

*Kearney, Nebraska  
November 24, 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 November 24, 2020 in the Council Chambers at City Hall. Present were: Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: Stanley A. Clouse, President of the Council. Michael Morgan, City Manager; Michael Tye, City Attorney and Eric Hellriegel, Assistant City Manager; were also present.

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

## **I. ROUTINE BUSINESS**

### **INVOCATION/MOMENT OF SILENCE**

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

### **PLEDGE OF ALLEGIANCE**

Vice-President Buschkoetter and Council members led the audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

Vice-President Buschkoetter 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**

#### **DEVELOPMENT OF TECH ONE THIRD LOCATED AT 3215 GLOBAL DRIVE PLACE**

Vice-President Buschkoetter stated Public Hearings 1 thru 3 pertaining to development of Tech One Third Subdivision located at 3215 Global Drive Place as submitted by Miller & Associates for the City of Kearney and Compute North NE05, LLC were further postponed on November 10th until tonight's meeting. However, as there is no action planned to be taken regarding these hearings tonight, Public Hearings 1 thru 3 are therefore extinguished and voided (first meeting pertaining to these hearings was October 13, 2020). No further action is needed.

### **IV. CONSENT AGENDA**

Moved by Nikkila seconded by Moore that Subsections 1 through 17 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

1. Approve Minutes of Regular Meeting held November 10, 2020.

2. Approve the following Claims:

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

Agri Coop-\$979.00-smcs; 4imprint-\$2,700.79-smcs; Abos-\$79.00-smcs; Ace Hardware-\$94.85-smcs; Ace Irrigation-\$171.58-smcs; Acushnet-\$2,402.13-smcs; ADB Safegate-\$1,803.88-smcs; Adobe-\$29.99-smcs; Advance Auto Parts-\$58.84-smcs; AED Superstore-\$105.73-smcs; All Makes Auto-\$4,378.18-smcs; All Seasons Uniforms-\$181.50-smcs; Ally B Design-\$75.00-smcs; Altec Industries-\$1,976.71-smcs; Amazon-\$9,185.28-smcs; American -\$73.00-smcs; American Button-\$641.10-smcs; American Red Cross-\$147.50-smcs; Apple-\$0.99-smcs; Apple Market-\$25.51-smcs; Aramark Uniform-\$366.36-smcs; Arrow Seed-\$115.50-co; Arrowhead Scientific-\$695.40-smcs; Ask Supply-\$2,066.12-smcs; Assn. Threat Assessment-\$140.00-smcs; Athletic Stuff-\$94.99-smcs; Aurora Coop-\$2,054.21-smcs; Auto Value-\$411.70-smcs; B&H Photo-\$2,753.80-smcs; co; Baker & Taylor-\$5,125.07-smcs; Ballast Shop-\$258.20-smcs; Barney Insurance-\$28,006.00-smcs; Belson Outdoors-\$636.59-smcs; Benner,J-\$100.00-smcs; Bettles,T-\$362.50-smcs; Blackburn Manufacturing-\$97.07-smcs; Blackpoint Tactical-\$99.08-smcs; Blackstone Publishing-\$243.98-smcs; Blessing-\$88,102.53-co; Blick Art-\$42.73-smcs; Block,C-\$125.00-smcs; Bloomfield,A-\$100.00-smcs; Blue to Gold-\$318.00-smcs; BlueCross BlueShield-\$247,210.70-smcs; Border States-\$96.56-smcs; Bosselman-\$28,671.15-smcs; Bridgett Lavene Consulting-\$3,333.00-smcs; Broadfoot Sand & Gravel-\$1,380.00-smcs; Buffalo Co. Sheriff-\$220.00-smcs; Buffalo Outdoor Power-\$570.52-smcs; Builders-\$936.26-smcs; Byrn,S-\$200.00-smcs; Call's Heating-\$2,500.00-smcs; Camera Doctor-\$49.85-smcs; Card My Yard-\$340.00-smcs; Carquest-\$87.11-smcs; Casanova,K-\$100.00-smcs; Casey's-\$36.03-

