

Kearney, Nebraska
January 26, 2016
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 January 26, 2016, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Paul Briseno, Assistant City Manager; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Scott Hayden, Director of Park & Recreation were also present. Some of the citizens present in the audience included: Bill Ballou, Duane Ruh, Mike Koski, Jacque Haupt, Darcy Svoboda, Steve Altmaier from KGFW Radio, Jessica Kokesh from Kearney Hub.

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

The 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 was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATE PORTION OF FOUNTAIN HILLS THIRD ADDITION AND APPROVE THE FINAL PLAT FOR FOUNTAIN HILLS EIGHTH ADDITION

Mayor Clouse stated the developer requested to postpone Public Hearing 1 on the Applications submitted by Buffalo Surveying for Fountain Hills Properties, LLC to (1) vacate Lots 1 through 18, inclusive, Lots 43 through 48 inclusive, and part of Outlot A, all in Block 2; and Lots 1 through 12 inclusive, and part of Outlot B, Block 3, all in Fountain Hills Third Addition; and (2) for the Final Plat and Subdivision Agreement for Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property as described above (4803-4827 and 4903-4917 10th Avenue).

Moved by Lammers seconded by Nikkila to postpone until February 9 Public Hearing 1 vacating a portion of Fountain Hills Third Addition and the final plat for Fountains Hills Eighth Addition. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter.

DEVELOPMENT PLANS FOR NORTHEAST CORNER OF 10TH AVENUE AND 11TH AVENUE

Mayor Clouse stated the developer requested to postpone Public Hearing 2 on the Application submitted by Brungardt Engineering for Fountain Hills Properties, LLC for Revised Planned District Development Plan Approval for the proposed construction of single story townhomes on property zoned District R-3/PD, Urban Residential Multi-Family (Medium Density)/ Planned Development Overlay District and described as a tract of land being part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (northeast corner of 10th Avenue and 11th Avenue).

Moved by Lammers seconded by Nikkila to postpone until February 9 Public Hearing 2 for the revised development plans for the proposed construction of single story townhomes. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter.

IV. CONSENT AGENDA

Moved by Nikkila seconded by Lear that Subsections 1 through 12 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held January 12, 2016.
2. Approve the following Claims:

