

*Kearney, Nebraska
December 17, 2019
5:30 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on December 17, 2019 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear and Jonathan Nikkila. Absent: Tami James Moore. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Bryan Waugh, Chief of Police; Jason Whalen, Fire Administrator and Shawna Erbsen, Administrative Services Director, were also present. Members of the media present included: Mike Konz with the Kearney Hub and Ryan Boyd with KGFW.

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.

PRESENTATION OF COLORS BY THE KEARNEY VOLUNTEER FIRE DEPARTMENT COLOR GUARD AND PLEDGE OF ALLEGIANCE

Members of Kearney Volunteer Fire Department Color Guard including Matt Begnoche, Dan Thompson, Nate Toof and George Wiedel presented and posted the colors. Two Boy Scouts from Troop 158 and one Girl Scout from Troop 610 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/RECOGNITIONS

Presentation of Battle of Badges Blood Drive Results by the American Red Cross. Johnny Jones, KVFDR Reserve Member and American Red Cross Account Manager, presented a plaque to the Kearney Volunteer Fire Department, Kearney Police Department and Buffalo County Sheriff's Department for defeating Hall County and the City of Grand

Island for the Battle of the Badges Blood Drive; Chief Waugh accepted this award. Mr. Jones additionally awarded a plaque to KVFD for the Battle between KVFD, KPD and BCSO; Fire Chief Jim Tacha accepted this plaque.

RECOGNITION – KEARNEY VOLUNTEER FIRE DEPARTMENT FIREFIGHTER COURSE I

Mayor Clouse and Council Members recognized volunteer firefighters Alec Bauer, Quincy Bennett, Chris Hellerich, Dan Proskocil, Matthew Sich, Robert Trujillo and Ty Vetter for completing the Firefighter I Course. Fire Chief Jim Tacha, Assistant Chief Tony Rich and Dave Krueger presented each firefighter with a plaque.

RECOGNITION – KEARNEY VOLUNTEER FIRE DEPARTMENT SERVICE AWARDS

Mayor Clouse and Council Members recognized the following volunteer firefighters: Steven Brumbaugh and Mike Treadway for 5 years of service; Bryan Chase, Seth Lunbery, Mark Panowicz and Thom Schneider for 10 years of service; Sonny O'Connor, Dan Thompson and Matt Ullman for 15 years of service; Tony Rich, John Sydow and Brian Wolfe for 25 years of service; and Kelly Hardin for 35 years of service. Fire Chief Jim Tacha, Assistant Chief Tony Rich and Dave Krueger presented each firefighter with Service Awards.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

CONDITIONAL USE PERMIT FOR PROPERTY LOCATED SOUTH OF 11TH STREET AND EAST OF IMPERIAL AVENUE

Mayor Clouse stated on December 10, 2019, City Council tabled the public hearing pertaining to the application submitted by Brad Vontz for Vontz Paving, Inc. for Water's View Inc., a Nebraska Corporation for a Conditional Use Permit to operate a sand and gravel extraction pit on property zoned District AG, Agricultural District and described as part of Government Lots 3 and 4, as part of the Northwest Quarter of Section 11, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (South of 11th Street and East of Imperial Avenue) and consideration of Ordinance No. 8390 to the January 14, 2020 City Council meeting. Therefore, no discussion or action was taken regarding this matter.

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held December 10, 2019.