smcs; Cash-Wa-\$1,077.87-smcs; CBA Lighting-\$1,109.61-smcs; CDW-\$101.50-co; Central Hydraulic -\$583.37-smcs; Central NE Bobcat-\$1,987.09-smcs; Central NE Rehab-\$45.00-ps; Central State Wire-\$1,713.54-smcs; Century Lumber Center-\$1,175.00-smcs; Chemsearch-\$307.00-smcs; Chesteman-\$90.00-smcs; Cintax-\$288.16-smcs; City Glass-\$855.00-smcs; City of Ky-\$295,537.83-smcs,co; City of Ky-\$11,616.72-ps; City Plumbing-\$775.00-smcs; CKO Dashlane-\$59.99-smcs; CNA Surety-\$80.00-smcs; Comm Act Part. Mid-NE-\$333.00-smcs; Computer Hardware-\$348.95-co; Consolidated Mgmt.-\$130.35-smcs; Construction Rental-\$661.58-smcs,co; Control Yours-\$200.00-smcs; Cooley,T-\$100.00-smcs; Copycat-\$196.96-smcs,co; Core & Main-\$1,048.79-smcs; Country Inn & Suites-\$350.24-smcs; Country Partners-\$21,639.52-smcs; Cranebinder-\$374.87-smcs; Credit Mgmt. Services-\$95.19-ps; Crown Awards-\$201.53-smcs; Culligan-\$156.00-smcs; Cummins-\$5,545.50-smcs; D & K Products-\$19,753.50-smcs; D&D Industries-\$200.00-smcs; Dan Willis-\$10.00-smcs; Dan's Plumbing-\$97.50-smcs; Data Power Technology-\$311.00-smcs; Davis Equipment-\$1,513.29-smcs; Dawson Public Power-\$35,545.64-smcs; Daylight Donuts-\$62.25-smcs; Del City-\$533.05-smcs; Dell-\$755.32-smcs; Deterdings-\$47.68-smcs; Diamond Engineering-\$62,135.32-co; Dish-\$128.05-smcs; Displays 2 Go-\$445.17-co; DLT Solutions-\$3,646.06-smcs; Dollar General-\$7.49-smcs; Domain Reg-\$190.00-smcs; Don's Pioneer Uniform-\$599.38-smcs; DPC Industries-\$7,200.24-smcs; DRI printing-\$172.45-smcs; Duffek,J-\$100.00-smcs; Eakes-\$540.27-smcs; Ebay-\$85.92-smcs; Ecolab-\$160.52-smcs; Ed Broadfoot & Sons-\$366.00-smcs; Eddy,S-\$100.00-smcs; Ehrlich-\$57.00-smcs; Elliott Equipment-\$1,674.54-smcs; Emblem Authority-\$368.00-smcs; EMC Insurance-\$2,665.87-smcs; Engineered Controls-\$1,995.00-smcs; Enterprises-\$1,247.66-smcs; ERC Wiping-\$266.24-smcs; Eurofins Eaton-\$2,520.00-smcs; Events & Exhibitions-\$196.00-smcs; Expression Wear-\$76.00-smcs; Eyemed-\$1,256.00-smcs; Facebook-\$35.00-smcs; Family Fresh-\$29.90-smcs; Farmers Union-\$390.00-smcs; Fastenal-\$532.08-smcs; FBI Nat'l Academy-\$350.00-smcs; Feltz,B-\$100.00-smcs; Fiddelke-\$63.09-smcs; Foxit Software-\$278.00-smcs,co; Francescato,D-\$100.00-smcs; Friesen Chevrolet-\$374.97-smcs; Frontier-\$7,205.69-smcs; Fuller,L-\$96.24-smcs; Gale/Cengage-\$128.99-smcs; Galeton-\$637.34-smcs; Galls-\$273.83-ps; Gargan,K-\$200.00-smcs; Garrett Tires-\$11,610.18-smcs; Gaston,R-\$200.00-smcs; Gear for Spots-\$2,687.95-smcs; GIH Global-\$202.33-smcs; Gillming,K-\$100.00-smcs; Glock Professional-\$750.00-smcs; Glow Universe-\$301.28-smcs; Goodwin Tucker-\$651.40-smcs; Graczyk Lawn-\$770.00-smcs; Graham Tire-\$3,752.00-smcs; Grainger-\$1,698.17-smcs; Great Plains Motorcycle-\$214.40-smcs; Gruntorad,H-\$121.21-smcs; Hach-\$776.97-smcs; Hall,H-\$100.00-smcs; Hardwick,J-\$20.23-smcs; Hidden Hills Repair-\$80.50-smcs; Hobby Lobby-\$291.16-smcs; Holmes Plumbing-\$1,886.16-smcs,co; Home Depot-\$11,609.84-smcs; Hooker Brothers-\$1,045.00-smcs; Horton,M-\$100.00-smcs; Hotsy Equipment-\$10,200.00-co; Hubbard,O-\$100.00-smcs; Hubbert,B-\$17.46-smcs; Hy-vee-\$154.95-smcs; IACP-\$50.00-smcs; IAEL-\$712.00-smcs; ICMA-\$6,906.90-ps; Inland Truck Parts-\$466.37-smcs; Invoice Home-\$5.00-smcs; Iowa Library Assn.-\$100.00-smcs; IRS-\$158,917.23-ps; J.I.L. Asphalt Paving-\$49,085.93-co; Jack Lederman-\$3,780.38-smcs; Jackson Services-\$377.35-smcs; Jensen,E-\$100.00-smcs; Jimmy Johns-\$120.00-smcs; John E. Reid & Assn.-\$2,370.00-smcs; Johnson Landscaping-\$1,208.88-smcs; Johnson,R-\$100.00-smcs; Johnstone Supply-\$153.12-smcs; Ky Ace & Garden-\$58.50-smcs; Ky Animal Shelter-\$110,000.00-smcs; Ky Chamber Comm.-\$365.00-smcs; Ky Comm. Found.-\$85.00-smcs; Ky Concrete-\$5,895.18-co; Ky Crete & Block-\$887.24-smcs; Ky Habitat Humanity-\$200.00-smcs; Ky Jubilee Center-\$20.23-smcs; Ky Noon Rotary-\$140.00-smcs; Ky Power Sports-\$792.27-