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

1000bulbs.com \$501.72 smcs; 4Imprint \$206.52 smcs; 5.11Tactical.com \$55.98 ps; A&D Technical \$1,000.00 smcs; Ace Hardware \$16.98 smcs; Alamar Uniforms \$601.49 smcs; Alfred Benesch \$692.94 co; All City Garage Doors \$1,072.95 smcs; All Makes Auto \$2,662.18 smcs; Amazon \$1,882.72 smcs,co; American \$13.87 smcs; Amer Legion Emblem \$73.69 smcs; APWA \$295.00 smcs; Andersen Wrecking \$65.00 smcs; Andersen,J \$251.03 smcs; Anderson Bros \$557.90 smcs; Apple Market \$39.84 smcs; ARC Services \$930.00 smcs; ASA Softball \$166.95 smcs; Ask Supply \$156.30 smcs; Aurora Coop \$27.08 smcs; Aussie Hydraulics \$224.98 smcs; Auto Value Parts \$960.31 smcs; AWWA.org \$182.00 smcs; Baird Holm \$135.00 smcs; Baker & Taylor \$3,838.95 smcs; Baughman,J \$107.10 smcs; Baye,S \$107.10 smcs; Big Rack Shack \$399.95 smcs; Bike Shed \$5.98 smcs; Blackstone Audio Books \$135.00 smcs; Blessing \$147,150.61 co; BlueCross/BlueShield \$382,948.50 smcs; Bosselman \$1,409.92 smcs; Broadfoot's \$972.00 smcs; Bruha,S \$120.00 smcs; BSN Sport Supply \$86.36 smcs; Buckle \$124.20 ps; Buffalo Co Reg Deeds \$264.00 smcs; Buffalo Outdoor Power \$821.16 smcs; Buggy Bath \$97.35 smcs; Builders \$1,345.89 smcs,co; Bunkhouse Restaurant \$362.96 smcs; Bursaw,C \$115.00 smcs; Cableorganizer.com \$380.19 smcs; Calumet Lubricants \$858.00 smcs; Capital Business Systems \$370.23 smcs; Carquest \$1,831.54 smcs; Cash-Wa \$63.44 smcs; Cenex \$11.57 smcs; Cengage \$354.10 smcs; Center Point Publishing \$72.06 smcs; Central District Health \$2,929.50 smcs; Central Hydraulic Systems \$548.94 smcs; Central NE Bobcat \$90.97 smcs; Charter \$653.20 smcs; Checkley,K \$20.33 smcs; ChemSearch \$305.00 smcs; Chicken Coop \$50.00 smcs; Cintas \$283.00 smcs; Citizenserve \$26,000.00 co; City of Ky \$13,727.67 smcs,ps; Coast to Coast Computer \$218.00 smcs; Coldspring \$232.20 smcs; Comcate \$2,604.52 smcs; Community Action Partner \$4,882.06 smcs; Complete Music \$360.00 smcs; Conrads Auto \$871.21 smcs; Conseco Life \$19.00 ps; Consolidated Management \$250.50 smcs; Construction Rental \$245.45 smcs; Copycat Printing \$60.97 smcs; Cornhusker Cleaning \$1,391.38 smcs,co; Cracker Barrel \$468.32 smcs; Cummins Central Power \$47.05 smcs; Dawson PPD \$16,742.43 smcs; Daylight Donuts \$161.94 smcs; Dell \$944.22 smcs,co; Demco \$445.48 smcs; DHHS Online Licensing \$230.00 smcs; Digital Chalk \$125.00 smcs; Ditch Witch \$168.79 co; Dowhy Towing \$300.00 smcs; Dreamstime.com \$78.00 smcs; Dutton-Lainson \$76.92 smcs; Eakes \$2,879.52 smcs; Ebay \$80.89 smcs; Ed Broadfoot & Sons \$169.41 smcs; Eirich,T \$3,344.61 ps; EMC Ins \$16,119.27 smcs; Emmet Bower Band \$1,000.00 smcs; Ensley Electrical \$2,280.00 co; Eustis Body Shop \$200.00 smcs; Facebook \$56.80 smcs; Family Fresh Market \$72.95 smcs; Farmers Union Coop \$459.00 smcs; Fastenal \$479.59 smcs; Fedex \$30.16 smcs; First Nat'l Bank \$103.80 smcs; Fleetpride \$136.27 smcs; Friesen Chevrolet \$49.88 smcs; Frontier \$9,344.45 smcs; Full Tilt Management \$2,000.00 smcs; Fun Express \$91.47 smcs; Galls \$40.50 smcs; Gannon Travel \$1,330.00 smcs; Garrett Tires \$5,126.50 smcs; GD Construction \$24,138.50 smcs; Glendale Parade \$99.25 smcs; Grainger \$215.51 smcs; Grantwriting \$405.00 smcs; Great Plains Safety \$750.00 smcs; Hach \$862.83 smcs; HD Supply \$10,293.42 smcs; Heard,K \$10.00 smcs; Highnooners Deli \$455.00 smcs; Hobby-Lobby \$532.47 smcs; Holmes Plbg \$63.35 smcs; Hometown Leasing \$265.92 smcs; Horizon Middle School \$300.00 smcs; Hy-Vee \$594.48 smcs; IAEI \$20.00 smcs; ICMA \$4,429.10 ps; Infinisource \$75.00 smcs; Inventex \$92.27 smcs; IRS \$140,735.78 ps; J&M Steel \$5,800.00 co; Jack Lederman \$243.54 smcs; Jansen,C \$33.53 smcs; Jelinek,T \$301.52 smcs; JibJab.com \$18.00 smcs; Jiggers Restaurant \$291.18 smcs; John Deere Landscapes \$513.97 smcs; Johnstone Supply \$16.16 smcs; JP Cooke \$15.50 smcs; Just Blinds \$76.19 smcs; Kappas Enterprises \$15,000.00 co; Ky Chamber Comm

