

Kearney, Nebraska
February 25, 2020
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 February 25, 2020 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: Randy Buschkoetter. 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; Mike Young, Police Captain; Shawna Erbsen, Administrative Services Director; Brenda Jensen, Development Services Director and Dan Lillis, Engineering Assistant II 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.

PLEDGE OF ALLEGIANCE

Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

Mayor Clouse announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted on the wall of the Council Chambers.

ORAL COMMUNICATIONS

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

SALES TAX CAPITAL IMPROVEMENT PLAN

Mayor Clouse opened the public hearing on the ½¢ Sales Tax Capital Improvement Plan for the City of Kearney, Nebraska.

City Manager, Michael Morgan, presented this matter to the Council. Mr. Morgan stated citizens passed the ½¢ sales tax in 2005 and from then on, the City annually holds a public hearing to receive citizen input. Citizens can also provide suggestions for the use of the ½¢ sales tax throughout the year by emailing or contacting the Mayor, City Council or through Access Kearney available through the City of Kearney's website.

Patrick Moore, 2305 5th Avenue, suggested implementing a citywide pedestrian and multi modal transportation network and adopting a complete street plan giving equal access and safety to bicycles, wheelchairs and scooters. Mr. Moore encouraged the City to continue to support the Downtown area and suggested offering a guaranteed lending program for building redevelopers to add workforce housing, provide greater connections to Downtown such as more crosswalks crossing both 2nd Avenue and Highway 30 with the addition of traffic calming devices on those streets, introduce larger scale gateway devices along major streets into Downtown and change traffic control devices to more modernized devices to assist in keeping pedestrian and traffic moving smoothly through the Downtown area.

Council Member Jonathan Nikkila questioned what a bike friendly street would look like and how Mr. Moore's pedestrian and bike network would look differently than what is currently in place. Mr. Moore stated he would like to see buttons that could be pushed on overhead lights that would stop traffic right away to allow pedestrians to cross sooner than they currently can. Mr. Moore also envisions visual cues such as contrasting materials on the roadway to alert drivers of a crosswalk and installing yield to pedestrian signs to alert drivers that pedestrians are waiting to cross. Mr. Moore feels future street design should also include bike lanes and that his proposals would help drivers become more aware of other modes of transportation around them which would ultimately assist with making pedestrians feel safer.

Mayor Stanley Clouse commended Mr. Moore on the improvements he has made on his building Downtown.

Council Member Nikkila stated there is a lot of road work forthcoming. Mayor Clouse stated a few years ago there was discussion to put more funding into roads.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and approve the ½¢ Sales Tax Capital Improvement Plan (CIP) for the City of Kearney. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried.

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held February 11, 2020 and Minutes of Special Meeting held on February 19, 2020.