smcs; Ky Quality Sew-\$52.96-smcs; Ky Regional Medical-\$215.00-smcs; Ky Tire-\$682.60-smcs; Ky Towing-\$2,335.00-smcs; Ky Warehouse-\$741.70-smcs; Ky Winlectric-\$4,485.18-smcs,co; Ky Winnelson-\$827.79-smcs; Kelly Supply-\$2,689.61-smcs; Kennedy,A-\$200.00-smcs; Kewanna Screen Printing-\$134.00-smcs; Kile,S-\$100.00-smcs; Kimball Midwest-\$315.05-smcs; Kiplinger Tax Letter-\$76.00-smcs; Kneher,G-\$200.00-smcs; Konica Minolta-\$363.47-smcs; Kraenow,B-\$100.00-smcs; Kraus,S-\$145.45-smcs; Kussmaul Electronics-\$743.67-smcs; Lake Mac Properties-\$70.89-smcs; Landmark Implement-\$2,303.86-smcs; Law Webinar-\$175.00-smcs; Lawson Products-\$238.81-smcs; Layman,K-\$100.00-smcs; Lingelhoeffer,A-\$100.00-smcs; Liquor License Renewal-\$935.73-smcs; Log Me In-\$374.49-smcs; Longleaf Services-\$95.03-smcs; M Golden Pilot -\$925.00-smcs; Maassen,A-\$100.00-smcs; Mac Tools-\$88.43-smcs; Magic Cleaning-\$1,490.00-smcs; Marlatt Machine-\$60.19-smcs; Martin,C-\$100.00-smcs; Masek Golf Car-\$1,100.00-smcs; Mason,K-\$100.00-smcs; Masters True Value-\$498.84-smcs; Matheson Tri-Gas-\$193.14-co; Mathewson,K-\$100.00-smcs; Matt Friend-\$10,568.50-co; Mc2-\$4,179.94-smcs; McCoy,J-\$100.00-smcs; Meier,T-\$145.45-smcs; Melton Sales-\$402.67-smcs; Menards-\$4,313.54-smcs,co; Meyers,D-\$100.00-smcs; Michael Todd-\$3,890.00-smcs; Michaels-\$197.40-smcs; Microsoft Store-\$508.16-smcs,co; Mid-Plains Equipment-\$1,011.00-smcs; Midwest Bus Parts-\$177.39-smcs; Midwest Connect-\$4,279.14-smcs; Midwest Restaurant-\$258.85-smcs; Milco Environmental-\$500.00-smcs; Miller & Associates-\$13,391.20-co; Miller Signs-\$68.75-co; Miller,I-\$100.00-smcs; Mirror Image-\$745.52-smcs; Moonlight Embroidery-\$2,358.50-smcs; Morten Construction-\$104,901.74-co; Municipal Supply-\$17,531.68-smcs; Murphy Tractor-\$665.52-smcs; Nat'l Victim Assistant-\$100.00-smcs; NE Child Support -\$1,517.12-ps; NE Dept of Labor-\$467.90-ps; NE Dept. Revenue-\$71,233.52-smcs; NE Golf Association-\$9,600.00-smcs; NE Machinery-\$7,559.65-smcs; NE Peterbilt-\$50.18-smcs; NE Safety & Fire-\$180.00-smcs; NE Statewide Arboretum-\$130.00-smcs; NE Truck Center-\$8,783.21-smcs; Nebraskaland Distributors-\$174.00-smcs; Nelson,T-\$100.00-smcs; NFPA-\$1,575.00-smcs; NI LCC NE-\$47.87-smcs; NIPR-\$55.00-smcs; Northern Tool-\$367.98-smcs; Northwest Electric-\$1,585.84-smcs; Northwestern Energy-\$1,215.25-smcs; Novus Windshield-\$45.00-smcs; Nutrien Ag-\$3,187.90-smcs; NWAGA-\$30.00-smcs; Obermeier,M-\$100.00-smcs; Office Max-\$952.56-smcs; Officenet-\$190.20-smcs; Onnen,L-\$100.00-smcs; Oregon Chapter-\$205.00-smcs; O'Reilly Automotive-\$4,328.52-smcs; Orscheln-\$763.41-smcs; Orshkov,N-\$100.00-smcs; OTC Brands-\$184.45-smcs; Outdoor Recreation Prods.-\$1,220.00-co; Overhead Door-\$116.34-smcs; Overturf,T-\$100.00-smcs; Pandorf,M-\$100.00-smcs; Paper Mart-\$87.14-smcs; Paramount-\$67.84-smcs; Pelster,J-\$100.00-smcs; Penworthy-\$106.87-smcs; Pep Co-\$200.00-smcs; Perpetual Plaques-\$274.95-smcs; Phillips 66-\$47.85-smcs; Platinum Awards-\$217.75-smcs, co; Platte River Harley-\$439.59-smcs; Platte Valley Auto Mart-\$44.35-smcs; Platte Valley Comm.-\$413.32-smcs; Pond,S-\$100.00-smcs; Popchart-\$33.45-smcs; Pot O' Gold-\$77.00-smcs; Potter,M-\$100.00-smcs; Ppesource3d.co,-\$260.50-smcs; Precision Locker-\$646.84-co; Presto-X-\$143.00-smcs; Pump & Pantry-\$63.54-smcs; Quill-\$678.17-smcs; Rasmussen Mechanical-\$17,752.00-smcs; Rasmussen,K-\$100.00-smcs; RDG Planning & Design-\$9,828.20-co; Ready Mixed Concrete-\$2,002.50-co; Reams-\$1,274.52-smcs,co; Recreonics-\$252.01-smcs; Redbox-\$2.14-smcs; Redman's Shoes-\$382.75-smcs; Roesler,A-\$67.40-smcs; Rutt's Heating & A/C-\$250.00-smcs; SA Company-\$26.75-smcs; Safety Products-\$126.49-smcs; Sandry Fire-\$87.00-smcs; Sapp Brothers-\$13,539.04-smcs; Schindler Elevator-\$1,319.40-smcs; See Clear Cleaning-\$739.25-smcs; Sheldon,D-\$75.00-smcs; Shop Toro-\$55.27-smcs; Shur-Co-\$605.78-smcs;