\$6,068.21 smcs; Ky Clinic \$878.00 ps; Ky Concrete \$4,364.75 smcs,co; Ky Hub \$6,845.80 smcs; Ky Humane Society \$7,166.25 smcs; Ky Noon \$120.00 smcs; Ky Power Sports \$383.28 smcs; Ky Quality Sewing \$55.96 smcs; Ky Tire \$267.96 smcs; Ky Towing \$100.00 smcs; Ky United Way \$2,800.00 smcs; Ky Visitors Bureau \$33,378.51 smcs; Keefe,V \$88.63 smcs; Kelly Supply \$492.86 smcs; Kewanna Screen Printing \$1,726.57 smcs; Kmart \$5.00 smcs; Knipping,D \$91.80 smcs; Konica Minolta \$796.89 smcs; Landmark Implement \$161.15 smcs; Lauritzen Gardens \$450.00 smcs; Lawn Builders \$646.42 smcs; Lawson Products \$18.36 smcs; Liberty Cleaners \$131.00 smcs; Linkedin \$398.00 smcs; LMC Truck \$197.70 smcs; Lockmobile \$23.70 smcs; Lunarpages Webhost \$166.80 smcs; Mac Tools \$4,158.99 co; Mail Express \$9,119.38 smcs; Malmstrom,J \$33.72 smcs; Marlatt Machine \$843.64 smcs; Marlow White Uniforms \$194.00 smcs; Matheson \$306.33 smcs; Menards \$1,830.52 smcs; Merryman Performing Arts \$126.68 smcs; Metlife \$9.50 ps; Microsoft \$85.59 co; Mid-Iowa Solid Waste \$88.86 smcs; Mid-NE Garage Doors \$175.00 smcs; Midway Chevrolet \$262.07 smcs; Midway Chrysler \$139.92 smcs; Midwest Turf \$2,148.47 smcs; Mieth,T \$107.10 smcs; Miller & Associates \$67,051.43 co; Minitex \$720.00 smcs; Mirror Image \$248.40 smcs; MOCIC \$250.00 smcs; Moonlight Embroidery \$1,202.75 smcs; Morgan,M \$138.46 smcs; Mueller,C \$107.10 smcs; Municipal Supply \$4,395.54 smcs; NE Assn Senior Centers \$40.00 smcs; NE Cemetery Assn \$40.00 smcs; NE Child Support \$2,083.88 ps; NE Dept of Revenue \$32,524.00 smcs; NE Dept Environmental \$16,185.96 smcs; NE Environmental Products \$2,547.30 smcs; NE Firefighters Museum \$50.00 smcs; NE Library Assn \$160.00 smcs; NE Machinery \$574.99 smcs; NE Supreme Court \$64.50 smcs; NE Truck Center \$1,272.69 smcs; NE Turfgrass \$420.00 smcs; Netmotion Wireless \$3,613.75 smcs; Nielsen,B \$31.00 smcs; NLETC \$100.00 smcs; Norm's Plbg \$749.00 smcs; Northern Safety \$560.19 smcs; Northern Tool \$186.54 smcs; Northwestern Energy \$12,518.53 smcs; NRG Media \$204.00 smcs; NYSCA \$65.00 smcs; Office Depot \$239.88 co; Officemax \$781.78 smcs; Officenet \$333.75 smcs; O'Hara Lindsay & Assoc \$2,200.00 smcs; Omaha World Herald \$263.09 smcs; One Call Concepts \$201.85 smcs; O'Reilly Auto \$758.65 co; Oriental Trading \$63.96 smcs; Orscheln \$561.48 smcs; Overhead Door \$133.50 smcs; Paramount \$193.05 smcs; Party America \$8.90 smcs; Party City \$29.42 smcs; Passion Labels \$47.85 smcs; Pat's Plbg \$95.00 smcs; Paul Oxman Publishing \$240.95 smcs; Paypal-AV Deals \$26.00 smcs; Paypal-Bayvalleypa \$35.96 co; Paypal-Maurie \$116.90 smcs; Paypal-Morrow Tire \$189.46 smcs; Paypal-Spectrums \$314.90 smcs; Paypal-Systemsinte \$4.25 co; Paypal-Xiaofenglin \$23.98 smcs; Paypal-Yahirs Elec \$38.22 co; Picmonkey \$33.00 smcs; Platinum Awards \$15.35 smcs; Platte Valley Auto Mart \$483.86 smcs; Platte Valley Comm \$172.34 smcs; Platte Valley Labs \$62.50 smcs; Pollard,S \$43.50 smcs; Postage Refill \$900.00 smcs; Prestige Group \$419.00 smcs; Presto-X \$615.65 smcs; Qualified Hardware \$1,293.00 smcs; Random House \$143.96 smcs; RDO Truck Center \$3,157.70 smcs; Ready Mixed Concrete \$590.64 smcs; Reams \$150.11 smcs; Recorded Books \$2,233.48 smcs; Red 11 Music Nashville \$3,000.00 smcs; Redman's Shoes \$384.61 smcs; Richardson,D \$140.00 smcs; RMV Construction \$162,814.86 co; Rodehorst,R \$91.80 smcs; Russell's Appliance \$1,402.90 smcs; S&B Heating \$2,018.50 smcs; Safelite Autoglass \$310.89 smcs; Salter,J \$670.90 smcs; Sanitation Products \$8,799.35 smcs; Sapp Bros \$13,012.00 smcs; Sawblade.com \$214.26 smcs; School District #7 \$1,332.70 smcs; Sensus Metering \$2,328.66 smcs; Sherwin Williams \$56.30 smcs; Sign Center \$100.00 smcs; Signwarehouse.com \$100.98 smcs; Smith,R \$22.00 smcs; SOS Portable Toilets \$131.00 smcs; Stamps.com \$4.99 smcs; State of NE/Dept Labor \$3,420.00 ps;