2. Approve the following Claims:

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

4imprint-\$282.27-smcs; 911 Custom-\$363.30-smcs; Accuproduct-\$220.84-smcs; Ace Irrigation-\$1,667.52-smcs; Acushnet-\$1,441.92-smcs; Adobe-\$671.86-smcs,co; Advance Auto-\$8.55-smcs; Akin House-\$7,373.56-smcs; All Makes Auto -\$610.37-smcs; Allied Electronics-\$57.46-smcs; Ally B Design-\$125.00-smcs; Amax -\$390.00-smcs,co; Amazon-\$7,587.58-smcs,co; American-\$239.18-smcs; American Fence-\$446.42-smcs; American Legion-\$40.45-smcs; Andersen Wrecking-\$300.00-smcs; Anythingtruck.com-\$699.30-smcs; Apple-\$8.47-smcs; Aprons and Smocks-\$94.84-smcs; Aramark Uniform-\$210.66-smcs; Arehart,K-\$90.00-smcs; Ask Supply-\$909.93-smcs; ASPEnterprises-\$1,231.12-smcs; Aurora Coop-\$1,479.16-smcs; Aussie Hydraulics-\$817.89-smcs; Auto Value-\$1,333.05-smcs; AWWA.org-\$204.00-smcs; B&H Photo-\$7,615.89-smcs,co; Baker & Taylor-\$3,088.37-smcs; Baughman,J-\$134.95-smcs; Baum Hydraulics-\$1,019.46-smcs; BCCHP.org-\$309.00-smcs; Benson,G-\$26.49-smcs; Blackstone Audio Books-\$318.99-smcs; Blackstrap-\$12,578.66-smcs; Blech,M-\$195.00-smcs; Bluecross Blueshield-\$63,747.26-smcs; Bosselman-\$11,045.38-smcs; Brownells-\$92.95-smcs; Bubble Factory-\$83.45-smcs; Buffalo Co. Treasurer-\$86.61-smcs,co; Buffalo Outdoor Power-\$12,241.87-smcs,co; Buggy Bath-\$12.00-smcs; Builders-\$3,041.06-smcs; Butler,B-\$178.60-smcs; Cab Store-\$279.91-smcs; Caesars Place-\$451.26-smcs; Canva-\$1.00-smcs; Carquest-\$131.23-smcs; Casey's-\$75.00-smcs; Cash-Wa-\$1,128.27-smcs; CBA Lighting-\$1,103.53-smcs; CDW-\$9,843.82-smcs; Central Comm. College-\$1,470.00-smcs; Central Hydraulic-\$2,086.32-smcs; Central NE Bobcat-\$8,194.18-smcs,co; CFA Software-\$2,995.00-smcs; Chemsearch-\$307.00-smcs; Chesterman Co-\$119.00-smcs; Cintas-\$269.71-smcs; City of Ky-\$15,404.71-smcs,ps; Civic Plus-\$716.63-smcs; Clean Air Concepts-\$73.21-smcs; Colorado Chapter Int'l Code-\$412.00-smcs; Community Action Partnership-\$814.00-smcs; Comprehensive Health-\$25.79-smcs; Compute North-\$7,656.34-smcs; Consolidated Mgmt.-\$25.36-smcs; Construction Rental-\$935.64-smcs,co; Control Yours-\$200.00-smcs; Copycat-\$183.02-smcs; Core & Main-\$797.16-smcs; Country Partners-\$17,631.81-smcs; Credit Mgmt.-\$88.03-ps; Culligan-\$381.10-smcs; Cummins-\$200.24-smcs; Custom Rental -\$213.28-smcs; Danko Emergency-\$195.70-smcs; Dawson Public Power-\$17,503.06-smcs; Daylight Donuts-\$41.50-smcs; Dell-\$2,253.30-smcs; Dept. of Education-\$513.34-ps; Dish-\$2,965.37-smcs; Divas Floral-\$112.35-smcs; Doland Consulting-\$145.00-smcs; Don's Hobby Guns-\$949.10-smcs; Don's Pioneer Uniform-\$642.97-smcs; Dr. Brad Rogers-\$190.00-ps; Drivers License Guide Co.-\$29.95-smcs; Eakes-\$985.83-smcs; Ecolab-\$80.26-smcs; Ed