Silverstone -\$5,155.92-smcs; Siteone Landscape-\$1,783.95-smcs; Smartsign-\$2,073.08-smcs; Snap-On Tools-\$161.50-smcs; Snyder,M-\$100.00-smcs; SOS Portable Toilets-\$235.00-smcs; Southwest Solutions-\$940.33-smcs; Spangler Candy-\$282.00-smcs; Spectrum-\$935.70-smcs; Sprinkler Warehouse -\$565.75-smcs; Staab,J-\$15.45-smcs; Staples-\$23.58-smcs; State Electrical Division-\$329.00-smcs; Stehl,J-\$100.00-smcs; Steinbrink Landscaping-\$3,395.76-smcs; Stones,Z-\$18.66-smcs; Stryker Sales-\$661.50-smcs; Stuehm,A-\$32.50-smcs; Stuhr,M-\$100.00-smcs; Stutsman-\$3,294.00-smcs; Summit Sign & Safety-\$516.32-smcs; Sunbelt Rentals-\$310.45-smcs; Superior-\$7,764.56-smcs; Superior Signals-\$1,974.99-smcs; Swanson,E-\$65.95-smcs; Swanson,R-\$100.00-smcs; Swingset Mall-\$75.96-co; Target-\$852.89-smcs; Tech Soup-\$156.00-smcs; Teecoaiqldc-\$53.24-smcs; Teller Co. Sheriff-\$424.80-smcs; Tielke's-\$53.43-smcs; Titan Machinery-\$970.49-smcs; TLO Transunion-\$119.60-smcs; Tool Nut-\$94.15-smcs; Tractor Supply-\$849.35-smcs; Tri City Concrete-\$5,523.13-co; Triple Crown Products-\$5,867.79-smcs; Trobouth,B-\$13.50-smcs; Trugreen-\$255.00-smcs; Toker,K-\$200.00-smcs; Ultra-Chem -\$176.25-smcs; Union Bank & Trust-\$85,511.29-ps; Union Pacific Railroad-\$186.33-smcs; Unique Management-\$196.90-smcs; UPS-\$159.30-smcs; USA Communications-\$194.75-smcs; USGA Membership-\$150.00-smcs; USPS-\$178.95-smcs; Verizon-\$8,271.64-smcs; Village Payment-\$97.85-smcs; Volvo Trucks-\$220.29-smcs; Wal-Mart-\$2,345.45-smcs; Walters,C-\$200.00-smcs; Warrington,D-\$252.00-smcs; Wave Senior Learning-\$60.00-smcs; WCI-\$379.50-ps; Web Network-\$195.93-smcs; Webstaurant Store-\$368.20-smcs; Wilco Life-\$10.00-ps; Wondercheck,E-\$11.35-smcs; Xoom-\$75.99-co; Yanda's-\$67.91-smcs; Zagg-\$52.69-smcs; Zimmerman Printing-\$119.31-smcs. Payroll ending 11/21/2020 -- \$483,684.27. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$\_\_\_\_\_ to the City of Kearney.

