount of \$25,444.00 and Application and Certificate for Payment No. 2 in the amount of \$154,731.83 submitted by Dan Roeder Concrete and approved by Miller & Associates for 2022 Part 1 Improvements; 48th Street.

**RESOLUTION NO. 2022-119**

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with 2022 Part 1 Improvements; 48th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$25,444.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Dan Roeder Concrete and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$154,731.83 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 796,683.00
Change Order No. 1 (6/14/22)	- 25,444.00
Contract Sum To Date	771,239.00
Gross Amount Due	239,032.00
Retainage (10%)	- 23,903.20
Amount Due to Date	215,128.80
Less Previous Certificates for Payment	60,396.97
Current Payment Due	\$ 154,731.83

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. 1, as shown

on Exhibit "A" and Application and Application and Certificate for Payment No. 2, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

14. Adopt Resolution No. 2022-120 approving the revised City of Kearney Personnel Manual.

**RESOLUTION NO. 2022-120**

WHEREAS, the City of Kearney has adopted a Personnel Manual since September 1, 1973, and has for several years prior to that time, maintained a cohesive personnel program including standard rules and regulations; and

WHEREAS, on August 22, 2006, the City Council formally adopted the revised Personnel Manual of the City of Kearney as the embodiment of the City's rules and regulations governing personnel matters; as amended by the City Council on December 26, 2007 by Resolution No. 2007-264, amended on October 28, 2014 by Resolution No. 2014-224, amended on October 25, 2016 by Resolution No. 2016-184, amended on March 27, 2018 by Resolution No. 2018-41, amended on May 22, 2018 by Resolution No. 2018-77, amended on September 22, 2020 by Resolution No. 2020-151; and

WHEREAS, the City Manager and administrative staff have made several revisions and essential changes to the latest version of the Personnel Manual adopted on August 22, 2006, as amended in 2007, 2014, 2016, 2018 and 2020 and have recommended the adoption of a newly revised Personnel Manual; and

WHEREAS, the City Council having reviewed these recommended revisions and changes, finds them to be appropriate and necessary to the continued effective performance of duties by employees of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Personnel Manual adopted on August 22, 2006, as amended in 2007, 2014, 2016, 2018 and 2020, be and are hereby repealed.

BE IT FURTHER RESOLVED that the newly revised Personnel Manual be and is hereby adopted and will become effective immediately. A copy of the newly revised Personnel Manual, marked Exhibit "A", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to implement the policies and provisions of the said Personnel Manual in the fairest and most constructive manner possible.

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

15. Adopt Resolution No. 2022-121 approving Application and Certificate for Payment No. 4 in the amount of \$56,485.80 submitted by Duncan Theis Construction, Inc. and approved by Olsson for Yanney Park Maintenance Building.

**RESOLUTION NO. 2022-121**

WHEREAS, Duncan Theis Construction, Inc. of Kearney, Nebraska has performed services in connection with Yanney Park Maintenance Building, and the City's engineer, Olsson, have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$56,485.80 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 514,038.00
Change Order No. 1 (1/25/2022)	\$ 0.00
Change Order No. 2 (3/22/2022)	+ \$3,146.00
Contract Sum To Date	517,184.00
Gross Amount Due	282,596.00
Retainage (10%)	- 28,259.60
Amount Due to Date	254,336.40
Less Previous Certificates for Payment	<u>197,850.60</u>
Current Payment Due	\$ 56,485.80

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. 4, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**16.** Adopt Resolution No. 2022-122 approving Change Order No. 3 showing a decrease in the amount of \$25,827.00, Application and Certificate for Payment No. 8-Final in the amount of \$53,884.71 and accept the Certificate of Substantial Completion submitted by Blessing Construction and approved by Miller & Associates for the 2020 Part 1 Improvements for the removal and replacement of N Avenue from 28th Street to 39th Street in connection with Paving Improvement District No. 2020-004.

**RESOLUTION NO. 2022-122**

WHEREAS, Blessing Construction, LLC of Kearney, Nebraska has performed services in connection with 2020 Part 1 Improvements for the removal and replacement of N Avenue from 28th Street to 39th Street in connection with Paving Improvement District No. 2020-004, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 3 showing a decrease in the amount of \$25,827.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Blessing Construction, LLC and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 8-Final in the amount of \$53,884.71 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 2,666,533.00
Change Order No. 1 (11/23/2021)	- 0.00
Change Order No. 2 (2/22/2022)	- 22,800.00
Change Order No. 3 (6/14/2022)	- <u>25,827.00</u>