Broadfoot & Sons-\$3,110.09-smcs; Ed's Wire Rope-\$101.06-smcs; Elliott Equipment-\$5,041.08-smcs; Embassy Suites-\$493.12-smcs; Emblem Authority-\$170.00-smcs; EMC Insurance-\$1,639.68-smcs; Entenmann-Rovin-\$1,639.50-smcs; Enterprise-\$84.35-smcs; Ereplacementparts.com-\$13.69-smcs; Estes,B-\$57.00-smcs; Eustis Body Shop-\$200.00-smcs; Eyemed-\$1,237.65-smcs; Facebook-\$9.05-smcs; Farmers Union-\$675.00-smcs; Fastenal-\$722.84-smcs; FBI Nat'l Academy-\$125.00-smcs; Fedex-\$218.24-smcs; Frontier-\$7,125.60-smcs; Gale Cengage-\$244.91-smcs; Galeton-\$1,205.33-smcs; Galls-\$159.87-smcs,ps; Garrett Tires-\$2,555.54-smcs; Global Industrial-\$111.46-smcs; Grainger-\$1,188.30-smcs; Grand Island Physical Therapy-\$45.00-ps; Great Plains Motorcycle-\$187.00-smcs; Greater NE Cities-\$1,000.00-smcs; Hach-\$448.46-smcs; Hahn,S-\$900.00-smcs; Headsetplus.com-\$371.02-smcs; Heartland Events Center-\$2,472.50-smcs; Highland Park-\$1,866.99-smcs; Hobby-Lobby-\$366.08-smcs; Holiday Inn-\$10,489.40-smcs; Holmes Plumbing-\$201.27-smcs; Home Depot-\$516.45-smcs; Hotels.com-\$733.33-smcs; Hotsy Equipment-\$10,200.00-co; Huerta's Upholstery-\$145.00-smcs; Hy-Vee-\$249.13-smcs; ICMA-\$6,813.51-ps; IDsecurityonline.com-\$54.51-co; Int'l Assn. Cemetery -\$349.00-smcs; Int'l Assn. of Fire-\$240.00-smcs; Int'l Assn. Property & Evidence-\$100.00-smcs; Invoicehome.com-\$5.00-smcs; IRS-\$163,655.32-ps; J&A Traffic -\$1,185.00-smcs; Jack Lederman-\$693.77-smcs; Jack's Uniforms-\$2,810.45-smcs; JMAC Supply-\$282.42-smcs; Joann Stores-\$55.39-smcs; Johnson,D-\$195.00-smcs; Johnstone Supply-\$53.02-smcs; JP Park Wayside-\$82.31-smcs; K&K Clean-\$89.76-smcs; Ky Ace-\$70.23-smcs; Ky Animal Shelter-\$10,000.00-smcs; Ky Car Wash-\$8.00-smcs; Ky Chamber Commerce-\$500.00-smcs; Ky Concrete-\$1,304.89-smcs,co; Ky Equipment-\$111.68-smcs; Ky Hub-\$3,066.51-smcs; Ky Hy-Vee-\$245.00-smcs; Ky Towing-\$200.00-smcs; Ky Visitors Bureau-\$150.00-smcs; Ky Warehouse-\$793.21-smcs; Ky Winlectric-\$38,839.23-smcs,co; Ky Winnelson-\$229.00-co; Kelly Supply -\$669.71-smcs; Konica Minolta-\$983.52-smcs; Labels Direct-\$1,009.00-smcs; Landmark Implement-\$1,860.96-smcs; Law Enforcement Seminars-\$700.00-smcs; Lawn Builders-\$2,859.07-smcs; Lawson Products-\$1,173.72-smcs; Lifeguard Store-\$1,466.80-smcs; LMC Truck-\$749.54-smcs; Lockmobile-\$22.20-smcs; Luke,D-\$90.50-smcs; Mallory Safety-\$114.94-smcs; Market Place Garage-\$22.50-smcs; Marlatt Machine-\$16,841.78-smcs,co; Marriott-\$1,300.65-smcs; Marshalls-\$17.63-smcs; Masterbuilder-\$338.19-smcs; Masters True Value-\$608.52-smcs,co; Matheson-\$26.41-smcs; Menards-\$3,270.05-smcs; Microsoft Store-\$211.88-co; Mid-American Signal-\$2,058.25-smcs; Mid-States Organized Crime-\$250.00-smcs; Midwest Connect-\$447.67-smcs; Midwest Gang Investigators-\$75.00-smcs; Midwest Turf-\$53,988.11-smcs; Miller & Associates-\$58,767.55-smcs,co; Mirror Image-\$351.80-smcs; Moonlight Embroidery-\$642.00-smcs; MOS Equipment-\$399.78-smcs; Motorola-\$55,854.40-co; Mouser Electronics-\$105.24-co; Municipal Supply-\$13,822.86-smcs; Murphy Tractor-\$2,541.66-smcs; My Senior Center-\$1,430.00-smcs; Nat'l Audubon-\$30.00-smcs; Nat'l Geographic-\$39.50-smcs; Navigator Motorcoaches-\$250.00-smcs; NE Arborists Assn.-\$660.00-smcs; NE Aviation-\$375.00-smcs; NE Child Support-\$2,287.35-ps; NE Dept. Environmental-\$150.00-smcs; NE Dept. Revenue-\$39,137.76-smcs; NE Golf Assn.-\$110.00-smcs; NE Library Assn.-\$60.00-smcs; NE Machinery-\$4,372.35-smcs; NE Municipal Utilities-\$686.00-smcs; NE Public Health-\$1,405.00-smcs; NE Rec-\$250.00-smcs; NE Rural Water-\$750.00-smcs; NE Truck Center-\$3,242.27-smcs; Noa Baum Storyteller-\$18.00-smcs; Northern Safety-\$491.04-smcs; Northwestern Energy-\$13,038.02-smcs; Odeys-\$273.90-smcs; Officemax-\$2,063.01-smcs; Officenet-\$438.11-smcs; Olsson -\$29,730.00-co; O'Reilly Auto-\$719.77-smcs; Orscheln-\$317.76-smcs; Overdrive-\$18,000.00-smcs; Paramount-\$200.37-smcs; Parts Town -\$54.69-smcs;

