

*Kearney, Nebraska
December 20, 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 December 20, 2022 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Peggy Eynetich, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Andy Harter, Director of Public Works; Jim Lynaugh, Airport Manager; Bryan Waugh, Chief of Police; Mike Young, Captain of Operations; Kevin Thompson, Police Captain; Derek Luke, Police Lieutenant; Greg Benson, Police Sergeant; Ryan Chramosta, Police Officer; Anthony Faz, Police Officer; Jeremy Feusner, Fire Chief; Jason Whalen, Deputy Fire Chief; Terry Eirich, Fire Department Board of Directors; Neil Miller, Buffalo County Sheriff and Melissa Dougherty-O'Hara, City Planner were also present.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

Members of Kearney Police Department Honor Guard including: Lieutenant Dennis Byrne and Officers Alex Peyton, JC Small and Lacie Lindner presented and posted the colors. 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/RECOGNITION

PRESENTATION OF KEARNEY VOLUNTEER FIRE DEPARTMENT SERVICE AWARDS

Fire Chief Jeremy Feusner detailed the level of dedication it takes to serve as a volunteer Fire Fighter. A typical five-year member of the Kearney Volunteer Fire Department

(KVFD) has likely responded to 1400 incidents and registered 750 hours of training during that same time. These numbers don't include other Fire Department activities such as business meetings, committee meetings, Board and Officer meetings, fire prevention activities, training grounds maintenance and construction and public outreach events.

Fire Chief Feusner and Deputy Fire Chief, Jason Whalen recognized Ben Kinnison, for his 5 years of service with the Kearney Fire Department. Other members of the Kearney Fire Department Service Award recipients for their 5 years of service included: Kyle Smith and Mandy Steele. Deputy Fire Chief, Whalen presented Fire Chief Feusner with his 10-year Fire Department Service Award. Other members of the Kearney Fire Department Service Award recipients for their 10 years of service included: Kasey Potter, Robin Reeder and Kortni Thompson. Shawn Munster received the 20-year Service Award and Fire Inspector and KVFD Corporate Board Member, Terry Eirich received the 35-year Service Award. Gene Beerbohm who has a total of 57 years of fire service experience, also received the 45-year Service Award with Kearney Fire Department; Mr. Beerbohm is currently the KVFD Corporate Board President.

Fire Chief Fuesner stated the Service Awards represent 155 years of service to KVFD and the community.

PRESENTATION OF FIREFIGHTER CERTIFICATES OF TRAINING FOR COMPLETING 2022 FIREFIGHTER I CLASS

Fire Chief Jeremy Feusner stated in January of each year KVFD hosts the Fire Fighter I class for both KVFD and other area Fire Departments. The Fire Fighter I class along with the requisite Hazardous Materials Operations Level Training and CPR Certification requires nearly 140 hours of training. In addition, new members also attend monthly squad trainings, emergency incidents, other offered training and public outreach events. Fire Chief Fuesner noted the significant commitment and sacrifice it takes to join the Fire Department.

Fire Chief Feusner recognized Braxtin Clement, Jeremy Eickhoff, Liam Killion, who is also KVFD Rookie of the Year, Ryan Lucas, Dalton Schmidt, Nolan Shinn and Tim Ullman who all were part of this year's Firefighter I Class by presenting them with their Certificates of Completion.

Fire Chief Fuesner thanked Council Members, City Manager, Mike Morgan and City Staff for their continued support of KVFD's mission.

Mayor Clouse thanked Fire Chief Feusner, Deputy Fire Chief, Jason Whalen and all KVFD members.

Council Member Buschkoetter expressed his amazement for the many, everyday neighborhood heroes, from KVFD who surround us in our community.

OATH OF OFFICE TO POLICE OFFICER BRAYLEN LUKE

Chief Bryan Waugh introduced Officer Braylen Luke, a second-generation Kearney Police Department Officer who is the son of Police Captain, Derek Luke. Officer Luke is a

graduate of Kearney High School and obtained a degree in Criminal Justice from Cedarville University in Cedarville, Ohio. He attended the Nebraska Law Enforcement Training Center (NLETC) and recently graduated after 15 weeks receiving the Outstanding Student Award.