3. Receive recommendations of Planning Commission and set December 8, 2020 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-123999 liquor license application and manager application for Michael Freitag submitted by Upper Room Brewery, LLC dba Upper Room Brewery located at 1540 West 56th Street, Suite D.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Ryan Fitch submitted by Thirsty Travelers, LLC dba McCue's Nebraska Taproom located at 2008 Avenue A in connection with their Class CG-122435 liquor license.
6. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-124010 liquor license application and manager application for Alissa Kern submitted by B & B Research & Investment LLC dba The Cup 1919 located at 12 East 21st Street.
7. Accept the bids received for the construction of the Community Tennis Facility and adopt Resolution No. 2020-188 awarding the bid to Brown Construction in the amount of \$7,250,100.

**RESOLUTION NO. 2020-188**

WHEREAS, RDG Planning & Design and the City of Kearney have reviewed the sealed bids which were opened on November 10, 2020 at 2:00 p.m. for the construction of the Community Tennis Facility; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was between \$8,500,000 to \$8,700,000; and

WHEREAS, RDG Planning & Design and the City have recommended the bid offered by Brown Construction of Kearney, Nebraska in the amount of \$7,250,100 be accepted as the lowest responsible bid for the construction of the Community Tennis Facility.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska that the said Engineer’s recommendation is hereby accepted, that Brown Construction be and is the lowest responsible bidder for the construction of the Community Tennis Facility to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Brown Construction in the amount of \$7,250,100 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$8,500,000 to \$8,700,000 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President and Vice-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 24TH DAY OF NOVEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

8. Accept the bids received for the 2020 Part 2 Improvements; 31st Street from D Avenue to G Avenue and adopt Resolution No. 2020-189 awarding the bid to Dan Roeder Concrete in the amount of \$948,280.50.

