

*Kearney, Nebraska
November 22, 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 November 22, 2022 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Peggy Eynetich, Interim City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Eric Hellriegel, Director of Parks; Andy Harter, Director of Public Works; Bryan Waugh, Chief of Police and Melissa Dougherty-O'Hara, City Planner, were also present. Members of the media present included: Mike Konz, Kearney Hub and Michael Shively, News Channel Nebraska.

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

Two Boy Scouts from Troop 158 led the Council Members and 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

None.

IV. CONSENT AGENDA

Moved by Nikkila seconded by Moore that Subsections 1 through 13 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held November 8, 2022.

2. Approve the following Claims:

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

5.11 \$406.60 smcs; 1000bulbs.com \$349.22 smcs; 24 Hour Tees \$550.05 smcs; 3D Universe \$116.85 smcs; 4Imprint \$975.27 smcs; Accuquilt \$137.96 smcs; Adobe \$52.99 smcs; Advance Auto Parts \$81.45 smcs; Adventure Enterprises \$150.00 smcs; Aero Specialties \$256.34 co; Agri Coop \$3,250.37 smcs; Air Cleaning Technologies \$253.90 smcs; Alinabal \$1,215.00 smcs; All City Garage Door \$2,980.00 smcs; All Makes Auto \$9,403.03 smcs; Ally B Designs \$50.00 smcs; Amax Contracting \$1,759.52 co; Amazon \$55,810.89 smcs,co; American \$408.91 smcs,co; American Airlines \$120.00 smcs; Answers in Genesis \$100.00 smcs; Apple Market \$23.96 smcs; Apple.com \$2.97 smcs; Appliancepartspros.com \$38.57 smcs; Aramark Uniform \$782.98 smcs; Ark Encounter \$100.00 smcs; Arrow Seed \$1,975.00 smcs; Arrowhead Scientific \$117.83 smcs; Artisans \$40.00 smcs; ASI Signage \$326.00 co; Ask Supply \$1,412.64 smcs; Assoc. Threat Assess. \$525.00 smcs; Atek Access \$925.53 co; Aurora Coop \$32.00 smcs; Austin Hardware \$88.30 smcs; Autodesk \$1,278.66 co; Autorize.net \$10.00 smcs; Autovalue \$63.52 smcs; AVFuel \$41,757.43 smcs; Axon Enterprise \$13,021.60 smcs; Axon Taser \$1,999.00 smcs; B&H Photo \$1,389.99 smcs; Baker & Taylor \$7,059.45 smcs; Barney Insurance \$72,902.12 smcs; Beyondskyr.com \$52.68 smcs; Bibliotheca \$9,495.00 smcs; Blackstone Library \$1,182.92 smcs; Blessing \$472,993.79 co; BlueCross BlueShield \$134,623.14 smcs; Bodensteiner Decorah \$132.74 smcs; Bomgaars \$193.24 smcs,co; Boogaarts \$5.26 smcs; Booklist Magazine \$375.00 smcs; Bosselman \$34,439.42 smcs; BossFuels \$56,836.08 smcs; BP \$74.99 smcs; Broadfoot's \$2,523.00 smcs; Brown Construction \$97,447.44 smcs; Browns Shoe Fit \$507.00 smcs; Bruha, S \$17.07 smcs; Buffalo Co. Redi-Mix \$5,135.00 co; Buffalo Co. Sheriff \$125.00 smcs; Buffalo Co. Treasurer \$205,665.20 ds; Buffalo Co. Treasurer \$50.23 smcs,co; Buffalo Outdoor Power \$834.05 smcs; Builders \$1,848.81 smcs,co; Bulkapparel.com \$151.67 smcs; Cab Store \$368.38 smcs; Cal/Amp \$781.55 smcs; Caldwell Tanks \$207,546.66 co; Card My Yard \$640.00 smcs; Carquest \$97.20 smcs; Cash Wa \$743.72 smcs; CDW \$7,569.64 smcs; Cellebrite \$260.10 smcs; Cenex \$38.00 smcs; Central Comm. College \$140.00 smcs; Central Hydraulic \$61.24 smcs; Central NE Bobcat \$180.00 smcs; Central NE Rehab \$50.00 ps; Chemsearch \$347.00 smcs; Chesterman \$459.85 smcs; Child's