Chief Waugh offered a special thanks to the KPD Honor Guard.

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 6 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

1. Approve the following Claims:

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

1000bulbs.com \$421.62 smcs; Accessibility Prof. \$3,880.00 smcs; Ace Irrigation \$196.00 co; Adobe \$52.99 smcs; Ads \$83.00 smcs; Advance Auto Parts \$47.14 smcs; Adventure Enterprises \$1,853.00 smcs; Alert Shirt \$1,189.19 smcs; All City Garage Door \$1,147.00 smcs; All Copy \$439.52 smcs; All Makes Auto \$2,206.16 smcs; Allegiant Air \$337.00 smcs; Ally B Designs \$375.00 smcs; Amazon \$17,091.50 smcs; American \$2,249.21 smcs,co; American Button \$197.95 smcs; American Red Cross \$204.00 smcs; Apollo Medflight \$16,075.00 smcs,co; Apple.com \$2.97 smcs; Aramark Uniform \$567.04 smcs; Arrowhead Scientific \$1,063.88 smcs; Ask Supply \$1,547.01 smcs; ATT \$2,242.24 smcs; Aurora Coop \$471.00 smcs; Aussi Hydraulic \$217.55 smcs; Authorize.net \$10.00 smcs; Auto Value \$155.26 smcs; AVFuel \$111,208.85 smcs; B&H Photo \$2,424.38 smcs,co; Baird Holm \$4,522.50 smcs; Baker Creek Heirloom \$74.94 smcs; Bamford \$1,175.00 smcs; BitWarden \$324.00 co; Blackstone Library \$2,338.66 smcs; Blick Art \$129.72 smcs; Blinds.com \$461.68 co; Bluecross Blueshield \$89,583.01 smcs; Bluestone Perennials \$173.75 smcs; Bomgaars \$914.34 smcs; Bosselman \$7,899.86 smcs; Bpad Group \$300.00 smcs; Broadfoot's \$890.41 smcs; BSN Sports \$753.22 smcs; Buffalo Co. Treasurer \$12.30 smcs; Buffalo Outdoor Power \$243.35 smcs; Builders \$1,091.71 smcs,co; Cabela's \$402.27 smcs; Canva \$269.30 smcs; Carquest \$245.13 smcs; Carroll Dist. \$1,601.15 co; Carhartt \$253.32 smcs; Casey's \$115.66 smcs,co; Cash-Wa \$990.50 smcs; CDW \$656.08 smcs; Central Comm. College \$375.00 smcs; Central Contracting \$3,759.00 smcs; Central Hydraulic \$165.55 smcs; Central NE Bobcat \$1,107.99 smcs,co;