Strategic Materials \$810.80 smcs; Streakwave Wireless \$133.64 co; Suburban Fire Protection \$964.00 smcs; Summit Racing \$219.97 smcs; Super Shine \$121.49 smcs; Superior Signals \$1,256.92 smcs; Supply Works \$723.56 smcs; Supplyhouse.com \$121.40 smcs; Swain,F \$103.65 smcs; SYX Global \$2,328.72 co; Target \$87.38 smcs; Thome,B \$58.80 smcs; Ticket Omaha \$396.00 smcs; Titan Machinery \$511.33 smcs; Tractor-Supply \$204.01 smcs; Trash Can Unlimited \$288.30 smcs; Travel Insured Int'l \$1,587.00 smcs; Travelocity.com \$46.00 smcs; Turf Pro Landscaping \$1,850.00 smcs; UMX \$80.13 smcs; Union Bank \$70,959.48 ps; Unique Management \$232.70 smcs; United \$655.40 smcs; United States Flag \$44.99 smcs; UNMC/DNA Lab \$1,025.00 smcs; UPS \$247.19 smcs,co; USPS \$737.87 smcs; Van Diest Supply Co \$9,018.50 smcs; Vanwall Equipment \$1,030.60 smcs; Verizon \$173.61 smcs; Vernon Library Supplies \$2,543.13 smcs; Wal-mart \$1,483.53 smcs; Wasteworks \$17,407.50 co; Water Environment \$141.00 smcs; Waterlink \$668.73 smcs; Webstaurant Store \$260.92 smcs; Weller,B \$650.90 smcs; Wellness Council \$97.20 smcs; Wick's Sterling Trucks \$344.42 smcs; Wilke's True Value \$150.90 smcs; Wilkins Hinrich Stober \$18,000.00 smcs; WPCI \$107.00 ps; Zimmerman Printers \$298.50 smcs; Payroll Ending 1-19-2016 -- \$385,706.34. 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. Adopt Resolution No. 2016-14 approving Application and Certificate for Payment No. 1 in the amount of \$86,826.65 submitted by Midlands Contracting and approved by Miller & Associates for the 2015 Part 11 Improvements – Bid A consisting of Water District No. 2015-579 and Sanitary Sewer District No. 2015-516 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block, Three Park View Estates Eighth Addition AND in 8th Street from 17th Avenue east to 16th Avenue.

RESOLUTION NO. 2016-14

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2015 Part 11 Improvements – Bid A consisting of consisting of Water District No. 2015-579 and Sanitary Sewer District No. 2015-516 for 17th Avenue from 11th Street south to the south lot line of Lot 3 of Block, Three Park View Estates Eighth Addition AND in 8th Street from 17th Avenue east to 16th Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$86,826.65 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$473,899.00</u>
Contract Sum To Date	473,899.00
Gross Amount Due	96,474.06
Retainage (10%)	9,647.41
Amount Due to Date	86,826.65
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 86,826.65

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. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF JANUARY, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

4. Adopt Resolution No. 2016-15 approving Application and Certificate for Payment No. 7 in the amount of \$151,988.97 submitted by Blessing, LLC and approved by Miller & Associates for the 2014 Part 11 Improvements consisting of Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet; Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850± feet as platted in Lot 1, Bearcat Corner; and Paving Improvement District No. 2014-971 for 30th Avenue from 11th Street south a distance of 1,500± feet as platted in Lot 1, Bearcat Corner.