**RESOLUTION NO. 2020-189**

WHEREAS, Olsson and the City of Kearney have reviewed the sealed bids which were opened on November 17, 2020 at 2:00 p.m. for the 2020 Part 2 Improvements; 31st Street from D Avenue to G Avenue; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$902,494.00; and

WHEREAS, Olsson and the City have recommended the bid offered by Dan Roeder Concrete of Kearney, Nebraska in the amount of \$948,280.50 be accepted as the lowest responsible bid for 2020 Part 2 Improvements; 31st Street from D Avenue to G Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska that the said Engineer’s recommendation is hereby accepted, that Dan Roeder Concrete be and is the lowest responsible bidder for the 2020 Part 2 Improvements; 31st Street from D Avenue to G Avenue to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Dan Roeder Concrete in the amount of \$948,280.50 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$902,494.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President and Vice-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 24TH DAY OF NOVEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

9. Approve the Plans and Specifications for the 2020 Pedestrian Hybrid Beacons involving work associated with the construction of three (3) Pedestrian Hybrid Beacon’s at 4-lane trail crossings at 11th Street, 30th Avenue, & 17th Avenue and set the bid opening date for December 15, 2020 at 2:00 p.m.

10. Approve the proposal to select an airport consultant in connection with engineering services for improvement projects at the Kearney Regional and award the proposal to Alfred Benesch and Company.

11. Adopt Resolution No. 2020-190 approving the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for Airport Improvement Program Project in connection with the Taxilane Rehabilitation and T-Hangars project at the Kearney Regional Airport.

**RESOLUTION NO. 2020-190**

BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Vice-President of the Council be and is hereby authorized and directed to execute the Consultant Agreement with Alfred Benesch and Company for Airport Improvement Program Project in connection with the Taxilane Rehabilitation and T-Hangars project at the Kearney Regional Airport which is being completed with the Corona Aid, Relief, and Economic Security (CARES) Act funds the City of Kearney received from the Federal Aviation Administration (FAA). The Consultant Agreement is subject to FAA concurrence. The Consultant Agreement, marked as Exhibit “A”, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

12. Adopt Resolution No. 2020-191 approving the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for Airport Improvement Program Project in connection with the Parking Lot Expansion project at the Kearney Regional Airport.

**RESOLUTION NO. 2020-191**

BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Vice-President of the Council be and is hereby authorized and directed to execute the Consultant Agreement with Alfred Benesch and Company for Airport Improvement Program Project in connection with the Parking Lot Expansion project at the Kearney Regional Airport which is being completed with the Corona Aid, Relief, and Economic Security (CARES) Act funds the City of Kearney received from the Federal Aviation Administration (FAA). The Consultant Agreement is subject to FAA concurrence. The Consultant Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

**13.** Approve the Plans and Specifications for the 2021 Part 1 Improvements; Rolling Hills Road Bridge Repairs and set the bid opening date for December 15, 2020, 2020 at 2:00 p.m.

**14.** Approve the recommendation submitted by the Keno Application Advisory Committee on the allocation of COVID-19 Community Betterment Grant Awards and adopt Resolution No. 2020-192.

**RESOLUTION NO. 2020-192**

WHEREAS, on October 13, 2020, the City Council approved Resolution No. 2020-167 authorizing the rules and regulations relative to the City of Kearney COVID-19 Community Betterment Grant Program; and

WHEREAS, the City received 51 grant applications totaling \$460,583.75 prior to the November 13, 2020 application submittal deadline.

WHEREAS, the Keno Application Advisory Committee reviewed the grant applications pursuant to the rules and regulations approved by the City Council on October 13, 2020 (Resolution No. 2020-167) and recommends that the not-for-profit organizations receive grant funding as listed on the attached "Exhibit A".