Central NE Rehab \$150.00 ps; Century Lumber \$59.26 smcs; Chemsearch \$347.00 smcs; Chesterman \$141.00 smcs; Chipotle \$30.00 smcs; Cintas \$299.51 smcs; City of KY \$15,072.67 smcs,ps; Comfort Inn \$851.40 smcs; Complete Tactical \$1,495.00 smcs; Consolidated Mgmt. \$574.25 smcs; Construction Rental \$3,374.93 smcs; Control Yours \$200.00 smcs; Copquest \$290.92 smcs; Copycat \$3,316.38 smcs; Core & Main \$1,117.06 smcs; Court Reserve \$100.21 smcs; Covercraft \$274.29 smcs; Culligan \$211.00 smcs; Culver's \$30.00 smcs; Cunningham's Journal \$30.00 smcs; Cutter & Buck \$55.02 smcs; Dashlane \$100.31 smcs; Dawson Public Power \$23,284.24 smcs; Daylight Donuts \$101.68 smcs; Dell \$3,293.51 smcs,co; Demco \$1,426.79 smcs; Depository Trust \$4,759,485.00 ds; Dish \$135.08 smcs; Displays2go \$577.63 co; DK Products \$2,074.00 smcs; Dmilaco Sports \$324.00 smcs; Dollar Tree \$16.05 smcs; Dostal, B \$204.00 smcs; Double J Plumbing \$302.91 smcs; Dowhy Towing \$200.00 smcs; DTS Technology \$318.53 co; Dunkin \$23.98 smcs; Eakes \$1,886.93 smcs,co; Earthway Products \$23.00 smcs; Echo Electric \$6,589.43 smcs,co; Ecolab \$126.21 smcs; Eileen's Cookies \$19.50 smcs; Eldt.com \$50.00 smcs; Elliott Equipment \$14,390.76 smcs; Embassy Suites \$348.42 smcs; EMC Insurance \$10.41 smcs; Enterprise \$554.98 smcs,co; Erin Condren \$59.87 smcs; Etsy.com \$54.95 smcs; Everfile \$46.00 smcs; Evident \$1,022.73 smcs; Expedia \$98.58 smcs; Express Fuel \$39.26 smcs; Eyemed \$1,682.90 smcs; Facebook \$135.86 smcs; Family Fresh \$68.96 smcs; Family Practice \$645.00 ps; Farmers Union Coop \$560.00 smcs; Fastenal \$1,518.30 smcs,co; Fiddelke \$116.75 smcs,co; Five Below \$20.00 smcs; Foley Engines \$402.54 smcs; Friesen Chevrolet \$183.74 smcs; Friesen Ford \$205.18 smcs; Frontier \$8,727.34 smcs; Fun Express \$350.31 smcs; Gale/Cengage \$15.19 smcs; Galeton \$1,064.69 smcs; Galls \$698.98 smcs; Gammon Technical \$299.69 smcs; Garrett Tires \$5,830.54 smcs; Glowforge Store \$365.36 smcs; Golden Ticket Hilltop 4 \$50.00 smcs; Good