RESOLUTION NO. 2016-15

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2014 Part 11 Improvements consisting of Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet; Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850± feet as platted in Lot 1, Bearcat Corner; and Paving Improvement District No. 2014-971 for 30th Avenue from 11th Street south a distance of 1,500± feet as platted in Lot 1, Bearcat Corner, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 7 in the amount of \$151,988.97 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,814,396.00
Change Order No. 1 (5-26-2015)	+ 40,765.12
Change Order No. 2 (10-27-2015)	+ <u>1,903.13</u>
Contract Sum To Date	1,857,064.25
Gross Amount Due	1,665,987.79
Retainage (5%)	83,299.39
Amount Due to Date	1,582,688.40
Less Previous Certificates for Payment	<u>1,430,699.43</u>
Current Payment Due	\$ 151,988.97

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. 7, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF JANUARY, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

5. Adopt Resolution No. 2016-16 approving Application and Certificate for Payment No. 1 in the amount of \$36,476.04 submitted by Midlands Contracting and approved by

Miller & Associates for the 2015 Part 12 Improvements – Bid A consisting of Water District No. 2015-580 and Sanitary Sewer District No. 2015-517 for 9th from 10th Street south to its terminus in a cul-de-sac; Water District No. 2015-581 and Sanitary Sewer District No. 2015-518 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau.

RESOLUTION NO. 2016-16

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2015 Part 12 Improvements – Bid A consisting of consisting of Water District No. 2015-580 and Sanitary Sewer District No. 2015-517 for 9th from 10th Street south to its terminus in a cul-de-sac and Water District No. 2015-581, Sanitary Sewer District No. 2015-518 for 10th Street from 9th Avenue east to the east lot line of Lot 1 of Block Two, Jean Michel of Chateau Marteau, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$36,476.04 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$196,043.85</u>
Contract Sum To Date	196,043.85
Gross Amount Due	40,528.93
Retainage (10%)	4,052.89
Amount Due to Date	36,476.04
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 36,476.04

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. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF JANUARY, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

6. Accept the bids received for the construction of a Vehicle Storage Building for the Utilities Department and adopt Resolution No. 2016-17 awarding the bid to Integrated Construction Management Services in the amount of \$481,989.00.

PASSED AND APPROVED THIS 26TH DAY OF JANUARY, 2016.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

7. Approve the Plans and Specifications for the 2013 Part 10 Improvements; Replacement of Talmadge Street from 2nd Avenue to 4th Avenue and set the bid opening date for February 16, 2016 at 2:00 p.m.

8. Approve the application for a Special Designated License submitted by Gary Wach, dba Three Brothers Vineyard & Winery in connection with their Class YK-079473 liquor license to dispense wine in the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on February 17, 2016 from 12:00 p.m. until 10:00 p.m. for sampling/tasting.

9. Adopt Resolution No. 2016-18 approving Amendment #1 between the City of Kearney and Miller & Associates for CDBG 10-ED-004 providing for additional general administrative services for the Tech One Park to fulfill grant requirements.

RESOLUTION NO. 2016-18

WHEREAS, on September 14, 2010 the City Council selected Miller & Associates as the Project Administrator for CDBG Grant 10-ED-004 with regard to the purchase of a site for technology and data center businesses, now known as TechOne Park property; and

WHEREAS, the Project Administrator is responsible to ensure that the activities conducted with grant funding are in compliance with DED and Federal regulations; and

WHEREAS, it is necessary to amend the original agreement to allow Miller & Associates to assist Xpanxion and the City of Kearney in reporting the Full Time Equivalent (FTE) job creation requirement tied to the agreement between DED and the City of Kearney.

NOW, THEREFORE, 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, on behalf of the City of Kearney, Amendment No. 1 to the Technical and Professional Services Contract between the City of Kearney and Miller & Associates as Project Administrator for management and supervision services under Community Development Block Grant No. 10-ED-004. The said Amendment No. 1, marked Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 26TH DAY OF JANUARY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Appointment of Randy Buschkoetter to serve on the Kearney Visitors Bureau, the appointment of Stanley Clouse and Bruce Lear to serve on the Buffalo County Economic Development Council, and the appointment of Jonathan Nikkila, Bob Lammers and Chuck Ogle to serve on the Joint Airport Zoning Board.