World \$2,442.80 smcs; Choice Paint \$261.24 smcs; Cintas \$226.52 smcs; City of Ky \$19,576.59 smcs,ps; CNA Surety \$40.00 smcs; CNRA Parking \$28.00 smcs; Comfort Inn \$774.74 smcs; Comm. Action Partnership \$1,217.50 smcs; Consolidated Mgmt. \$292.15 smcs; Construction Rentals \$3,107.59 smcs,co; Control Yours \$193.45 smcs; Copycat Printing \$917.28 smcs; Core & Main \$1,654.76 smcs; Cosugi \$150.00 smcs; CourtReserve \$100.75 smcs; Cricut \$1.89 smcs; Culligan \$508.83 smcs; Cummins \$19.84 smcs; Cunningham's \$1,547.00 smcs; Cutter & Buck \$3,759.31 smcs; Dan's Plumbing \$70.00 smcs; Dashlane \$59.99 smcs; Davis Equipment \$3,431.44 smcs; Davis, B \$150.00 smcs; Davis, W \$158.56 smcs; Dawson Public Power \$34,045.13 smcs; Daylight Donuts \$57.58 smcs; Defensive Edge Training \$900.00 smcs; Dell \$8,580.32 co; Dero Bike Racks \$139.00 smcs; Dish \$250.55 smcs; Dollar General \$5.62 smcs; DPC Industries \$16,770.75 smcs; Dsplays2go \$140.25 smcs; Dunkin \$47.96 smcs; Dutton-Lainson \$260.88 smcs; Eagle Distributing \$294.78 smcs; Eakes \$1,893.78 smcs; Earl May \$53.47 smcs; Earthway Products \$24.00 smcs; Ebay \$206.53 smcs; Echo Electric \$252.63 co; Ecolab \$201.21 smcs; Eileen's \$84.00 smcs; Electric Pump \$475.49 smcs; Elliott Equipment \$288.05 smcs; EMC Insurance \$261.43 smcs; Encompass \$10,914.66 co; Enterprise \$98.22 smcs; ESChat \$191.94 smcs; ETrailer \$41.28 smcs; Expression Wear \$945.00 smcs,ps; Eyemed \$1,682.90 smcs; Facebook \$256.94 smcs; Famous Footwear \$98.94 smcs; Fastenal \$97.47 smcs,co; Fasteners Plus \$1,258.38 co; Fedex \$98.38 smcs; Fiddelke Heating \$9,300.00 co; Fire Safety Education \$420.00 smcs; Firehouse Techn. \$99.00 smcs; For Parts \$272.16 smcs; Friesen Chevrolet \$163.08 smcs; Friesen Ford \$437.73 smcs; Frontier \$8,571.47 smcs; Fun Express \$556.66 smcs; Gale \$327.62 smcs; Gallington, E \$34.66 smcs; Galls \$46.79 smcs; Garrett Tires \$9,553.74 smcs; Gear for Sports \$81.56 smcs; Glendale Parade \$597.70 smcs; Glow With Us \$517.00 smcs; Golf Course Supt. \$430.00 smcs; Good Evans \$28.40 smcs; Goodwin Tucker \$899.98 smcs; GPM Pump & Truck \$1,503.77 smcs; Graczyk Lawn \$1,937.04 smcs; Graham Tire \$714.85 smcs; Grainger \$2,153.16 smcs; Great Plains Comm. \$671.37 smcs; Gregory Container \$12,616.00 smcs; Grimes, S \$31.00 smcs; Gulf Oil \$62.38 smcs; Gustafson, Cycles \$14.83 smcs; Hach \$1,488.20 smcs; Hampton Inns \$615.76 smcs; Hansen, L \$626.81 smcs; Harbor Freight Tools \$276.02 smcs; HD Supply \$2,266.52 smcs; Heartland Motor Sports \$955.33 smcs; Hilti \$1,664.66 co; Hobby Lobby \$457.76 smcs; Holiday Inn \$784.82 smcs; Holmes Plumbing \$797.92 smcs,co; Hooker Bros. \$1,172.40 smcs; Hub Int'l \$6,598.08 smcs; Human Solution \$60.99 smcs; Hyatt Regency \$2,012.46 smcs; Hy-Vee \$1,191.92 smcs; IAI \$80.00 smcs; ICMA Membership \$1,839.00 smcs; IL Tollway \$13.20 smcs; IMC Direct \$677.30 smcs; Integrated Security \$160.00 smcs,co; Interstate Battery \$355.00 smcs; Invoicehome.com \$5.00 smcs; Ironman \$549.25 smcs; IRS \$189,835.66 ps; Isaac Drywall \$300.00 smcs; Jack Lederman \$689.65 smcs; Jackson Services \$441.16 smcs; John E. Reid & Assn. \$600.00 smcs; Johnson, D \$800.00 smcs; Johnstone Supply \$458.79 smcs,co; Jonak, K \$150.00 smcs; Ky Ace \$153.47 smcs,co; Ky Animal Shelter \$14,775.66 smcs; Ky Chamber Comm. \$150.00 smcs; Ky Concrete \$12,825.91 smcs,co; Ky Crete & Block \$2,907.56 smcs,co; Ky Hub \$423.80 smcs; Ky Local \$1,040.00 smcs; Ky Tennis Assoc. \$14,735.00 smcs; Ky Towing \$689.00 smcs; Ky Truck \$59.67 smcs; Ky Winlectric \$40,325.30 smcs,co; Ky Winnelson \$1,421.72 smcs,co; Kelling, J \$26.95 smcs; Kelly Supply \$190.34 smcs; Kimball Midwest \$541.75 smcs; Kirkham Michael \$5,500.00 co; Konica Minolta \$590.90 smcs; Ktown Cakery \$18.00 smcs; Kum & Go \$128.89 smcs; Labor Law Posters \$192.00 smcs; Landmark Implement \$1,745.94 smcs; Lawson Products \$181.26 smcs; Lee NE Media \$2,901.63 smcs; Lerner Publishing \$3,262.01 smcs; Lockmobile \$32.86 smcs; Longleaf Services \$142.09 smcs; Lukasiewicz, B \$150.00 smcs; Lulzbot \$239.84