Evans \$53.72 smcs; Goodwin Tucker \$269.00 smcs; Govt. Finance Officers \$85.00 smcs; Graham Tire \$1,649.40 smcs; Grainger \$792.21 smcs; Great Plains Comm. \$671.37 smcs; Hach \$79.76 smcs; Harbor freight \$137.39 smcs; Harney Hardware \$107.50 smcs; HD Supply \$623.06 smcs; HiTech \$680.00 smcs; Hobby Lobby \$659.64 smcs; Holiday Inn Express \$1,695.62 smcs; Holmes Plumbing \$2,081.55 smcs,co; Holtz Industries \$603.29 smcs; Hub International \$6,598.08 smcs; Humanities Nebraska \$175.00 smcs; Hy-Vee \$431.02 smcs; IACP \$190.00 smcs; IL Tollway \$10.90 smcs; Inland Truck Parts \$150.00 smcs; Int'l Code Council \$75.25 smcs; Int'l Society \$135.00 smcs; Invoicehome.com \$5.00 smcs; Iron Wing Sales \$258.00 smcs; IRS \$196,611.10 ps; Jack Lederman \$424.54 smcs; Jackson Services \$360.60 smcs; Jimmy Johns \$94.52 smcs; Johnson Landscaping \$727.24 co; Johnstone Supply \$637.25 smcs; KY Ace \$290.86 smcs; KY Animal Shelter \$21,855.00 smcs; KY Area Community \$14.42 smcs; KY Catholic School \$876.80 smcs; KY Crete & Block \$127.25 smcs; KY Hub \$119.88 smcs; KY Power Sports \$517.70 smcs; KY Towing \$400.00 smcs; KY Winlectric \$12,900.05 smcs,co; KY Winnelson \$2,434.25 smcs; Kelly Supply \$1,358.82 smcs; Kings III Emergency \$546.20 smcs; Klub 81 \$10.00 smcs; Konica Minolta \$512.02 smcs; Labor Law Center \$192.28 smcs; Landmark Implement \$5,294.03 smcs; Lawn Builders \$683.10 smcs; LCL Truck \$885.54 smcs; Leadsonline \$3,453.00 smcs; Lee NE Media \$2,449.53 smcs; Lerner \$43.98 smcs; Levander's \$587.50 smcs; Lifeguard store \$784.87 smcs; LLRMI \$150.00 smcs; Lockmobile \$20.02 smcs; Longleaf Services \$251.93 smcs; Lovesac \$104.86 smcs; Marlatt Machine \$138.20 smcs; Masek Golf Car \$203.06 smcs; Masters True Value \$795.80 smcs; Matheson Trigas \$369.10 smcs; Matt Friend Truck \$962.68 smcs; McCartney, Erin Chpt. 13 \$227.00 ps; Mellen & Assoc. \$2,777.46 smcs; Menards \$10,783.07 smcs,co; Midland Scientific \$1,666.53 smcs; Midlands Contracting \$9,100.00 smcs; Mid-NE Garage Doors \$400.00 smcs;