11. Accept the bids received for the purchase of a remanufactured landfill compactor for the Kearney Area Solid Waste Landfill and award the bid to Tri County Equipment in the amount of \$440,000.00.

12. Accept the bids received for the purchase of a side loading refuse collection truck for the Utilities Department and award the bid to Elliott Equipment in the amount of \$243,865.00.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8064 REPEALING SECTIONS 1-1701 THROUGH 1-1711 OF THE CITY CODE

In November of 2013 the Council approved the Agreement for Management Services between the City and the Archway Foundation. One of the stipulations of that Agreement is that the City will provide direct oversight of the facility. In December of 2013 the City created the Archway Advisory Committee to assist the City to insure the efficient and economical management and operation of the Archway.

Over the past two years, the City has been successful, with the help of the Advisory Committee, in managing the operation of The Archway. With the transition of the Park & Recreation Department overseeing the management of the facility, the Advisory Committee has served its purpose and is being dissolved. The City is very appreciative of the contribution and participation of each of the Advisory Committee members.

Council Member Lear introduced Ordinance No. 8064 repealing in its entirety the following sections of Article 17 "Archway Advisory Committee" of Chapter 1 "Administration" of the Code of the City of Kearney: Section 1-1701 "Archway Advisory Committee; Created"; Section 1-1702 "Composition"; Section 1-1703 "Appointment"; Section 1-1704 "Compensation"; Section 1-1705 "Secretary"; Section 1-1706 "Terms of Office"; Section 1-1707 "Participation"; Section 1-1708 "Vacancy of Member"; Section 1-1709 "Meetings; Records"; Section 1-1710 "Quorum"; and Section 1-1711 "Powers and Duties", 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 Buschkoetter seconded the motion to suspend the rules. 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, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. 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. 8064 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8064 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8064 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.

VI. REGULAR AGENDA

AWARD BID FOR PATRIOT PARK

Mayor Clouse opened for discussion the bids received for the construction of a new sports complex at Patriot Park, approve Change Order No. 1 showing a decrease in the amount of \$138,425.00, and award the bid to Sampson Construction Co. in the amount of \$7,939,575.00.

Director of Park & Recreation Scott Hayden presented this matter to the Council. The City received two bids, the base bid from Nemaha Landscaping was \$7,894,900 and the other bid from Sampson Construction was \$6,838,000. Their recommendation is to accept Sampson's base bid. Not knowing what the base bids would be, they also received bids for 12 alternates from Nemaha and Sampson. The alternates included building signage, entrance sign, outdoor batting cages for baseball and softball, upgrading the chain link fence which is galvanized chain link to a vinyl coating fencing, shade structures over the spectators seating areas, concrete parking lots and the sound system. It is not that they did not think these were important but based on the engineer's estimate they chose to go with alternates for them.

After they evaluated the bids, they had some internal discussions with City Staff and met with the Patriot Park committee to prioritize and get input on the alternates. The consensus was that several of the alternates were really important to fully complete the park. The recommendation is to accept the alternate bids from Sampson Construction along with some change orders that come along with some of the items for the following: the entrance sign, the outdoor batting cages, powder coating fence upgrades just on the championship fields only and there is an associated change order that goes along with that, shade structures over the spectators seating and the concrete parking. The City will bid separately the sound system and the City is not doing the building signage at this time. There was a change order for synthetic turf that was a cost deduct that they were able to deduct \$10,000. The total for the alternates came in at \$1,111,575.00.

By adding the alternates plus including the engineering, contingencies, scoreboards that they are bidding separate, bonding fees and so forth it does take it over the amount of the restaurant tax which was \$7.5 million, the new total is \$8,829,687.00. Thus the additional funding would need to come from sales tax, sponsorships and private donations in order to cover that difference. Included in this is a \$10,000 pledge from Little League Baseball and a \$10,000 pledge from Competitive Softball to go towards the alternates to indicate their support of the alternates.

Along with the letters of recommendation is dedication to assist the City with sponsorships, additional grant writing and continued support for added equipment that would go towards furthering facilities and their programs which they have done great with in the past and planned to do that in the future.