smcs; Mac Tools \$384.98 smcs; Macqueen Equipment \$5,111.31 smcs; Marlatt Machine \$94.50 smcs; Marriott \$247.61 smcs; Masters True Value \$542.83 smcs,co; Matheson \$43.64 smcs; Mc2 \$8,068.13 smcs; McCartney, Erin Chpt. 13 \$227.00 ps; McEntee, S \$150.00 smcs; Menards \$10,549.01 smcs,co; Merrill Company \$307.65 smcs; Mesco Corp. \$86.06 smcs; Michaels \$58.33 smcs; Midland Scientific \$120.02 smcs; Midlands Contracting \$531,810.35 co; Mid-Plains Equipment \$220.00 smcs; Mid-State Engineering \$1,284.00 smcs; Midwest Breathing \$110.78 smcs; Midwest Connect \$528.22 smcs; Midwest Service \$730.00 smcs; Midwest Storage \$8,308.15 smcs; Milco Environmental \$14,000.00 co; Miller Signs \$13,947.00 co; Mimic \$76.45 smcs; Mirror Image \$499.90 smcs; Mission Square \$7,649.47 ps; Moonlight Embroidery \$1,704.50 smcs; Motorola \$820.00 smcs; Municipal Emergency \$2,589.70 smcs; Municipal Supply \$8,558.03 smcs; Murphy Tractor \$765.26 smcs; Musicians Friend \$709.40 smcs; Nat'l Fire Protection \$1,345.50 smcs; Nat'l Organization Victims \$100.00 smcs; Nat'l Petroleum Equip. \$298.64 smcs; Nat'l Stormwater \$548.00 smcs; NE Arborists \$220.00 smcs; NE Chapter IAEI \$240.00 smcs; NE Child Support \$1,986.51 ps; NE Machinery \$348,746.58 smcs,co; NE Safety & Fire \$125.00 smcs; NE Statewide \$260.00 smcs; NE Truck Center \$4,248.84 smcs; Network Solutions \$52.96 smcs; New Deal Deicing \$11,209.27 smcs; Newegg \$100.56 co; Nielsen Contracting \$386,622.00 co; NLETC \$1,245.00 smcs; Northwest Electric \$651.02 smcs; Northwestern Energy \$2,644.66 smcs; Nova Fitness \$693.54 ps; NRG Media \$422.00 smcs; NWEA \$1,305.00 smcs; OCLC \$816.57 smcs; ODP Business \$177.56 smcs; Officemax \$1,015.20 smcs,co; One Call Concepts \$25.86 smcs; Open VPN \$346.40 smcs; Orkin \$53.81 smcs; Orscheln \$24.99 smcs; Panera Bread \$68.73 smcs; Paper Roll Products \$211.80 smcs; Penworthy \$609.51 smcs; Pep Co \$387.34 smcs; Pet Pickups \$2,802.43 smcs; Petsmart \$394.99 smcs; Phillips 66 \$41.43 smcs; Pitney Bowes \$576.99 smcs; Pix4D \$499.00 smcs; Pizza Hut \$135.76 smcs; Platinum Awards \$86.21 smcs,co; Platte Valley Auto Mart \$634.03 smcs; Platte Valley Comm. \$761.47 smcs; PowerTech \$269.05 smcs; Precision Foundation \$30,693.23 co; Presto-X \$520.76 smcs; Promotions Now \$372.33 smcs; Pukka \$521.32 smcs; Pump & Pantry \$208.64 smcs; PVC Pipe Supplies \$208.00 co; Qdoba \$80.00 smcs; Quill \$294.31 smcs; Radwell Int'l \$115.30 smcs; Ragic.com \$605.00 co; Rasmussen Mechanical \$1,056.00 smcs; Ravenna Sanitation \$400.00 smcs; Ready Mixed Concrete \$14,274.76 co; Reams \$1,805.59 smcs,co; Recreonics \$9,322.61 co; Red Equipment \$987.00 smcs; Redbox \$7.97 smcs; Redman's Shoes \$2,441.89 smcs; Rentokil \$67.80 smcs; Resource Mgmt. \$6,403.25 smcs; Responder Training \$349.00 smcs; Rocket \$503.21 smcs; Russell's Appliance \$300.00 smcs; S&P Global \$11,475.00 smcs; Safety Products \$68.99 smcs; Safety Store \$325.05 ps; Sam's Club \$633.91 smcs; Sanitation Products \$385.48 smcs; Sapp Brothers \$4,972.85 smcs; Saylor Screenprinting \$297.00 smcs; Schindler Elevator \$1,668.71 smcs; Schwarz, Z \$122.00 smcs; Security Products \$430.00 smcs; See Clear Cleaning \$3,047.50 smcs; Select Sprayers \$153.80 smcs; Sensus \$49.00 smcs; Sherwin Williams \$1,569.93 co; Shore Power \$131.05 smcs; Shotkoski, R \$26.01 smcs; Shredding Solutions \$103.96 smcs; Sister Cities \$610.00 smcs; Skyco Glass \$39,120.89 co; Skygeek.com \$133.28 smcs; SLA Corp \$575.82 smcs; Slocum, Kaycee \$7.22 smcs; Sloggett, H \$20.70 smcs; Smartsign \$28.43 smcs; Spanger C \$479.80 smcs; Spectrum \$899.07 smcs; State Electrical Division \$43.00 smcs; Steinbrink Landscaping \$698.11 smcs; Stutsman \$1,647.00 smcs; Sunoco \$104.03 smcs; Sunset Law Enforcement \$33,208.29 smcs; Super Bright Leds \$377.18 smcs; Target \$207.91 smcs; Tech Masters \$971.82 smcs; Telephone Systems \$3,605.99 smcs; Tifosi Optics \$1,869.50 smcs; Tillotson Enterp. \$3,039.00 smcs; Titan Machinery \$676.93 smcs; Tobiasson Hydro \$2,157.50 smcs; Totally Promotional \$580.10 co; Tractor-Supply \$656.06 smcs;