Partwarehouse.com-\$92.30-smcs; Perkins-\$40.00-smcs; Petsmart-\$255.96-smcs; Phillips 66-\$129.56-smcs; Pilot-\$37.95-smcs; Pioneer Industrial-\$999.60-smcs; Pioneer Manufacturing-\$28.45-smcs; Platinum Awards-\$48.95-ps; Platte Valley Auto-\$197.50-smcs; Platte Valley Comm-\$367.04-smcs; Pohlman,K-\$126.32-smcs; Pot O' Gold-\$230.00-smcs; Presto-X-\$313.00-smcs; Probasco,G-\$100.00-smcs; Propay-\$299.00-smcs; Pro-Tint-\$1,575.24-smcs; Provanage-\$1,161.89-smcs; QT-\$32.96-smcs; Quill-\$325.45-smcs; Recorded Books-\$1,701.74-smcs; Recreonics-\$296.26-smcs; Redbox-\$1.96-smcs; Reverse Osmosis-\$54.47-smcs; Roesler,A-\$10.68-smcs; Runza-\$40.00-smcs; S & B Heating-\$571.05-smcs; SCALES-\$1,000.00-smcs; Safety Products-\$101.46-smcs; Sage,P-\$62.10-smcs; Sahling Kenworth-\$6.10-smcs; Sandry Fire Supply-\$2,158.88-smcs; Sanitation Products-\$220,118.00-co; Sapp Brothers-\$17,077.64-smcs; Seiler Instrument-\$807.00-smcs; Shell Oil-\$36.08-smcs; Sherwin Williams-\$229.43-smcs; Shoutbomb-\$402.00-smcs; Shredding Solutions-\$45.00-smcs; Sign Center-\$904.47-smcs; Silverstone Group-\$5,005.75-smcs; Skywest Airlines-\$221,008.33-smcs; Smart Sign-\$91.13-smcs; Society of European Stage-\$460.00-smcs; Spectrum-\$760.49-smcs; Sporting Edge-\$334.94-smcs; State Fire Marshal Training-\$50.00-smcs; Stitch 3-\$98.00-smcs; Stutsman-\$5,490.00-smcs; Sunny Bunny Easter Eggs-\$381.00-smcs; Superior-\$1,658.71-smcs; Target-\$614.18-smcs; TCH Central-\$599.42-smcs; Titan Machinery-\$2,169.60-smcs; Tractor Supply-\$313.77-smcs; Traffic Control-\$3,825.00-smcs; Transcribe.wreally.com-\$26.00-smcs; Transunion-\$114.60-smcs; Tri-Cities Group-\$358.01-smcs; Tri-Tech Nat'l Law-\$420.86-smcs; Trophy Depot-\$26.29-smcs; Turfwerks-\$1,680.91-smcs; Turner Body Shop-\$100.00-smcs; Tyler Technologies-\$8,276.09-co; Union Bank & Trust-\$84,385.57-ps; Unique Management-\$277.45-smcs; United-\$1,750.00-smcs; UNL Agronomy-\$80.00-smcs; USA Comm.-\$349.70-smcs; USPS-\$320.74-smcs; U-Stop-\$23.26-smcs; Vanhorn,W-\$29.56-smcs; Verizon-\$53.49-smcs; Viaero-\$1,276.20-smcs; Volvo Trucks-\$2,537.00-smcs; Walgreens-\$28.58-smcs; Wal-mart-\$1,326.87-smcs,co; Watchguard Video-\$370.00-smcs; Web Network Solutions-\$12.99-smcs; Weis Fire & Safety-\$540.00-smcs; Weller,B-\$138.60-smcs; Wendy's -\$40.00-smcs; Wilco Life-\$10.00-ps; WPCI-\$109.00-ps; WT Cox Subscriptions-\$11,655.56-smcs; Zero Waste USA-\$93.17-smcs; Zoro Tools-\$170.86-smcs; Payroll Ending 02/15/2020 -- \$485,072.47. 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 March 10, 2020 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the proposal to restore the Harmon Park Pool Slide in the amount of \$184,300.00 to Safe Slide Restoration.
5. Accept the bids received for the 2020 Trail Restoration and adopt Resolution No. 2020-25 awarding the bid to Morten Construction, LLC in the amount of \$201,450.00.