It will be an amazing park; eight fields, large building that would have the concessions, indoor batting cages, restrooms, umpire room, parking, warm up areas. The biggest need that they set out for was field shortage and within the budget they believe like they

could do eight fields. Currently, they have 92 teams playing on seven fields so this will definitely help out with that, not only for regular league play but it should open up opportunities to further tournament play which would bring more people to town which would be another added benefit.

Council Member Lammers clarified any misunderstanding that the concession building and indoor batting cages is one facility. Director of Park & Recreation stated the one building has six indoor batting cages, three for baseball and three for softball, concessions stands, restrooms, storage and an umpire room.

Council Member Nikkila asked about the batting cages, where will the outdoor batting cages go and for the indoor batting cage how will they manage access to it during the winter time when there may not be Park staff around the whole time. Director of Park & Recreation stated the outdoor batting cages are adjacent to the parking lot. The reason they put them out in that area was intentional, along with that there is a good green space between parking and the fields, the thought process is that as kids and teams arrive for the games, they can essentially warm up in that area rather than between the fields for safety reasons and take batting practice and work their way into the fields.

One of the great advantages of the outdoor cages along with the indoor is it really increases the amount of practice time the teams can have because you can almost practice for 45 minutes with batting and then field for 45 minutes which opens it up for more field usage.

In terms of accessibility for the indoor batting cages, they do plan to have a key code entry that will work with the associations just like they currently do. They will have discussions with them on the schedule to make sure it is equitable in terms of time for recreational competitive and what the needs of people. It will only be through the winter months, he sees that being used year round.

Council Member Buschkoetter commented about the Patriot Park Committee, there was a lot of give and take and people coming up with concessions and reaching a consensus on all the items. Nobody gets everything they want but he thinks they came up with what the mission statement is all about and that was developing the best facility for the money they had and the best facility in the midwest and he thinks they will have that when this is said and done. It will be done on a budget that is solid and an appropriate amount of money, they are not cutting any corners. The bids came in a little higher than what they wanted and the City is finding some ways to be creative with sponsorships, etc. to get it done.

Council Member Lammers stated that the paving and some of the other aspects will lend themselves to other future possibilities of soccer fields and that kind of development that may occur down the road.

Director of Park & Recreation stated the engineer's estimate for the parking was over \$600,000 and the alternate bid actually came in at \$410,000. Council Member Lear stated it is nice for concrete because some of the other park facilities have gravel; they cannot do as much concrete because of costs. Director of Park & Recreation stated there is a significant amount of maintenance that goes into gravel parking.

Council Member Nikkila stated he is glad the leagues will help with the sponsorships because they would have liked this to come under the \$7.5 million unfortunately it did not but there are great opportunities for sponsorships to help take some of the costs off the taxpayer. Because they do not have the staff capacity at the Parks Department to do that so to put the time in and get the sponsorships taken care of is good to hear that the leagues are interested.

Director of Park & Recreation stated even though the Park and Recreation Department does not necessarily run the leagues they work in partnership not only with baseball and softball but with soccer, tennis, BMX and all the groups and they have been very fortunate and how they communicate and work with them and they have contributed to some small projects and some very big projects. It definitely allows them to get some things done that they would not otherwise.

Council Member Nikkila asked about the sponsorship opportunities, are they talking about signs on outfield walls, scoreboards. Director of Park & Recreation stated that is one of the reasons they chose to bid the scoreboard separately because a lot of the scoreboards come with sponsorship panels and so they plan to do that. You can sponsor an entire scoreboard, field or break them into 3's that's definitely an opportunity and he thinks the outfield fencing just like you have seen at Memorial Field or other minor league ballparks. They will start working on that immediately and hope to get the scoreboard bid out in February so they know exactly what that number is.

Mayor Clouse asked about construction timeline and completion. Director of Park & Recreation stated they did not hurt anything with the bid approval or anything in terms of timing. He imagines they will start pushing dirt and putting utilities in towards the end of February, weather providing. Their first deadline is October 15 and that is to have the sod in and the seed. They are sodding all of the fields and some of the spaces in between the fields with perimeter seed so that will allow them to play in the Spring of 2017.

Council Member Buschkoetter stated they still have a space reserved for the Challenger Field which down the road is a completely separate project but it will be a great location for it. They have a spot earmarked for that.