2. Approve the following Claims:

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

1000bulbs.com-\$352.42-smcs; 4Imprint-\$549.59-smcs; AAA Tarps-\$466.71-smcs; Aces General-\$120.00-smcs; Acushnet-\$441.97-smcs; Adobe -\$29.99-smcs; Alert Shirt-\$5,331.23-smcs; All Flag-\$661.93-smcs; All Makes Auto-\$2,564.48-smcs; Ally B Design-\$235.00-smcs; Amazon-\$6,557.62-smcs,co; American-\$1,924.42-smcs; American Planning Assoc.-\$533.00-smcs; AmericInn-\$101.73-smcs; Andersen,B-\$55.88-smcs; Anythingtruck.com-\$460.64-smcs; Apple Market-\$18.53-smcs; Apple.com-\$0.99-smcs; Applied Tech-\$286.50-smcs; Aramark Uniform-\$210.66-smcs; Ask Supply-\$1,995.47-smcs; Assoc. Threat Assessment-\$800.00-smcs; Aurora Coop-\$728.00-smcs; Auto Value-\$214.12-smcs; AWWA-\$1,937.00-smcs; B & H Photo-\$1,449.87-co,; smcs; Baker & Taylor-\$3,243.67-smcs; Baum Hydraulics -\$116.41-smcs; Bautista,B-\$55.00-smcs; Bear Frame -\$291.97-smcs; Bevel Gardner-\$1,820.00-smcs; Big Rack Shack-\$3,415.00-smcs; Blackstone Audio Books-\$112.49-smcs; Blue Sky-\$57.00-smcs; Bluecross Blueshield-\$223,975.47-smcs; Bolte,C-\$115.50-smcs; Bosselman-\$5,192.00-smcs; BPAD Group-\$750.00-smcs; Bravo Company-\$256.15-smcs; Brownells-\$79.23-smcs; Brungardt Engineering-\$45,150.60-co; Buffalo Co. Treasurer-\$97.98-smcs; Buffalo Outdoor Power-\$499.54-smcs; Buggy Bath Car Wash-\$34.00-smcs; Builders-\$6,450.94-smcs; Cabelas-\$98.93-smcs; Canva-\$122.40-smcs; Carquest-\$463.73-smcs; Cash Wa-\$918.20-smcs; CBA Lighting -\$526.34-smcs; Cellebrite-\$289.00-smcs; Cenex -\$79.61-smcs; Central Hydraulic-\$1,710.76-smcs; Central NE Bobcat-\$863.09-smcs; Cheaper than Dirt-\$2,682.90-smcs; Chemsearch-\$307.00-smcs; Chicken Coop-\$50.00-smcs; Cintas-\$204.19-smcs; City of Ky-\$14,657.52-smcs,ps; City Plumbing-\$362.86-smcs; Civic Plus-\$10,246.79-smcs; Coldspring-\$738.15-smcs; Commercial Recreation-\$326.17-smcs; Consolidated Mgmt.-\$798.97-smcs; Construction Rental-\$1,709.73-co, smcs; Control Yours-\$200.00-smcs; Copycat -\$6,153.80-smcs; Core & Main-\$2,543.74-smcs; Cricut-\$4.76-smcs; Crown Products -\$433.57-smcs; Culligan-\$221.50-smcs; Cummins -\$1,578.20-smcs; Cutter & Buck -\$192.10-smcs; Daktronics-\$3,243.44-smcs; Danko -\$3,240.06-smcs; Daylight Donuts-\$129.69-smcs; Del City-\$438.26-smcs; Dell-\$797.22-co; Demco -\$2,039.95-smcs; Dept of Education-\$329.00-ps; DHHS Licensure-\$1,610.00-smcs; Dish-\$218.43-smcs; Dmilaco -\$325.50-smcs; Dollar-General-\$18.62-smcs; Don's Hobby Guns-\$60.00-smcs; Dutton-Lainson-\$109.12-smcs; Eakes-\$1,801.21-smcs; Ecolab-\$80.26-smcs; Eileen's Cookies-\$10.50-smcs; Electric Pump-\$1,709.66-smcs; Embassy Suites-\$3,236.52-smcs; EMC Insurance-\$8,656.99-smcs; Enforcement Video-\$65.00-smcs; Engineered Controls-\$154.00-smcs; Excal Visual -\$270.75-smcs; Expressionwear-\$13.00-ps; Eyemed-\$942.49-smcs; Facebook-\$11.76-smcs; Fairfield Inn -\$339.62-smcs; Farmers Coop-\$787.50-smcs; Fastenal -\$931.42-smcs; Fiddelke -\$599.65-smcs; First National Bank-\$135.00-smcs; Forms Fulfillment -\$790.35-smcs; Frontier-\$207.93-smcs; Full Source-\$1,008.29-smcs; Fun Express-\$684.61-smcs; Gale-\$3,985.09-smcs; Galeton-\$169.79-smcs; Galls-\$80.13-ps, smcs; Garrels,J-\$115.50-smcs; Garrett Tires -\$630.96-smcs; Glass Doctor-\$19.52-smcs; Goodwin Tucker -\$419.17-smcs; Graczyk Landscapes-\$6,350.48-co; Graham Tire-\$1,176.00-smcs; Grainger-\$417.07-co, smcs; Grindstone Hardscapes-\$3,220.25-smcs; Groebner & Assoc.-\$682.75-smcs; Grossenbacher Bros.-\$881.69-smcs; Hach -\$95.76-