Transunion \$112.80 smcs; Tri Co Glass \$497.00 co; Tri State Oil \$215.00 smcs; Triple Crown Products \$1,456.60 smcs; Tyler Technologies \$142,653.11 smcs; Uber \$32.96 smcs; Ubiquiti \$719.62 co; Uline \$322.86 co; Union Bank & Trust \$100,612.83 ps; Unique \$186.40 smcs; UNL Marketplace \$66.39 smcs; UPS \$112.95 smcs; USA Bluebook \$530.49 smcs; USPS \$432.25 smcs; Vanhorn, S \$150.00 smcs; Vessco \$984.94 smcs; Village Services \$312.22 smcs; VVS \$64.12 smcs; VW Golf \$500.00 smcs; Walgreens \$8.08 smcs; Wal-mart \$2,914.54 smcs,co; Walters Electric \$32,810.00 co; Wayfair \$228.65 co; Webstaurant Store \$191.92 smcs; Wedding Sisters \$321.20 smcs; Wee-Cycle \$10.00 smcs; West Bros. \$223.00 smcs; Whoa & Go West \$44.00 smcs; Wilcac Life \$10.00 ps; Wilke Contracting \$139,717.72 co; Wilkins Architecture \$982.80 co; Wittek Golf \$1,302.30 smcs; WPCI \$509.00 ps; WT Cox Information \$30.83 smcs; Young, C \$24.75 smcs; Youtube TV \$263.69 smcs; Zoom \$201.33 smcs; Zoro Tools \$292.99 co; Payroll Ending 11/05/2022 -- \$585,120.22. 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 13, 2022 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2022-253 ratifying all City Council actions at the November 8, 2022 City Council meeting.