Director of Park & Recreation stated the Challenger Field did come up through discussion; it was not in the initial discussion when they went out for the restaurant tax but he thinks it is a great idea and he thinks it is something the groups are committed to working towards. Little League already has a great Challenger Program in place and he thinks they will enhance on that. Eventually, they hope to put a small playground or something out there.

Council Member Nikkila asked about Spring of 2017, will the whole complex be done by Spring 2017. Director of Park & Recreation confirmed it would be. If they would have seeded the entire fields it would probably be 2018; that is the advantage of going the sod route. In the long run he is not sure if it is really that much more expensive if you sod when you really figure the man hours.

Council Member Lammers commended Mr. Hayden and the Park & Recreation Board, Little League and Softball for their involvement in this, they have spent a lot of hours working on this project for almost a year and there has been a lot of dedication involved and he really appreciates that. He appreciates both the baseball and softball groups stepping up with the donations.

Bill Ballou stated he appreciates what is going on in support of this. When you mention the Challenger Field that is the one thing that he would like to see included. The kids in that program, their family's appreciation level for the facility and things they do for them it means a whole lot more. He is glad to hear that it is being considered.

Director of Park & Recreation stated he thinks that is going to be one of the great things about this complex is having eight fields all together with both genders playing at the same time, same site, multiple age groups, competitive, recreational, different abilities and so forth. That is going to be very cool and will spur on more participation is what that is going to do. When you add other sports facilities in the future it will take it to another level.

Moved by Clouse seconded by Lammers to adopt **Resolution No. 2016-19** accepting the bids received for the construction of a new sports complex at Patriot Park, approve Change Order No. 1 showing a decrease in the amount of \$138,425.00, and award the bid to Sampson Construction Co. in the amount of \$7,939,575.00. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2016-19

WHEREAS, The Clark Enersen Partners and the City of Kearney reviewed the sealed bids which was opened on January 5, 2016 at 2:00 p.m. for the construction of a new sports complex at Patriot Park; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project is \$6,943,230.00 for the base bid and \$1,008,500.00 for the alternates; and

WHEREAS, the said engineers have recommended the bid offered by Sampson Construction Co. from Lincoln, Nebraska in the amount of \$7,939,575.00 for the base bid and certain alternates be accepted as the lowest responsible bid for the construction of a new sports complex at Patriot Park.

WHEREAS, the scope of the project was substantially higher than the City budgeted funds that City staff negotiated with Sampson Construction Co. to reduce the scope of the project; and

WHEREAS, the Sampson Construction Co. and The Clark Enersen Partners have filed with the City Clerk Change Order No. 1 showing a decrease to the original contract sum in the amount of \$138,425.00, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

Original Contract Sum (Base Bid plus Alternates L1 through L-10	\$8,078,000.00
Change Order No. 1 (1-26-2016)	<u>- 138,425.00</u>
New Contract Sum	\$7,939,575.00

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted

and approved, that Sampson Construction Co. be and is the lowest responsible bidder for the construction of a new sports complex at Patriot Park to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Sampson Construction Co. in the amount of \$7,939,575.00 be and is hereby accepted.

BE IT FURTHER 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 Exhibits "A", be and is hereby accepted and approved.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost for the project is \$6,943,230.00 for the base bid and \$1,008,500.00 for the alternates be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 26TH DAY OF JANUARY, 2016.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

OPEN ACCOUNT CLAIMS

Moved by Lammers seconded by Nikkila that the Open Account Claims in the amount of \$94,055.56 payable to Nebraska Public Power District and in the amount of \$323.90 payable to Stan Clouse be allowed. Roll call resulted as follows: Aye: Lammers, Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

CLOSED SESSION

Moved by Clouse seconded by Lammers that Council adjourn into closed session at 5:48 p.m. for the protection of the public interest to discuss real estate matters. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Lammers. Nay: None. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss real estate matters. According to law, the Council has the option to reconvene back into open session and may take any formal action it deems appropriate.

Moved by Buschkoetter seconded by Clouse that Council reconvene in regular session at 6:16 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Lammers, Buschkoetter. Nay: None. Motion carried.

VIII. ADJOURN

Moved by Clouse seconded by Lammers that Council adjourn at 6:16 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**