

***Kearney, Nebraska
December 8, 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 December 8, 2020 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 Tami James Moore. Absent: Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney and Bryan Waugh, Chief of Police, were also present. Members of the media present included: Mike Konz, Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

Mayor Clouse and Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

APPROVE MINUTES

Moved by Moore seconded by Lear that the Minutes of Special Council Meeting of November 17, 2020, Minutes of Regular Council Meeting of November 24, 2020, and Minutes of the Kearney Area Solid Waste Agency Meeting of September 8, 2020. Roll call resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

CERTIFICATE OF VOTE

City Clerk read the following Certificate of Vote from the November 3, 2020 General Election for Kearney City Council by the Buffalo County Election Commissioner's Office:

Stan Clouse	9,749
Jonathan Nikkila	8,618
Bruce Lear	7,516
Jaden Longfellow	5,168

Lisa Poff
Buffalo County Election Commissioner's Office

Moved by Lear seconded by Buschkoetter to accept the Certificate of Vote from the Buffalo County Election Commissioner's Office. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

ADMINISTER THE OATH OF OFFICE

City Clerk administered the Oath of Office to Council Members Stanley Clouse and Bruce Lear (Jonathan Nikkila's Oath of Office will occur on December 15, 2020 due to his absence on December 8, 2020).

NOMINATION FOR PRESIDENT/MAYOR

City Clerk stated that nominations would be received for President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency. Council Member Buschkoetter nominated Stanley Clouse for this position. Hearing no other nominations, nominations were closed. Stanley Clouse is nominated President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency. Roll call for those in favor of Stanley Clouse for President of the Council: Moore, Buschkoetter, Lear. Clouse abstained, Nikkila absent. City Clerk stated the ayes have it and Stanley Clouse is elected President of the Council and Ex-Officio Mayor who will also serve as President of the Kearney Area Solid Waste Agency.

NOMINATION FOR VICE-PRESIDENT

Mayor Clouse stated that nominations would be received for Vice-President of the Council. Mayor Clouse nominated Randy Buschkoetter for this position. Hearing no other nominations, nominations were closed. Randy Buschkoetter is nominated Vice-President of the Council. Roll call for those in favor of Randy Buschkoetter for Vice-President of the Council: Clouse, Lear, Moore. Buschkoetter abstained. Nikkila absent. Mayor Clouse stated the ayes have it and Randy Buschkoetter is elected Vice-President of the Council.

REAPPOINTMENT OF LAUREN BRANDT AS CITY CLERK

Moved by Lear seconded by Buschkoetter to reappoint Lauren Brandt as City Clerk. Roll call resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

None.

IV. CONSENT AGENDA

Moved by Clouse seconded by Moore that Subsections 1 through 6 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

1. Approve Minutes of Regular Meeting held Special Council Meeting of November 17, 2020 and Minutes of Regular Council Meeting of November 24, 2020.