smcs; Hampton Inn-\$192.00-smcs; Heartland Motor Sports-\$67.21-smcs; Hobby Lobby-\$448.76-smcs; Holmes Plumbing-\$150.09-smcs; Home Depot-\$1,975.80-smcs; Hooker Bros.-\$983.34-smcs; HotelReservations.com-\$220.39-smcs; Humanities NE-\$75.00-smcs; Hy-Vee-\$32.31-smcs; IACP-\$1,225.00-smcs; ICMA -\$6,821.69-ps; Idsecurityonline.com-\$532.39-co; Imperial Textile-\$88.82-smcs; International Society-\$125.00-smcs; Invoicehome.com-\$5.00-smcs; IRS-\$167,360.07-ps; Jack Lederman-\$320.93-smcs; Jimmy Johns-\$139.00-smcs; Johnstone Supply-\$440.67-smcs; Ky Ace -\$628.57-smcs; Ky Animal Shelter-\$11,000.00-smcs; Ky Catholic-\$897.74-smcs; Ky Concrete-\$1,001.52-smcs; Ky Hub-\$1,607.07-smcs; Ky Quality Sew-\$32.98-smcs; Ky Towing -\$200.00-smcs; Ky Warehouse-\$738.97-smcs; Ky Winlectric-\$7,638.21-co, smcs; Kelly Supply-\$1,411.98-smcs; Kimball Midwest -\$311.85-smcs; Kociemba,T-\$39.86-smcs; Konica Minolta-\$388.18-smcs; L S and Sons-\$458.89-smcs; Landmark Implement-\$1,655.07-smcs; Lands End-\$40.06-smcs; Lawson Products-\$693.48-smcs; LCL Truck -\$970.33-smcs; Lerner Publications-\$167.96-smcs; LIPS-\$58.39-smcs; Longleaf Services-\$183.69-smcs; Mac Faucets-\$325.27-smcs; Mapes,J-\$30.82-smcs; Markley,J-\$8.98-smcs; Marriott -\$1,029.71-smcs; Masco Electric-\$122.43-smcs; Masek Golf Car-\$7.88-smcs; Masters True Value-\$394.41-smcs; Matheson-\$89.71-smcs; Medicap-\$10,260.00-ps; Menards-\$5,636.47-co, smcs; Michaels-\$96.77-smcs; Microsoft-\$212.94-co; Mid-NE Garage Doors-\$720.00-smcs; Midwest Connect-\$147.35-smcs; Midwest Turf -\$2,901.36-smcs; Miller Signs-\$161.00-smcs; Moonlight Embroidery-\$4,534.15-smcs; Municipal Emergency-\$574.01-ps, smcs; Municipal Supply-\$4,291.63-smcs; Namebadge.com-\$107.60-smcs; Natl Fire Protect Assn.-\$1,575.00-smcs; NCL of Wisconsin-\$387.08-smcs; NE Child Support-\$2,287.35-ps; NE Dept. Environmental-\$327,016.72-smcs,ds; NE Library Assn.-\$60.00-smcs; NE Machinery-\$1,715.68-smcs; NE Park Rec-\$920.00-smcs; NE Safety-\$370.00-smcs; NE State Fire Marshal-\$120.00-smcs; NE Truck Center-\$4,391.43-smcs; NEChapterIn-\$155.00-smcs; Nivel Parts -\$90.53-smcs; NMC-\$3,093.36-smcs; NorthernSafety.com-\$552.70-smcs; Northwestern Energy-\$3,978.55-smcs; Oak Creek Engineering-\$4,325.00-co; OCLC-\$764.46-smcs; Office Depot-\$1,095.12-smcs; Officemax-\$2,243.48-smcs; Officenet-\$364.78-smcs; Old Navy-\$191.40-smcs; Olsson -\$6,270.00-co; O'Reilly Auto-\$272.91-smcs; Orscheln-\$815.42-smcs; OTC Brands -\$296.94-smcs; Paramount -\$36.00-smcs; Pep Co. -\$87.34-smcs; Pet Pick-Ups-\$648.92-smcs; Pickleballcentral-\$91.45-smcs; Ping-\$124.20-smcs; Pioneer Mfg.-\$302.50-smcs; Pitney Bowes-\$60.00-smcs; Platte Valley Auto-\$473.43-smcs; Platte Valley Laboratories-\$62.50-smcs; Pospaper.com-\$227.80-smcs; Postermymwall-\$61.86-smcs; Pot O Gold-\$230.00-smcs; Presto-X -\$105.00-smcs; Priority Mgmt.-\$82.50-smcs; Probasco,A-\$116.62-smcs; Prodryers-\$810.00-smcs; Quill -\$588.13-smcs; Radisson Hotels-\$898.14-smcs; Rally Point-\$498.00-smcs; RDJ Specialties-\$691.07-smcs; Ready Mixed Concrete-\$8,108.25-co; Reams-\$661.54-smcs; Recorded Books-\$395.86-smcs; Recovery Systems-\$3,321.83-smcs; Red Cross-\$134.00-smcs; Redbox-\$3.74-smcs; Redman's Shoes-\$978.79-smcs; Reservations.com-\$19.99-smcs; Reverseosmosis-\$41.64-smcs; Roseberry,D-\$32.40-smcs; Rybind Manufacturing-\$592.00-smcs; S&S Worldwide-\$124.80-smcs; S&B Heating-\$170.00-smcs; S&J Construction-\$30,601.72-co; Safety Products-\$57.92-smcs; Sahling Kenworth-\$95.40-smcs; Sandry Fire-\$2,359.73-smcs; Sapp Brothers-\$18,984.26-smcs; Schindler Elevator-\$1,005.00-smcs; School District 7-\$4,307.65-smcs; Schumacher Bros.-\$712.00-smcs; See Clear Cleaning-\$1,700.00-smcs; Sequel Bookshop-\$52.00-smcs; Sherwin Industries-\$453.01-smcs; Shopper, the-\$1,889.54-smcs; Show Me Cables-\$61.13-smcs; Shredding Solutions-\$99.90-smcs; Siteone Landscape -\$3,019.18-smcs; Smartdraw Software-\$178.35-smcs; Snap-on Tools-