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska that the grant applications as identified in "Exhibit A" be approved, contingent on the receipt of Coronavirus Relief Funds from the State of Nebraska, as recommended by the Keno Application Advisory Committee; and that "Exhibit A" as marked is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

15. Adopt Resolution No. 2020-193 approving the Construction Design and Oversight Agreement with S2O Design and Engineering for the continuation of Phase II Enhancements of the Kearney Water Trail.

**RESOLUTION NO. 2020-193**

WHEREAS, on October 10, 2017, City Council approved the Kearney Whitewater Association’s (KWA) request to develop a conceptual design for Phase II Enhancements to the Kearney Water Trail including more comprehensive cost estimates, detailed design work, and fundraising efforts; and

WHEREAS, on April 24, 2018, City Council approved the Proposal for Design Development and Permitting Services with S2O Design and Engineering for the continuation of Phase II Enhancements of the Kearney Water Trail; and

WHEREAS, with the fundraising nearing completion, the City and KWA are ready to enter into the next Phase II agreement with S2O Design, which includes final design, construction documents, bid assistance, and construction oversight.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Director of Parks and Recreation be authorized and directed to execute the Construction Design and Oversight Agreement for the continuation of Phase II Enhancements of the Kearney Water Trail between the City of Kearney, Nebraska, and S2O Design and Engineering. A copy of the said Agreement, marked as Exhibit “A”, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

16. Adopt Resolution No. 2020-194 approving Application for Payment No. 1 in the amount of \$121,361.50 submitted by Midlands Contracting, Inc. and approved by Miller & Associates for 2020 Part 6 Improvements for 22nd Avenue and 6th Street in connection with Water District Nos. 2020-592 and 2020-593 and Sanitary Sewer Improvement District No. 2020-528 (Bid A, Water/Sewer).

**RESOLUTION NO. 2020-194**

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with 2020 Part 6 Improvements for 22nd Avenue and 6th Street in connection with Water District Nos. 2020-592 and 2020-593 and Sanitary Sewer Improvement District No. 2020-528 (Bid A, Water/Sewer), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$121,361.50 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 331,180.00</u>
Contract Sum To Date	331,180.00
Gross Amount Due	134,846.11
Retainage (10%)	<u>- 13,484.61</u>
Amount Due to Date	121,361.50

Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$ 121,361.50

NOW, THEREFORE, BE IT RESOLVED by the Vice-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 are hereby accepted and approved.

PASSED AND APPROVED THIS 24TH DAY OF NOVEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

**17.** Adopt Resolution No. 2020-195 approving Change Order No. 1 showing a decrease in the amount of \$9,202.90, Application and Certificate for Payment No. 7-Final in the amount of \$19,497.36 and accept the Certificate of Substantial Completion submitted by GD Concrete Construction and approved by Miller & Associates for 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.

#### **RESOLUTION NO. 2020-195**

WHEREAS, GD Concrete Construction Inc. of Overton, Nebraska has performed services in connection with the 2020 Sidewalk ADA Improvements, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing a decrease in the amount of \$9,202.90 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, GD Concrete Construction Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 7-Final in the amount of \$19,497.36 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 399,150.00</u>
Change Order No. 1 (9/22/2020)	0.00
Change Order No. 2 (11/24/2020)	<u>- 9,202.90</u>
Contract Sum To Date	389,947.10
Gross Amount Due	389,947.10
Retainage (5%)	<u>- 0.00</u>
Amount Due to Date	389,947.10
Less Previous Certificates for Payment	<u>370,449.74</u>
Current Payment Due	\$ 19,497.36

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of September 30, 2020, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown on Exhibit "A", Application and Certificate for Payment No. 7-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 24TH DAY OF NOVEMBER, 2020.

ATTEST:

RANDY BUSCHKOETTER

LAUREN BRANDT  
CITY CLERK

VICE-PRESIDENT OF THE COUNCIL

## **V. CONSENT AGENDA ORDINANCES**

None.