RESOLUTION NO. 2022-253

WHEREAS, Nebraska Revised Statute 84-1411 states: 1(a) "Each public body shall give reasonable advance publicized notice of the time and place of each meeting Such notice shall be transmitted to all members of the public body and to the public, and that (1)(a)(i)... such notice shall be published in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's website"; and

WHEREAS, the City of Kearney provides Notice to the Public via the Kearney Hub, a newspaper of general circulation within the public body's jurisdiction on the Friday before the Tuesday of City Council meetings; and

WHEREAS, the packet of the upcoming City Council meeting as well as the agenda are always posted on the City of Kearney's website the Friday before the City Council meeting and therefore, the packet for the November 8, 2022 City Council meeting was posted on the City of Kearney website on Friday, November 4, 2022; and

WHEREAS, on November 7, 2022, a representative from the Kearney Hub notified the Clerk's office of the City of Kearney, that due to an error by the Kearney Hub, the Notice to the Public for the November 8, 2022 Kearney City Council meeting was not published in the November 4, 2022 Kearney Hub; and

WHEREAS, on November 7, 2022, upon receiving notification of the error from the Kearney Hub, the Interim City Clerk approved the Notice to the Public be published in the Kearney Hub at its earliest publish date, November 8, 2022, and did also post Public Notice of the November 8, 2022 City Council meeting at the Kearney Public Library, Kearney City Hall and Kearney Police Department; and

WHEREAS, the Council of the City of Kearney, Nebraska hereby bless, affirms and ratifies all actions taken at the regularly scheduled Council meeting November 8, 2022.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, hereby bless, affirms and ratifies all actions taken by the Council of the City of Kearney, Nebraska at the regularly scheduled Council meeting on November 8, 2022.

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class I-125302 liquor license application and manager application for JoAnne Hoatson submitted by The Great Platte River Road Memorial Foundation dba The Archway located at 3060 East 1st Street.

6. Adopt Resolution No. 2022-254 updating the list of depository banks as designated by the City of Kearney as designated depositories.