Contract Sum To Date	2,617,906.00
Gross Amount Due	2,617,906.00
Retainage (0%)	- 0.00
Amount Due to Date	2,617,906.00
Less Previous Certificates for Payment	<u>2,564,021.29</u>
Current Payment Due	\$ 53,884.71

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of December 3, 2021, as shown by Exhibit “C” attached hereto and made a part hereof by reference.

and as follows:

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. 3, as shown on Exhibit “A”, Application and Certificate for Payment No. 8-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 14TH DAY OF JUNE, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

17. Approve the recommendations from the Development Services Division on annual renewal of the manufactured home court license for L&M Properties (1110 Central Avenue) until May 31, 2023 and extending the current manufactured home court licenses for East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue and Valley View Mobile Home Court, 2701 and 2801 Grand Avenue, an additional 30 days to correct deficiencies.

18. Adopt Resolution No. 2022-123 approving Application and Certificate for Payment No. 2 in the amount of \$94,392.76 submitted by Onyx Blasting & Coating, LLC and approved by Miller & Associates for 1.5 MG & 2 MG Elevated Water Storage Facility Paint Restoration.

**RESOLUTION NO. 2022-123**

WHEREAS, Onyx Blasting & Coating, LLC of Delray Beach, Florida has performed services in connection with the 1.5 MG & 2 MG Elevated Water Storage Facility Paint Restoration, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$94,392.76 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 386,420.00
Contract Sum To Date	<u>386,420.00</u>
Gross Amount Due	147,150.66
Retainage (10%)	- 14,715.06
Amount Due to Date	132,435.60
Less Previous Certificates for Payment	<u>38,042.84</u>
Current Payment Due	\$ 94,392.76

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. 2, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

19. Adopt Resolution No. 2022-124 approving Change Order No. 2 showing an increase in the amount of \$4,240.00 and Application and Certificate for Payment Nos. 10 in the amount of \$85,131.98 and 11 in the amount of \$131,904.23 submitted by Midlands Contracting Inc. and approved by Miller & Associates for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water).

**RESOLUTION NO. 2022-124**

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water), and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an increase to the contract sum in the amount of \$4,240.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 10 in the amount of \$85,131.98 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 2,343,960.00
Change Order No. 1 (3/8/2022)	- 114,660.00
Contract Sum To Date	<u>2,229,300.00</u>
Gross Amount Due	2,094,583.44
Retainage (5%)	- 104,729.17
Amount Due to Date	<u>1,989,854.27</u>
Less Previous Certificates for Payment	<u>1,904,722.29</u>
Current Payment Due	\$ 85,131.98

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 11 in the amount of \$131,904.23 as shown on Exhibit "C" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 2,343,960.00
Change Order No. 1 (3/8/2022)	- 114,660.00
Change Order No. 2 (6/14/2022)	+ 4,240.00
Contract Sum To Date	<u>2,233,540.00</u>
Gross Amount Due	2,233,430.00

Retainage (5%)	-	<u>111,671.50</u>
Amount Due to Date		2,121,758.50
Less Previous Certificates for Payment		<u>1,989,854.27</u>
Current Payment Due	\$	131,904.23

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. 10, as shown on Exhibit "B" and Application and Certificate for Payment No. 11, as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**20.** Adopt Resolution No. 2022-125 approving Application and Certificate for Payment No. 5 in the amount of \$66,032.55 submitted by Blessing, LLC and approved by Miller & Associates for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid B, Paving and Storm Sewer).

#### **RESOLUTION NO. 2022-125**

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with 2021 Part 5 Improvements; Extension of Talmadge Street (Bid B includes Paving and Storm Sewer), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 5 in the amount of \$66,032.55 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum		\$ 1,616,081.00
Change Order No. 1 (4/12/22)	+	<u>\$3,114.82</u>
Contract Sum To Date		1,619,195.82
Gross Amount Due		252,579.50
Retainage (10%)	-	<u>25,257.95</u>
Amount Due to Date		227,321.55
Less Previous Certificates for Payment		<u>161,289.00</u>
Current Payment Due	\$	66,032.55

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. 5, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 14TH DAY OF JUNE, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**21.** Adopt Resolution No. 2022-126 approving Change Order No. 1 showing a decrease in the amount of \$2,399.00, Application and Certificate for Payment No. 2-Final in the amount of \$11,797.80 and accept the Certificate of Substantial Completion submitted by Midlands Contracting Inc. and approved by Miller & Associates for the Patriot Boulevard Water Main Extension.