\$50.00-smcs; Sonshine Ventures-\$5,316.00-smcs; Spangler Candy-\$127.20-smcs; Spectrum-\$1,059.60-smcs; State Motor-\$209.46-smcs; Steinbrink's Landscaping-\$4,700.00-smcs; Stutsman-\$1,098.00-smcs; Super Shine -\$101.87-smcs; Supplyhouse.com-\$1,781.48-smcs; Target-\$472.10-smcs; Teledyne-\$1,657.29-smcs; Telestepsworldwide-\$333.30-smcs; Tielke's Sandwiches-\$45.55-smcs; Titan Machinery-\$1,399.68-smcs; Tomlinson,N-\$232.03-smcs; Tractor-Supply-\$1,175.18-smcs; Traffic Control-\$8,760.00-co; Trampe,M-\$29.92-smcs; Transunion-\$115.00-smcs; Triple Crown Products-\$2,819.24-smcs; Trophy Depot-\$214.80-smcs; TVH Parts -\$193.15-smcs; Tyler Technologies-\$875.00-smcs; Uber -\$118.94-smcs; Uline -\$379.96-smcs; Union Bank-\$86,649.42-ps; Unique Mgmt.-\$366.95-smcs; UNO-\$616.00-smcs; UPS -\$545.23-smcs; USA Blue Book-\$2,004.01-smcs; USA Communications-\$199.39-smcs; USPS-\$590.01-smcs; Van Wall -\$242.89-smcs; Vermont Systems-\$4,470.00-smcs; Video Kingdom-\$242.88-smcs; Waldinger-\$2,674.33-smcs; Walgreens-\$32.96-smcs; Walmart-\$2,004.72-co, smcs; Walters-Morgan Const.-\$320,862.12-smcs; Webstaurant Store-\$680.62-smcs; Wells Fargo-\$1,675.00-smcs; Wilco Life-\$10.00-ps; Winchester Trim -\$140.60-smcs; Winter Equipment-\$1,779.78-smcs; Workboots USA-\$99.95-smcs; WPCI-\$476.50-ps; Zoro Tools-\$370.77-smcs; Payroll Ending 12/7/2019 -- \$496,402.99. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set January 14, 2020 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2019-215 approving the Developer Constructed Infrastructure Agreement for Park View Estates Ninth between the City of Kearney and Kelly J. Rapp and Darlene L. Stern-Rapp, as husband and wife, for the construction of paving, water main, sanitary sewer main and storm sewer for Park View Estates Ninth, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2019-215