RESOLUTION NO. 2022-254

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

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

- Wells Fargo Bank Nebraska, N.A.
- First National Bank of Omaha
- Farmers & Merchants Bank
- US Bank
- Exchange Bank
- Five Points Bank
- Heartland Bank
- Bank of the West
- FirstTier Bank
- NebraskaLand National Bank
- Pinnacle Bank
- Bruning Bank
- First Interstate Bank

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

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

Michael W. Morgan, City Manager
Wendell R. Wessels, Director of Finance
Kayla D. James, Director of Finance

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict herewith are hereby repealed and that Resolution No. 2022-224 is hereby specifically rescinded and repealed.

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

7. Adopt Resolution No. 2022-255 approving the revised Kearney Public Library Policy Manual as recommended by the Library Advisory Board.

RESOLUTION NO. 2022-255

WHEREAS, the "Policy Manual for the Kearney Public Library" of the Kearney Public Library was adopted on September 12, 2006 by Resolution No. 2006-156; and

WHEREAS, in 2008 the Library Advisory Board determined it was necessary to revamp the entire policy and brought forward a new policy which was adopted by the City Council by Resolution No. 2008-57 on April 8, 2008; and

WHEREAS, on April 10, 2012, April 13, 2015, May 23, 2017, October 8, 2019, July 28, 2020, July 27, 2021, January 25, 2022 and again on September 27, 2022 the Council approved the revised policy by Resolution Nos. 2012-59, 2015-74, 2017-85, 2019-186, 2020-112, 2021-126, 2022-29 and 2022-201 respectively; and

WHEREAS, the Library Advisory Board has made some changes and is recommending the City Council approve the changes and adopt the revised policy.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the recommendation from the Library Advisory Board, on adopting a revised Kearney Public Library Policy Manual, a copy marked as Exhibit "A", attached hereto and made a part hereof, be and is hereby adopted.

BE IT FURTHER RESOLVED that the revised policy adopted in 2022 by Resolution No. 2022-201 be and is hereby repealed in its entirety.

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

8. Approve the purchase of a 2024 Western Star 47X with the Henderson 5-Yard Dump Body, Henke Snow Plow and Plow Hitch combination in the amount of \$202,378.00 submitted by Wick's Trucks, Inc. under the Nebraska State Bid Contract #15621OC to be used in the Public Works Department.

9. Adopt Resolution No. 2022-256 approving Application and Certificate for Payment No. 2 in the amount of \$1,117,891.57 submitted by Dan Roeder Concrete, Inc. and approved by Olsson for the 2022 Part 4 Improvements; 31st Street from G Avenue to N Avenue.

RESOLUTION NO. 2022-256

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with 2022 Part 4 Improvements; 31st Street from G Avenue to N Avenue, and the City's engineer, Olsson, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$1,117,891.57 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 1,781,753.00</u>
Contract Sum To Date	1,781,753.00
Gross Amount Due	1,392,142.00
Retainage (10%)	<u>- 139,214.20</u>
Amount Due to Date	1,252,927.80
Less Previous Certificates for Payment	<u>- 135,036.23</u>
Current Payment Due	\$ 1,117,891.57

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 is hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

10. Adopt Resolution No. 2022-257 approving Application and Certificate for Payment No. 3 in the amount of \$1,424,970.77 submitted by John T. Jones Construction Co. and approved by Miller & Associates for the WWTP Phase II Improvements; Water Resource Recovery Facility.

RESOLUTION NO. 2022-257

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. 3 in the amount of \$1,424,970.77 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 35,218,367.00</u>
Contract Sum To Date	35,218,367.00
Gross Amount Due	3,213,918.95
Retainage (10%)	<u>- 321,391.90</u>
Amount Due to Date	2,892,527.05
Less Previous Certificates for Payment	<u>1,467,556.28</u>
Current Payment Due	\$ 1,424,970.77

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

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

11. Adopt Resolution No. 2022-258 approving the Application and Certificate for Payment No. 3 in the amount of \$449,519.40 submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for 2022 Part 1 Improvements; 48th Street.