RESOLUTION NO. 2020-25

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on February 18, 2020 at 2:00 p.m. for the 2020 Trail Restoration; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was

\$296,700.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Morten Construction, LLC of Kearney, Nebraska in the amount of \$201,450.00 be accepted as the lowest responsible bid for the 2020 Trail Restoration.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer's recommendation is hereby accepted, that Morten Construction, LLC be and is the lowest responsible bidder for the 2020 Trail Restoration to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Morten Construction, LLC in the amount of \$201,450.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$296,700.00 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 25TH DAY OF FEBRUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution No. 2020-26 approving Application for Payment No. 7 in the amount of \$36,019.50 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for 2019 Part 1 Improvements; Younes Center Sixth Addition for the construction of water and sewer infrastructure (Bid A).

RESOLUTION NO. 2020-26

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with 2019 Part 1 Improvements; Younes Center Sixth Addition for construction of water and sewer infrastructure (Bid A), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 7 in the amount of \$36,019.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ <u>1,302,048.00</u>
Change Order No. 1 (5-28-19)	+ 0.00
Change Order No. 2 (5-28-19)	+ 73,286.00
Change Order No. 3 (7-23-19)	+ <u>58,528.00</u>
Contract Sum To Date	1,433,862.00
Gross Amount Due	1,420,390.00
Retainage (Lump Sum)	- 35,000.00
Amount Due to Date	1,385,390.00
Less Previous Certificates for Payment	- <u>1,349,370.50</u>
Current Payment Due	\$ 36,019.50

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 are hereby accepted and approved.
PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Accept the bids received for the Cherry Avenue Pedestrian Bridge Replacement and adopt Resolution No. 2020-27 awarding the bid to The Diamond Engineering Company in the amount of \$358,130.42.

RESOLUTION NO. 2020-27

WHEREAS, Oak Creek Engineering and the City of Kearney have reviewed the sealed bids which were opened on February 18, 2020 at 2:00 p.m. for the Cherry Avenue Pedestrian Bridge Replacement; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$274,905.00; and

WHEREAS, Oak Creek Engineering and the City have recommended the bid offered by The Diamond Engineering Co. of Grand Island, Nebraska in the amount of \$358,130.42 be accepted as the lowest responsible bid for the Cherry Avenue Pedestrian Bridge Replacement.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer's recommendation is hereby accepted, that The Diamond Engineering Co. be and is the lowest responsible bidder for the Cherry Avenue Pedestrian Bridge Replacement to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of The Diamond Engineering Co. in the amount of \$358,130.42.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$274,905.00 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 25TH DAY OF FEBRUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Approve the Agreement between the City of Kearney and Central Nebraska Auto Club on behalf of Cruise Nite 2020 which describes parking on these public properties that are prohibited on July 18, 2020 beginning at 2:00 a.m. and adopt Resolution No. 2020-28.

RESOLUTION NO. 2020-28

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 Agreement,

on behalf of the City of Kearney, Nebraska, with the Central Nebraska Auto Club, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Accept the Proposals received for the construction of sidewalks and miscellaneous concrete work in City parks and award the Proposal submitted by Tri City Concrete in the amount of \$70,790.00.

10. Adopt Resolution No. 2020-29 approving the addendum to the City of Kearney and Buffalo County Law Enforcement Center Agreement to specifically address a joint City/County impound lot.

RESOLUTION NO. 2020-29

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 Addendum to the City of Kearney and Buffalo County Law Enforcement Center Agreement, on behalf of the City of Kearney, Nebraska, with Buffalo County, Nebraska, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Approve the Real Estate Purchase and Transfer Agreement between the City of Kearney and Diamond Rentals, LLC and Mead Rentals, LLC for a tract of land being Lot 1, Patriot Second Subdivision, a subdivision being part of the Southeast Quarter of the Northwest Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Southwest Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and adopt Resolution No. 2020-30.