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Park View Estates Ninth" between the City of Kearney and Kelly J. Rapp and Darlene L. Stern-Rapp, as husband and wife, for the construction of paving, water main, sanitary sewer main and storm sewer for Park View Estates Ninth Addition, an addition to the City of Kearney, 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 17TH DAY OF DECEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

5. Adopt Resolution No. 2019-216 setting the interest rate, providing equal annual

installments, providing the interest rate for delinquent installments for special assessments for 2020 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. 2019-216

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 5.0 per centum per annum from the date the Board of Equalization convened until the same become delinquent. This interest rate is effective for the 2020 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 2020 calendar year. Developers will not be reimbursed for infrastructure items not included on the attached schedule of unit price bids.

PASSED AND APPROVED THIS 17TH DAY OF DECEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution No. 2019-217 authorizing the City Manager to sign the revised Operating Agreement and Ground Lease with the University of Nebraska at Kearney and Kearney University Village Facility Development Corporation for construction and operation of a community tennis complex.

RESOLUTION NO. 2019-217

WHEREAS, on September 10, 2019, City Council approved Resolution No. 2019-166 executing the "Building Agreement and Lease" between the City of Kearney, a Nebraska Municipal Corporation, the Board of Regents of University of Nebraska, a public body corporate of the State of Nebraska and the governing body of the University of Nebraska at Kearney and the Kearney University Village Facility Development Corporation, a Nebraska Non-Profit Corporation. Following City Council's approval, the University of Nebraska's Council did not execute the initial agreement approved by the City of Kearney and instead, requested that the initial agreement be reformatted and the addition of the Ground Lease be included in a revised agreement.

WHEREAS, on December 5, 2019, the Board of Regents of the University of Nebraska met and approved a ground lease agreement and an operations agreement to construct and lease a tennis recreation facility with the City of Kearney.

THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the "Building Agreement and Ground Lease" between the City of Kearney, a Nebraska Municipal Corporation, the Board of Regents of University of Nebraska, a public body corporate of the State of Nebraska and the governing body of the University of Nebraska at Kearney and the Kearney University Village Facility Development Corporation, a Nebraska Non-Profit Corporation, be and is hereby approved. The Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 17TH DAY OF DECEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2019-218 approving Change Order No. 1 showing an increase in the amount of \$68,012.00 and establishing a new substantial completion date of June 5, 2020 to allow for a winter shutdown and Application and Certificate for Payment No. 3 in the amount of \$543,549.60 submitted by Blessing Construction and approved by Miller & Associates for 2019 Part 2 Improvements for the construction of Patriot Industrial Park consisting of Paving Improvement District No. 2019-998.

RESOLUTION NO. 2019-218

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with 2019 Part 2 Improvements for the construction of Patriot Industrial Park consisting of Paving Improvement District No. 2019-998, 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 \$68,012.00 and establishing a new substantial completion date of June 5, 2020 to allow for a winter shutdown as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Blessing, LLC and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$543,549.60 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 1,203,346.00</u>
Contract Sum To Date	1,203,346.00
Gross Amount Due	812,698.50
Retainage (10%)	<u>- 81,269.85</u>
Amount Due to Date	731,428.65
Less Previous Certificates for Payment	<u>- 187,879.05</u>
Current Payment Due	\$ 543,549.60

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 17TH DAY OF DECEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Adopt Resolution No. 2019-219 approving Change Order No. 1 showing a decrease in the amount of \$18,925.50, Application and Certificate for Payment No. 1-Final in the amount of \$119,948.00, and accept the Certificate of Substantial Completion submitted by Midlands Contracting, Inc. and approved by Miller & Associates for the Kearney South Drainage – Lake Overflow Improvements.