**RESOLUTION NO. 2022-126**

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with the Patriot Boulevard Water Main Extension, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$2,399.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting, Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$11,797.80 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 176,035.00
Change Order No. 1 (6/14/2022)	- 2,399.00
Contract Sum To Date	173,636.00
Gross Amount Due	173,636.00
Retainage (0%)	- 0.00
Amount Due to Date	173,636.00
Less Previous Certificates for Payment	161,838.20
Current Payment Due	\$ 11,797.80

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of May 24, 2022, 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. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 2-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 14TH DAY OF JUNE, 2022.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**V. CONSENT AGENDA ORDINANCES**

None.

## **VI. REGULAR AGENDA**

### **STAFF UPDATE ON WATER OPERATIONS, WASTEWATER TREATMENT, SANITATION/RECYCLING AND SOLID WASTE LANDFILL**

Mayor Clouse opened Regular Agenda Item 1 pertaining to City staff's presentation on Water Operations, Wastewater Treatment, Sanitation/Recycling, and Solid Waste Landfill from Director of Utilities, Tony Jelinek.

Mr. Jelinek began by reviewing water operation projects currently in progress, some of which include: began construction of the new 2.0 MG Elevated Water Storage facility; began painting the City's existing water towers (1.5 MG – 30th Avenue and 39th Street and 2.0 MG – 48th Street and 10th Avenue) and ordered new lighting for the existing water towers and the new water tower. Additionally, the Utilities Department will be rebuilding Booster Pump Stations and adding VFD's, and installing a fiber optics communication line from the Utility office to the new water tower station to allow for better radio reading. Mr. Jelinek stated 2.33 billion gallons of water was pumped last year and further noted there is over 230 miles of water mains and 188 miles of sanitary sewer pipe throughout the City of Kearney; the entire sanitary sewer system is cleaned every four years.

Mr. Jelinek stated the Wastewater Treatment Plant is now called the Water Resource Recovery Facility and noted in 2019 when parts of Kearney experienced flooding, all the waste water that went through the City's plant was treated; there was no overflow.

Michael Morgan, City Manager noted the City of Kearney closely monitors the infill water amounts or the leakage water amounts such as monitoring fire hydrants for leaks. Mr. Jelinek stated the last audit completed showed a very low amount of leakage in the City's system.

Mr. Jelinek stated, with regard to Sanitation and Recycling, the City has 5 roll-off, 3 front-load, 4 rear-load and 13 side load trucks that are used to service 9,300 single family collections, 2,000 multi family collections and 2,600 commercial collections on a weekly basis. Additionally, there are 5,125 yard waste customers and 7,100 curbside recycling customers that are also serviced weekly. Mr. Jelinek stated there was approximately 20,500 tons of refuse collected and taken to the landfill and just over 3,700 tons of recyclables collected last year.

Mr. Morgan questioned when the next audit would be completed on how much recyclables are going to the landfill that could be recycled instead? Mr. Jelinek stated there is still a large amount of recyclables that are being taken to the landfill and not recycled. Mr. Morgan noted the number of citizens recycling in Kearney is still extremely high and further noted that the Recycling Processors that hand sort the City's recyclables are unsung heroes as it is a tough job.

Mr. Jelinek moved on to the Solid Waste Landfill and stated the final stages of the bypass lanes are being completed. One of the lanes is an entirely new lane that was constructed for safety purposes on 56th Street as it allows for better visibility when leaving the landfill; a wider gate opening is also being constructed to help citizens move in and

out of the landfill quicker. A new scale has been installed and will be operational soon and the compactor has been replaced that was destroyed earlier this year due to an engine fire. A new bulldozer was also purchased to replace an old one; the new dozer is slightly larger and will assist staff with better compaction. Mr. Jelinek stated last year over 57,000 tons of refuse was accepted at the landfill and noted there is over 25 years of space left at the landfill.

Mayor Clouse stated he is very happy with the bypass lane and the extra turn lane that was added at the landfill as it makes movement smoother in the area. Mr. Jelinek stated it has also made it safer on 56th Street as well.

Mr. Jelinek stated the City is receiving a percentage of grant funding to replace lead service lines in a certain section of Kearney that the State has determined qualifies for the grant money; the City has approximately 1,000 services that are known to be lead, galvanized or unknown, which are most likely lead. The City is also able to tie areas outside of the above-mentioned area and receive a lower percentage of grant funding to assist with replacement in other areas as well. Mr. Morgan stated the City has also set aside funding from CARES money to assist with the replacement as well.

## **VII. REPORTS**

None.

## **VIII. ADJOURN**

Moved by Clouse seconded by Moore that Council adjourn at 5:53 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Moore. Nay: None. Nikkila absent. Motion carried.

**ATTEST:**

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

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**LAUREN BRANDT  
CITY CLERK**