## **VI. REGULAR AGENDA**

### **ORDINANCE NO. 8450 – ANNEXATION OF PROPERTY LOCATED SOUTH OF 56TH STREET BETWEEN THE KEARNEY EAST EXPRESSWAY AND AIRPORT ROAD, WEST OF AIRPORT ROAD, NORTH AND WEST OF CESSNA STREET, WEST OF PIPER AVENUE, NORTH OF PATRIOT BOULEVARD, EAST OF CHERRY AVENUE AND KEARNEY EAST EXPRESSWAY**

Vice-President Buschkoetter stated that Ordinance No. 8450 pertains to the annexation of property located South of 56th Street between the Kearney East Expressway and Airport Road, West of Airport Road, North and West of Cessna Street, West of Piper Avenue, North of Patriot Boulevard, East of Cherry Avenue and Kearney East Expressway. Most generally, the City Council generally suspends the rules requiring the reading of ordinances on three different days and moves for final passage. However, in accordance with Section 16-404 of the Nebraska Revised Statutes, "...such requirement shall not be suspended for any ordinance for the annexation of territory." The first reading was held on October 27, 2020 at 5:30 pm. and the second reading on November 10, 2020 at 5:30 p.m. This is the third and final reading of the ordinance.

Council Member Moore moved that Ordinance No. 8450 annexing the following tract of land to be included within the corporate limits: a tract of land being part of the South Half of the Southwest Quarter of Section 21, part of the Northwest Quarter and part of the West Half of the Northeast Quarter of Section 28, part of the East Half of the Northeast Quarter of Section 29, all in Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, Lots 1 and 2, Patriot First Subdivision, a Subdivision being part of the East Half of the Northwest Quarter and part of the West Half of the Northeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and including all of those parts of Cherry Avenue, Avenue A (aka Airport Road), Avenue B (aka Piper Avenue) and 56th Street, lying within the above described lands all in Buffalo County, Nebraska (located South of 56th Street between the Kearney East Expressway and Airport Road, West of Airport Road, North and West of Cessna Street, West of Piper Avenue, North of Patriot Boulevard, East of Cherry Avenue and Kearney East Expressway), be placed on third and final reading by title and that the City Clerk be permitted to read Ordinance No. 8450 on its third and final reading. Council Member Lear seconded the motion to place Ordinance No. 8450 on third and final reading. Vice-President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. City Clerk called the roll which resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. City Clerk read Ordinance No. 8450 by title on third and final reading.

**ORDINANCE NO. 8450**

An Ordinance Of The City Of Kearney, Nebraska, To Extend The Boundaries And Include Within The Corporate Limits Of, And To Annex To The City Of Kearney, Nebraska A Tract Of Land Being Part Of The South Half Of The Southwest Quarter Of Section 21, Part Of The Northwest Quarter And Part Of The West Half Of The Northeast Quarter Of Section 28, Part Of The East Half Of The Northeast Quarter Of Section 29, All In Township 9 North, Range 15 West Of The 6th P.M., Buffalo County, Nebraska, Lots 1 And 2, Patriot First Subdivision, A Subdivision Being Part Of The East Half Of The Northwest Quarter And Part Of The West Half Of The Northeast Quarter Of Section 28, Township 9 North, Range 15 West Of The 6th P.M., Buffalo County, Nebraska And Including All Of Those Parts Of Cherry Avenue, Avenue A (Aka Airport Road), Avenue B (Aka Piper Avenue) And 56th Street, Lying Within And Abutting The Above Described Lands, Entirely Discussed And Described In The Metes And Bounds Legal Provided In Ordinance No. 8450, To Provide Service Benefits Thereto; To Confirm Zoning Classifications; To Repeal All Ordinances And Resolutions Or Parts Thereof In Conflict Herewith; And To Provide For Publication In Pamphlet Form By Authority Of The City Council And Effective Date Of This Ordinance.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8450 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the third reading and final passage of the ordinance, Ordinance No. 8450 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.

**OPEN ACCOUNT CLAIM**

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$105,305.57 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

**VII. REPORTS**

None.

**VIII. ADJOURN**

Moved by Nikkila seconded by Moore that Council adjourn at 5:35 p.m. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. Motion carried.

**ATTEST:**

\_\_\_\_\_  
**RANDY BUSCHKOETTER**  
**VICE-PRESIDENT OF THE COUNCIL**

\_\_\_\_\_  
**LAUREN BRANDT**  
**CITY CLERK**