RESOLUTION NO. 2022-258

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 Application and Certificate for Payment No. 3 in the amount of \$449,519.40 as shown on Exhibit "A" 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	738,498.00
Retainage (10%)	- 73,849.80
Amount Due to Date	664,648.20
Less Previous Certificates for Payment	215,128.80
Current Payment Due	\$ 449,519.40

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

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

12. Adopt Resolution No. 2022-259 approving Change Order No. 1 showing an increase in the amount of \$17,260.00 and Application and Certificate for Payment No. 3 in the amount of \$57,077.43 submitted by Precision Foundations, Inc. and approved by Miller & Associates for the 2022 City of Kearney Trail Projects; Lighthouse Point Trail, 19th Avenue Trail and Hillside Estates Trail.

RESOLUTION NO. 2022-259

WHEREAS, Precision Foundations, Inc. has performed services in connection with the 2022 City of Kearney Trail Projects; Lighthouse Point Trail, 19th Avenue Trail and Hillside Estates Trail, and the City’s engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$17,260.00 as shown on Exhibit “A” attached hereto and made a part hereof by reference; and

WHEREAS, Precision Foundations, Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$57,077.43 as shown on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 175,675.74
Contract Sum To Date	175,675.74
Gross Amount Due	156,149.24
Retainage (5%)	- 7,807.46
Amount Due to Date	148,341.78
Less Previous Application for Payment	- 91,264.35
Current Payment Due	\$ 57,077.43

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 Certificate for Payment No. 3, as shown on Exhibit “B” be and are hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2022.

ATTEST:
 PEGGY EYNETICH
 INTERIM CITY CLERK

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

13. Adopt Resolution No. 2022-260 approving Application and Certificate for Payment No. 19 in the amount of \$97,447.44 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.

RESOLUTION NO. 2022-260

WHEREAS, Brown Construction of Kearney, Nebraska has performed services in connection with the construction of the Community Tennis Facility, and the City's engineer, RDG Planning & Design, have filed with the City Clerk Application and Certificate for Payment No. 19 in the amount of \$97,447.44 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 7,250,100.00
Change Order Nos. 1 & 2 (4/27/2021)	+ 7,506.22
Change Order Nos. 3 & 4 (10/12/2021)	+ 23,028.06
Change Order No. 5 (1/11/2022)	+ 62,196.09
Change Order No. 6 (3/22/2022)	+ 57,533.82

Change Order No. 7 (7/12/2022)	+ 13,436.47
Contract Sum To Date	7,413,800.66
Gross Amount Due	7,411,300.66
Retainage (1.35%)	- 100,052.56
Amount Due to Date	7,311,248.10
Less Previous Certificates for Payment	- 7,213,800.66
Current Payment Due	\$ 97,447.44

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 are hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

RESOLUTION NO. 2022-261 AUTHORIZING PROPOSED FUNDING TO SUPPORT THE CONSTRUCTION OF THE RURAL HEALTH EDUCATION BUILDING AT THE UNIVERSITY OF NEBRASKA, KEARNEY CAMPUS

Mayor Clouse opened for discussion Resolution No. 2022-261 authorizing proposed funding to support the construction of the Rural Health Education Building at the University of Nebraska, Kearney Campus.

Michael Morgan, City Manager presented this matter to the Council. Mr. Morgan detailed various channels of funding provided for the Rural Health Education Building. He stated the City's contribution of 5 million dollars over the period of 15 years, beginning in 2025, would be funded in part by Special Sales Tax and Utility funds. Additionally, funding from Compute North could potentially be used in the future in lieu of the special sales tax.

Council Member Buschkoetter stated Chancellor Doug Kristensen answered a lot of questions in the initial presentation on July 12, 2022.

Council Member Jonathan Nikkila asked for information on the success of the existing nursing school and the projected impact of the facility for rural Nebraska. Charles Bicak, Special Projects for Chancellor, stated the Health Science Education Complex built in 2015 grew to capacity within four years of opening. In cooperation with UNMC, UNK pinpointed a need for healthcare education with a rural emphasis, the proposed Rural Health Education Building addresses the issues of rural healthcare professionals and is projected to educate 10 students in it's first year of opening with an additional 10 students being added each year for 4 years totaling 40 students. A majority of the students will be

able to complete their training in Kearney and will have an expected placement in rural Nebraska. Council Member Nikkila asked for clarification on the approximate number of students from the current program who are retained in rural Nebraska. Mr. Bicak explained approximately 84% of students stay in rural Nebraska.