2. Approve the following Claims:

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

Aurora Coop-\$25.52-smcs; Advanced Property-\$3,300.00-smcs; Agri Coop-\$821.08-smcs; Alfred Benesch-\$11,755.09-co; Arch, The-\$75,000.00-smcs; Ask Supply-\$99.04-smcs; AV Fuel-\$13,930.35-smcs; Baker & Taylor-\$4,782.36-smcs; Bergstrom,J-\$212.50-smcs; Beyondtrust-\$4,791.60-smcs; Blackstone Publishing-\$972.35-smcs; Blessing-\$2,411.67-smcs; Bluecross Blueshield-\$50,782.91-smcs; Bosselman-\$17,231.09-smcs; Bravehearts Equine-\$2,000.00-smcs; Bridgett Lavene Consulting-\$2,500.00-smcs; Bruha,M-\$27.88-smcs; Buffalo Co. 4-H-\$9,500.00-smcs; Buffalo Co. Comm. Partners-\$10,000.00-smcs; Cambridge Court-\$175.00-smcs; Carquest-\$66.98-smcs; Cash-Wa-\$2,719.00-co; Center Point Large Print-\$75.96-smcs; Cigna-\$9,826.37-smcs; City of Ky-\$50,840.70-co; City of Ky-\$430,787.37-smcs,ps; CivicPlus-\$160.00-smcs; Coldspring-\$706.30-smcs; Collage Center-\$8,118.00-smcs; Comm. Action Partnership-\$10,000.00-smcs; Comm. Health Agencies-\$101.00-ps; Comm. Service Fund NE-\$58.00-ps; Compasscom-\$225.00-smcs; Compute North-\$29,182.48-smcs; Core & Main-\$11,882.36-smcs; Crane River Theater-\$10,000.00-smcs; Credit Mgmt. Services-\$93.92-ps; Cudaback,J-\$85.00-smcs; Depository Trust-\$27,811.25-ds; Dietz,C-\$68.78-smcs; Dish-\$103.84-smcs; Dorsey,C-\$85.00-smcs; Eakes-\$645.46-smcs; Economic Development-\$10,000.00-smcs; Electronic Systems-\$60.00-smcs; Engineered Controls-\$587.20-smcs; Erickson,J-\$48.53-smcs; Families CARE-\$100.00-smcs; Family Practice-\$502.00-smcs, ps; Farmers Market 365-\$9,480.00-smcs; Fiddelke-\$828.02-smcs; Forever Pink Foundation-\$5,000.00-smcs; Forrest,J-\$1.56-smcs; Fraternal Order Eagles-\$9.00-smcs; Friends Program-\$10,000.00-smcs; Gale-\$428.73-smcs; Gametime-\$129.80-co; Garrett Tires-\$1,693.90-smcs; GD Concrete-\$19,497.36-co; General Traffic Controls-\$758.00-smcs; Glenn,L-\$40.64-smcs; Grand Island

Independent-\$304.25-smcs; Greater NE Cities-\$1,000.00-smcs; Girl Scouts of NE-\$2,500.00-smcs; Grow NE-\$5,000.00-smcs; Hanson,R-\$100.00-smcs; HM Life Insurance-\$60,062.26-smcs; Home Depot -\$2,223.69-smcs; Hometown Leasing-\$1,266.10-smcs; Horizon Designs-\$50.00-smcs; Hot Meals USA-\$10,000.00-smcs; ICMA-\$6,878.63-ps; InfoUSA-\$2,968.00-smcs; IRS-\$172,751.66-ps; Island Supply-\$58.70-smcs; Johnson Controls-\$406.44-smcs; Ky Buffalo Co.-\$10,000.00-smcs; Ky Catholic-\$9,026.00-smcs; Ky Chamber Comm.-\$1,250.00-smcs; Ky Children's Museum-\$10,000.00-smcs; Ky Housing-\$10,000.00-smcs; Ky Hub-\$234.00-smcs; Ky Lions Club-\$10,000.00-smcs; Ky Visitors Bureau-\$10,000.00-smcs; Ky Works-\$10,000.00-smcs; Ky YMCA-\$10,000.00-smcs; Konica Minolta-\$373.68-smcs; Kowalek,G-\$565.12-smcs; Landmark Implement-\$471.76-smcs; Librarica-\$907.35-smcs; Magic Cleaning-\$3,360.00-smcs; McKenna's Rae of Hope-\$10,000.00-smcs; Medicap Pharmacy-\$10,923.00-ps; Menards-\$107.82-smcs; Merryman Performing Arts-\$10,000.00-smcs; Michael Frederick-\$48.00-smcs; Mid American Signal-\$692.86-smcs; Midlands Contracting-\$121,361.50-co; Midwest Connect-\$6,168.87-smcs; Midwest Direct-\$251.94-smcs; Midwest Laboratories-\$806.35-smcs; Midwest Petroleum-\$2,360.00-smcs; Miller Signs-\$5,400.00-smcs; Mosaic -\$9,875.00-smcs; Municode-\$1,349.00-smcs; Murphy Tractor-\$414.80-smcs; NE Child Support-\$1,517.12-ps; NE Dept. Revenue-\$53,729.26-ps; NE Dept. Environment-\$493,737.53-ds; NE Law Enforcement -\$728.00-smcs; NE Library Commission-\$1,500.00-smcs; NE Public Health -\$1,169.00-smcs; New Deal Deicing-\$2,125.00-smcs; New Life Assembly-\$10,000.00-smcs; Nordhues,D-\$17.53-smcs; Northwestern Energy-\$2,158.27-smcs; Oak Creek Engineering-\$4,446.75-co; OCLC-\$764.46-smcs; O'Connor,M-\$37.54-smcs; O'Keefe Elevator-\$806.43-smcs; Olsson-\$12,782.50-smcs,co; Otto Environmental-\$26,069.00-smcs; Outdoor Recreation-\$1,220.00-co; Paramount-\$31.26-smcs; Payflex Systems-\$531.25-smcs,ps; Peerless Machine-\$5,014.99-smcs; Pep Co-\$300.00-smcs; Ping-\$110.88-smcs; Plummer,C-\$8.77-smcs; Police Officers Assn.-\$50.00-smcs; Presto-X-\$283.00-smcs; Prime Comm.-\$602.75-smcs; Rasmussen Mechanical-\$28,115.00-co; Residential Assistance-\$10,000.00-smcs; Rippe,M-\$100.00-smcs; Ruby Tuesday-\$55.89-smcs; S&B Heating-\$791.05-smcs; S&J Construction-\$15,861.30-co; SAFE Center-\$10,000.00-smcs; Salvation Army-\$10,000.00-smcs; Shredding Solutions-\$53.85-smcs; Skiles,D-\$2.27-smcs; South Central NE Agency-\$10,000.00-smcs; Stall,M-\$46.17-smcs; Steinbrink Landscaping-\$4,880.00-smcs; Teammate Mentoring-\$5,500.00-smcs; Thompson,C-\$10.00-smcs; Todco-\$7,200.00-co; Traffic Controls-\$1,650.00-smcs; Tri City Concrete-\$656.20-smcs; Tri-Co Glass-\$2,229.00-smcs,co; Turner Body Shop-\$100.00-smcs; Tye & Rowling-\$14,732.99-smcs; Union Bank & Trust-\$86,338.25-ps; Union Pacific Railroad-\$178.00-smcs; United Way-\$10,321.00-smcs,ps; Village Uniform-\$221.25-smcs; Volaire Aviation-\$2,000.00-smcs; Warren-T Plumbing-\$195.00-smcs; Web,R-\$200.00-smcs; Wells Fargo-\$4,500.00-smcs; World Theater Foundation-\$10,000.00-smcs; Longevity Pay for 2020 \$64,841.49. 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. Accept the bids received for the purchase of a Side Load Refuse Compactor Truck to be used in the Sanitation Division of the Utilities Department and award the bid to Elliott Equipment in the amount of \$270,818.00.