Midwest Connect \$90.00 smcs; Midwest Restaurant \$348.00 smcs; Midwest Turf \$540.58 smcs; Miller & Assoc. \$1,201.25 smcs; Mirror Image \$222.68 smcs; Mission Square \$7,680.71 ps; Mobile-Text-Alerts \$228.00 smcs; Moonlight Embroidery \$7,545.99 smcs; Mostek Electric \$140.00 smcs; Municipal Pipe \$13,910.00 smcs; Municipal Supply \$8,222.13 smcs; Mypilotstore.com \$4,190.95 co; Napkins \$303.59 smcs; NASRO \$40.00 smcs; Nat'l Assn. Field Training \$375.00 smcs; Nat'l Fire Protection \$175.00 smcs; Nat'l Law Enforcement \$50.00 smcs; Nat'l Registry EMT \$85.00 smcs; NE Child Support \$1,986.51 ps; NE Machinery \$1,336.01 smcs; NE Park & Rec \$160.00 smcs; NE Peterbilt \$1,433.32 smcs; NE Pig Corp. \$416.83 smcs; NE Safety \$420.00 smcs; NE State Fire Marshal \$360.00 smcs; NE Truck Center \$957.60 smcs; Nebraska Hoist & Crane \$3,492.00 smcs; Network Solutions \$96.93 smcs; Newman Signs \$137.97 smcs; NI NDA Device \$60.50 smcs; NI State Payport \$15.37 smcs; NLETC \$75.00 smcs; Northern Safety \$142.08 smcs; Northwestern Energy \$27,391.27 smcs; NSGA \$250.00 smcs; NWEA \$65.00 smcs; OCLC \$816.57 smcs; Office Depot \$2,896.21 smcs,co; Old Navy \$14.98 smcs; Olsson \$11,838.83 co; Omaha Airport \$77.00 smcs; Omnify \$250.00 smcs; O'Reilly Auto \$1,605.14 smcs; Outdoor Custom Sports \$1,667.24 smcs; Overdrive \$42,000.00 smcs; Overhead Door \$295.00 smcs; Palay Display \$27.38 smcs; Panera Bread \$134.64 smcs; Park Seed Wholesale \$72.75 smcs; Patriotic Brands \$1,044.13 smcs; PB Leasing \$65.97 smcs; Penworthy \$237.44 smcs; Pep Co. \$50.00 smcs; Pet Pickups \$423.43 smcs; Phillips 66 \$33.96 smcs; Photo Card Specialists \$85.76 smcs; Picmonkey \$120.00 smcs; Pioneer Industrial \$3,483.00 smcs; Pitney Bowes \$517.50 smcs; Platinum Awards \$175.55 smcs; Platte Valley Comm. \$239.90 smcs; Platte Valley Laboratories \$655.00 smcs; Precision Rifle Workshop \$675.00 smcs; Presto-X \$250.16 smcs; Promotions Now \$110.00 smcs; Public Risk Mgmt. \$385.00 smcs; Quality Inns \$348.12 smcs; Quill \$800.04 smcs; Rasmussen Mechanical \$20,748.00 smcs,co; RayAllen.com \$153.82 smcs; RDG Schutte \$92,927.20 co; Reams \$742.50 smcs,co; Recreonics \$1,557.50 smcs; Red Willow Co. HHW \$5,049.00 smcs; Redbox \$1.07 smcs; Redmans Shoes \$150.00 smcs; Rentokil \$67.80 smcs; Responder Training \$1,542.00 smcs; Rheome Tree \$2,975.00 smcs; RMV Construction \$553,600.93 co; Rogue \$1,326.82 co; Ron Smith & Assoc. \$650.00 smcs; Safegate \$117.98 smcs; Samsclub.com \$348.62 smcs; Sayler Screenprinting \$443.00 smcs; Schanou, J \$245.00 smcs; Schweiss Doors \$536.53 smcs; See Clear Cleaning \$350.00 smcs; Serious Detecting \$129.95 smcs; Service Master \$106.60 smcs; Shawn Area \$582.50 smcs; Sherwin Williams \$472.81 smcs,co; Shore Power \$60.34 smcs; Shredding Solutions \$52.43 smcs; SHRM \$229.00 smcs; Signit \$250.00 smcs; Sirchie Finger Print \$90.57 smcs; Siteone Landscape \$79.66 smcs; Smartdraw Software \$69.95 smcs; Southwest \$1,561.88 smcs; Spectrum \$930.31 smcs; Spotify \$21.62 smcs; Sprinkler Warehouse \$65.48 smcs; Steinbrink Landscaping \$1,432.26 smcs,co; Streakwave Wireless \$122.77 co; Stutsman \$3,294.00 smcs; Summit \$620.00 smcs; Supplyhouse.com \$135.98 smcs; Switchbot.com \$51.00 co; Target \$454.70 smcs; Thrifty Car Rental \$275.73 smcs; Thunderhead Brewing \$30.00 smcs; Ticket Omaha \$3,537.75 smcs; Titan Machinery \$501.16 smcs; Tractor-Supply \$1,913.47 smcs; Traffic Safety Store \$2,141.61 smcs; Transunion \$135.60 smcs; Tri State Oil \$150.00 smcs; Triple Crown Products \$4,017.75 smcs; Truck Center \$896.79 smcs; T-Sun \$326.94 smcs; Twin City Hardware \$1,284.12 smcs,co; Uline \$142.17 smcs; Union Bank & Trust \$113,461.89 ds, ps; Unique \$198.05 smcs; University of NE Omaha \$50.00 smcs; UNK Emarket \$120.00 smcs; UPS \$265.11 smcs; USA Blue Book \$1,203.54 smcs; USPS \$249.74 smcs; Vermeer \$7,528.26 smcs; VVS \$239.89 smcs; Walgreens \$96.89 smcs; Wal-Mart \$1,210.67 smcs; Walters Electric \$500.00 smcs; Ward Laboratories \$344.00 smcs; Webstaurant \$785.14 smcs; Wilcac Life