Jon Watts, UNK Chief Financial Officer and Vice Chancellor for Business and Finance, offered a presentation on the economic impact for the Rural Health Education Building. Mr. Watts stated the existing nursing school had a total economic impact of approximately 15 million dollars with roughly 120 jobs created locally by 2021, with the addition of the new facility the economic impact is projected to be approximately 35 million dollars with around 240 jobs created by 2027.

Council Member Nikkila stated he believes the economic impact of this project could have similar benefits to Kearney as the Central Nebraska Veterans Home.

Mayor Clouse thanked Mr. Morgan for his work on the project.

Moved by Lear seconded by Buschkoetter to approve Resolution No. 2022-261 authorizing proposed funding to support the construction of the Rural Health Education Building at the University of Nebraska, Kearney Campus. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Abstain: Moore. Motion carried.

RESOLUTION NO. 2022-261

WHEREAS, in the spring of 2022, the Nebraska Legislature appropriated \$50 million towards the construction of an \$85 million University of Nebraska Medical Center (UNMC) rural health education building to be located on the University of Nebraska at Kearney (UNK) campus, to address rural health care challenges and shortages affecting the full range of health care professions by allowing more students to study and train in Kearney; and

WHEREAS, UNK and UNMC have a long-standing, successful partnership in recruiting, educating, and training rural Nebraskans for health care professions. This new facility establishes a one-of-a-kind, rural health-focused learning environment concentrated on meeting Nebraska's current and future rural health needs. Creation of the new building and the alliance between UNK and UNMC will greatly benefit the local financial economy and enhance local workforce development efforts; and

WHEREAS, the University system has committed to raise \$35 million in private funds to support the construction of the Rural Health Education Building at UNK; and

WHEREAS, the City of Kearney in an effort to support the project, desires to pledge and allocate \$5 million in funds, over the course of fifteen years, through the annual payment of \$330,000 (14-years) and \$368,000 (year 15) with the annual payment coming from the General Fund (two-thirds) and the Utility Fund (one-third), beginning in Fiscal Year 2025. By pledging this financial support, the City of Kearney further solidifies the established partnership with UNK and demonstrates a foundation of support towards rural health care.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, authorize a total of \$5 million in funding from the City of Kearney, over a period of fifteen years, to support the construction of the Rural Health Education

Building at the UNK campus, through the annual allocation of funding from the General Fund and from the Utility Fund, beginning in Fiscal Year 2025.

BE IT FURTHER RESOLVED that the City Manager be and is hereby designated as the authorized official.

PASSED AND APPROVED THIS 22ND DAY OF NOVEMBER, 2022.

ATTEST:
PEGGY EYNETICH
INTERIM CITY CLERK

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

STAFF PRESENTATION PROVIDING AN UPDATE ON PARK PROJECTS

Mayor Clouse opened Regular Agenda item 2 for Council to receive a presentation from City Staff providing an update on Park projects. This presentation was for informational purposes only.

Eric Hellriegel, Director of Parks, presented this matter to the Council. Mr. Hellriegel stated that along with the installation of the Chihuly sculpture at Yanney Heritage Park, the first stages of drainage and stormwater infrastructure for the gardens have been completed.

Council Member Nikkila asked what precautions are being taken to protect the sculpture from weather damage? Mr. Hellriegel explained processes are in place to protect the sculpture from serious weather events and if necessary replace any damaged pieces, noting there are similar public installations in varying meteorological climates across the United States.

Mr. Hellriegel detailed additions to the Hike-Bike trails in Northwest Kearney by Ted Baldwin Park, Hillside Estates and Lighthouse Point. Finally, Lighthouse Point Park features over 12,000 square foot of sod, providing space for a small playground and picnic pavilion.

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$108,690.51 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Abstain: Clouse. Motion carried.

VII. REPORTS

Council Member Moore expressed her thanks to City Staff.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:54 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
INTERIM CITY CLERK**