RESOLUTION NO. 2020-30

WHEREAS, on August 14, 2018, City Council approved Resolution No. 2018-132 and Ordinance No. 8276 approving the real estate purchase agreement and sale of property described as a tract of land being Lot 1, Patriot Second Subdivision, a subdivision being part of the Southeast Quarter of the Northwest Quarter, part of the Southwest Quarter of the Northeast Quarter, part of the Northeast Quarter of the Southwest Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska to Diamond Rentals, LLC and Mead Rentals, LLC; and

WHEREAS, as part of the purchase agreement, Diamond Rentals, LLC and Mead Rentals, LLC, were to meet specific requirements outlined in the agreement; and

WHEREAS, City staff have recently had discussions with Diamond Rentals, LLC and Mead Rentals, LLC, who have agreed to let the City of Kearney reacquire the property for the same purchase price paid in 2018 (\$250,000) due to the inability of Diamond Rentals, LLC and Mead Rentals, LLC to fulfill the obligations due to other demands in their business; and

WHEREAS, it has been proposed that Diamond Rentals, LLC and Mead Rentals, LLC agree to the sale of this parcel of land, as shown on the Real Estate Purchase and Transfer Agreement between the City of Kearney and Diamond Rentals, LLC and Mead Rentals, LLC;

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager be and is hereby authorized and directed to execute the Real Estate Purchase and Transfer Agreement on behalf of the City of Kearney, as shown on Exhibit "A", attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. Adopt Resolution No. 2020-31 approving the Joint City of Kearney and Buffalo County Shooting Range Agreement for joint operation and management of the shooting range facility for law enforcement purposes only between the City of Kearney and Buffalo County, Nebraska.

RESOLUTION NO. 2020-31

WHEREAS, the City of Kearney and Buffalo County, Nebraska desire to enter into a Joint City of Kearney and Buffalo County Shooting Range Agreement for joint operation and management of the shooting range facility for law enforcement purposes only on property described as tract of land being part of the Northwest Quarter of Section 1, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and

WHEREAS, the City of Kearney and Buffalo County, Nebraska will enter into a Joint Agreement that will address the respective rights and responsibilities including the financial requirement of each party.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Joint City of Kearney and Buffalo County Shooting Range Agreement on behalf of the City of Kearney. A copy of the Agreement, marked as Exhibit "A" is attached hereto and made a part hereof be reference.

PASSED AND APPROVED THIS 25TH DAY OF FEBRUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

ANNUAL FINANCIAL REPORT

Mayor Clouse opened for discussion the City of Kearney Annual Financial Report prepared by the accounting firm of KSO CPAs + Advisors.

Mindy Oman with KSO CPAs + Advisors presented this matter to the Council. Ms. Oman stated her firm had audited the financial statements of the City that were prepared by the Finance Department as of September 30, 2019. Ms. Oman stated that in the opinion of the firm, the audit was presented fairly, which was a clean opinion.

She presented a few highlights of the statements: The assets of the City exceeded its liabilities by \$263,000,000 at the end of the year; of this amount \$32,400,000 is unrestricted and can be used to meet the City's ongoing obligations. The City's net position increased by \$8,900,000 over the prior year. The City's debt increased by \$973,000 during the year. The new debt included the purchase of a new traffic signal emergency response detection system, to pay for various street improvements and a few of the different Districts, to pay the costs of a new Solids Dewatering Facility and improvements to the Wastewater Treatment Facility and finally to pay the cost of extending the water and sanitary sewer collection systems. The major capital improvement projects completed were adding playground equipment and an accessible sports field to Patriot Park, several paving and water improvement projects, the Downtown Revitalization Phase II project and Memorial Field light replacement project. Overall Ms. Oman feels the City is in great shape.

Mayor Clouse thanked Ms. Oman and KSO CPAs + Advisors and Finance Director Wendell Wessels for all the work they have done.

Moved by Lear seconded by Clouse to approve the City of Kearney Annual Financial Report prepared by the accounting firm of KSO CPAs + Advisors. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried.

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Moore that the Open Account Claim in the amount of \$94,876.20 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Moore. Nay: None. Clouse abstained. Buschkoetter absent. Motion carried.

VII. REPORTS

Council Member Nikkila thanked the road crews for all of their hard work.

Council Member Tami Moore stated she attended the League of Municipalities meetings in Lincoln yesterday and felt very proud as they use Kearney as an example for a lot of good things.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:44 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Lear. Nay: None. Buschkoetter absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**