\$10.00 ps; WPCI \$798.00 ps; Youtube TV \$274.24 smcs; Zero 9 Solutions \$88.90 smcs; Zoho \$805.50 smcs; Zoro Tools \$51.95 co; Payroll Ending 12/17/2022 -- \$593,416.44. 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.

2. Receive recommendations of Planning Commission and set January 10, 2023 at 5:30 p.m. as date and time for hearing on those applications where applicable.
3. Accept the proposals received for the Kearney Public Library Roof Replacement and award the proposal submitted by Prairie View Roofing in the amount of \$60,800.00.
4. Adopt Resolution No. 2022-273 setting the interest rate, providing equal annual installments, providing the interest rate for delinquent installments for special assessments for 2023 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. 2022-273

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 2023 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 2023 calendar year. Developers will not be reimbursed for infrastructure items not included on the attached schedule of unit price bids.

PASSED AND APPROVED THIS 20TH DAY OF DECEMBER, 2022.

ATTEST:
 PEGGY EYNETICH
 CITY CLERK

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

5. Approve the Plans and Specifications for a Box Hangar located at the Kearney Regional Airport and set the bid opening date for January 26, 2023 at 2:00 p.m.

6. Adopt Resolution No. 2022-274 approving the Real Estate Purchase Agreement between the City of Kearney and Prataria Ventures – Kearney, LLC, a Nebraska limited liability company for the purchase of property described as part of Lot 3, all of Lot 4, part of Lot 11, and part of Lot 12, and that part of vacated 30.00 foot alley abutting part of Lot 3, all of Lot 4, part of Lot 11, and part of Lot 12 all in Block 1, Patriot Industrial Park (Northeast Tract) an addition to the City of Kearney, Buffalo County, Nebraska AND a tract of land being part of Lot 11 and part of Lot 12, all in Block 1, Patriot Industrial Park (Southeast Tract) an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2022-274

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the Real Estate Purchase Agreement between Prataria Ventures – Kearney, LLC, a Nebraska limited liability company and the City of Kearney, Nebraska, a Municipal Corporation, for the purchase of real property which is legally

described as:

NORTHEAST TRACT

A tract of land being part of Lot 3, all of Lot 4, part of Lot 11, and part of Lot 12, and that part of vacated 30.00-foot alley abutting part of Lot 3, all of Lot 4, part of Lot 11, and part of Lot 12 all in Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: Commencing at a 5/8" rebar w/cap at the Northwest Corner of said Lot 3; thence S 89°46'58" E on the North line of said Lot 3, and all bearings contained herein are relative thereto, a distance of 177.50 feet to a 5/8" rebar w/cap at the POINT OF BEGINNING; thence continuing S 89°46'58" E a distance of 372.50 feet to a 5/8" rebar w/cap at the Northeast corner of said Lot 4; thence S 00°13'02" W on the East line of said Lot 4 and the East line of said Lot 11 a distance of 328.00 feet to a 5/8" rebar w/cap; thence N 89°46'58" W parallel with the North line of said Lots 3 and 4 a distance of 372.50 feet to a 5/8" rebar w/cap; thence N 00°13'02" E a distance of 328.00 feet to the Point of Beginning Containing 2.80 acres more or less all located in Buffalo County, Nebraska; and

SOUTHEAST TRACT

A tract of land being part of Lot 11 and part of Lot 12, all in Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at a 5/8" rebar w/cap at the Southeast Corner of said Lot 11; thence S 89°54'55" W on the South line of said Lot 11 and the South line of said Lot 12, and all bearings contained herein are relative thereto, a distance of 372.50 feet to a 5/8" rebar w/cap; thence N 00°13'02" E a distance of 175.92 feet to a 5/8" rebar w/cap; thence S 89°46'58" E a distance of 372.50 feet to a 5/8" rebar w/cap on the East line of said Lot 11; thence S 00°13'02" W on said East line of Lot 11 a distance of 173.96 feet to the Point of Beginning containing 1.50 acres more or less all located in Buffalo County, Nebraska,

be and is hereby accepted and approved. The Agreement, marked as Exhibit "1" is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 20TH DAY OF DECEMBER, 2022.

ATTEST:
PEGGY EYNETICH
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

PRESENTATION ON PUBLIC SAFETY RADIO UPGRADE AND FLOCK SAFETY CAMERA SYSTEM

Mayor Clouse opened Regular Agenda Item 1 for Council to receive a presentation on the Public Safety Radio Upgrade and Flock Safety Camera System by Buffalo County Sheriff, Neil Miller, Police Chief, Bryan Waugh and Deputy Fire Chief, Jason Whalen. This presentation was for informational purposes only.

Sheriff Miller detailed the interlocal agreement between Buffalo County and the City of Kearney that was signed 2 years ago for a digital radio system upgrade. Public Safety, Schools and Buffalo County Highway Department were included in the upgrade which took 23 months to complete.