RESOLUTION NO. 2019-219

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with the Kearney South Drainage – Lake Overflow Improvements, and the City’s engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$18,925.50 as shown on Exhibit “A” attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting, Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$119,948.00 as shown on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$138,873.50
Change Order No. 1 (12-17-2019)	<u>- 18,925.50</u>
Contract Sum To Date	119,948.00
Gross Amount Due	119,948.00
Retainage (0%)	.00
Amount Due to Date	119,948.00
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$119,948.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of November 30, 2019, as shown by Exhibit “C” attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit “A”, Application and Certificate for Payment No. 1-Final, as shown on Exhibit “B” and the Certificate of Substantial Completion as shown on Exhibit “C” be and are hereby accepted and approved.

PASSED AND APPROVED THIS 17TH DAY OF DECEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Approve the Plans and Specifications for the 2020 Sidewalk ADA Improvements (also known as Community Development Block Grant funded Sidewalk Replacement Project; Phase 2) for the project area of 2nd Avenue to 5th Avenue and 16th Street to 22nd Street and set the bid opening date for January 22, 2020 at 2:00 p.m.

10. Adopt Resolution No. 2019-220 approving Change Order No. 3 showing an increase in the amount of \$1,735.20 and Application and Certificate for Payment No. 1 in the amount of \$87,239.83 to RMV Construction and approved by Miller & Associates for the 2019 Park and Recreation Parking Lot Improvements at Cottonmill Parking at Swim Lake and Fountain Hills Park.

RESOLUTION NO. 2019-220

WHEREAS, RMV Construction of Kearney, Nebraska has performed services in connection with 2019 Park and Recreation Parking Lot Improvements at Cottonmill

Parking at Swim Lake and Fountain Hills Park, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 3 showing an increase to the contract sum in the amount of \$1,735.20 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, RMV Construction and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$87,239.83 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 92,191.60
Change Order No. 1 (8/27/19)	+ 00.00
Change Order No. 2 (9/24/19)	+ 89,441.39
Change Order No. 3 (12/17/19)	+ <u>1,735.20</u>
Contract Sum To Date	\$ 183,368.19
Gross Amount Due	91,831.40
Retainage (10%)	- <u>4,591.57</u>
Amount Due to Date	87,239.83
Less Previous Certificates for Payment	- <u>0.00</u>
Current Payment Due	\$ 87,239.83

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 3, as shown on Exhibit "A" and Application and Certificate for Payment No. 1, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 17TH DAY OF DECEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Reject the bids received for the Harmon Park Pool Slide Replacement received December 10, 2019.

12. Adopt Resolution No. 2019-221 approving the Use and Operations Agreement for Annex A in Hangar T-926 located at the Kearney Regional Airport between the City of Kearney and Apollo Med Flight.

RESOLUTION NO. 2019-221

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement on behalf of the City of Kearney with Apollo Med Flight for Annex A in Hangar T-926 located at the Kearney Regional Airport, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 17TH DAY OF DECEMBER, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Authorize the Mayor to sign the Corrective Quitclaim Deed from the City of Kearney, Nebraska, a Municipal Corporation to Ace Irrigation and Manufacturing Company, a Nebraska Corporation, to assist in correcting the legal description originally granted on May 28, 2013 for the benefit of Ace Irrigation and Manufacturing Company.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$89,383.48 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained. Moore absent. Motion carried.

VII. REPORTS

Council Member Bruce Lear wished everyone a Merry Christmas.

Council Member Randy Buschkoetter wished everyone a Merry Christmas and congratulated the UNK Volleyball team on a great season.

Mayor Stanley Clouse wished everyone Happy Holidays and expressed gratitude to City staff and the media for all they do for our community.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:50 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Moore absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**