Chief Waugh thanked Council Members, City Manager, Mike Morgan and the partnerships with Buffalo County and Kearney Volunteer Fire Department for their recognition of the importance of a secure radio system capable of protecting community members and those who serve it. Additionally, he thanked Wendell Wessels, Director of Finance for his role in cooperating with the County Finance Department to fund the project. Chief Waugh stated Lieutenant Robert Tubbs, Communications Commander for the 911 Center was instrumental in the implementation of the new system. Furthermore, Sheriff Miller's role as project manager allowed for increased savings.

Chief Waugh detailed the functionality of the radio system. Three simulcast towers capable of simultaneously transmitting the same signal over the same frequency have been placed in Kearney to address geographical challenges. The Virtualized Prime Site simulcast system is the first of its kind being used in the world. Land mobile radios have the ability to seamlessly switch to LTE or Wi-Fi in the event land mobile coverage is unavailable. Finally, the new radio system allows for a partnership with the State of Nebraska Statewide Radio System as well as Nebraska Public Power District.

Chief Waugh expressed the importance of interlocal cooperation and its role in establishing the digital radio system.

Deputy Fire Chief, Whalen voiced his gratitude on behalf of the Fire Department to Council Members, Mr. Morgan, Sheriff Miller and Lieutenant Tubbs as this new radio system has been a lifeline for firefighters. The firefighter specific radio features allow for clear and effective communication.

Sheriff Miller thanked the Council for their partnership, Chief Waugh for his knowledge on the radio system and Deputy Fire Chief Whalen for representing Fire and EMS. He stated the 50/50 project provides an equal share of ownership and management of the digital radio system.

Mayor Clouse questioned if school buses have access to the radio system. Sheriff Miller clarified that all Kearney Public Schools buses have the radio system enabling communication and potential use of buses to aid in transportation during law enforcement

or fire emergencies. Additionally, a Safe School system has been implemented in every school in Buffalo County; in the event of an emergency an alert can be activated, notifying the 911 center and every Officers patrol car allowing for immediate response.

Mayor Clouse inquired about the public use of scanners. Sheriff Miller explained the radio system allows for all communications to be encrypted, noting that day to day radio traffic will remain unencrypted. All communications involving personal identifications or presenting safety concerns will be encrypted including, ESU, SWAT and driving records or when checking for warrant.

Council Member Buschkoetter questioned the security concerns involving Wi-Fi communications. Sheriff Miller explained end to end encryption by Motorola protects all communications.

Chief Waugh moved on to discussion regarding the Flock Safety Camera System. Chief Waugh stated the 60-day trial period with 28 license plate readers throughout the City was recently been completed. The camera system can help deter, prevent and solve crime by capturing license plate images as vehicles drive by. The technology can capture images of vehicles moving up to 100 mph in low light conditions as well as identifying a vehicles make and model. Chief Waugh noted the system does not do facial recognition, personal identification or traffic enforcement and data is automatically purged every 30 days.

Chief Waugh stated a transparency portal is available to the public on the Kearney Police Department website. The portal details the Departments policy and other information related to the camera system.

Council Member Nikkila questioned if State law requires the reporting of acquired information? Chief Waugh explained the State requires reports on vehicles captured from or manually entered into Hot Lists.

Mayor Clouse questioned if the purchase of equipment has been approved after the trial expired? Mr. Morgan explained a private donation will cover the cost for a 3-year lease of the camera system.

Mayor Clouse offered his support for the system noting he believes it is great for the community.

Council Member Nikkila voiced his approval of the policies providing for accountability and proper use of the system. Chief Waugh expanded on the policy and expectations for the proper use of the system stating protections are in place, such as audits, to ensure only information associated with criminal cases is entered into the system.

Council Member Lear expressed his appreciation for the Kearney Police Department and Buffalo County Sheriff's Office.

OPEN ACCOUNT CLAIM

Moved by Moore seconded by Lear that the Open Account Claim in the amount of

\$93,536.76 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Mr. Morgan stated Staff estimated approximately 10,000 visitors attended the Holiday Light Festival at Yanney Heritage Park.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:29 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

ATTEST:

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

**PEGGY EYNETICH
CITY CLERK**