4. Reject the bids received for 2020 Part 3 Improvements; 2nd Avenue Overpass Repairs.
5. Approve the application submitted by Broadfoot Sand & Gravel to extend Conditional Use Permit No. 2005-03 to operate a gravel pumping operation located south of Turkey Creek Second Subdivision for a period of five (5) years.
6. Adopt Resolution No. 2020-196 approving Change Order No. 2 showing an increase in the amount of \$4,133.79 and extending the Date of Substantial Completion to November 5, 2020, Application and Certificate for Payment No. 2-Final in the amount of \$148,845.29 and accept the Certificate of Substantial Completion submitted by Nielsen Contracting and approved by Miller & Associates for the 2020 Part 5 Improvements for the removal and replacement of 11th Street and 2nd Avenue Intersection.

RESOLUTION NO. 2020-196

WHEREAS, Nielsen Contracting, LLC of Kearney, Nebraska has performed services in connection with the 2020 Part 5 Improvements for the removal and replacement of 11th Street and 2nd Avenue Intersection, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 extending the Date of Substantial Completion to November 5, 2020 and showing an increase in the amount of \$4,133.79 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Nielsen Contracting and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$148,845.29 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$260,330.00</u>
Change Order No. 1 (7/28/2020)	0.00
Change Order No. 2 (12/8/2020)	<u>+ 4,133.79</u>
Contract Sum To Date	264,463.79
Gross Amount Due	264,463.79
Retainage (0%)	<u>0.00</u>
Amount Due to Date	264,463.79
Less Previous Certificates for Payment	<u>115,618.50</u>
Current Payment Due	<u>\$148,845.29</u>

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of November 5, 2020, 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. 2, as shown on Exhibit "A", Application and Certificate for Payment No. 2-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 8TH DAY OF DECEMBER, 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

OPEN ACCOUNT CLAIM

Moved by Moore seconded by Lear that the Open Account Claim in the amount of \$9,720.00 payable to Goodwill Industries be allowed. Roll call resulted as follows: Aye: Clouse, Lear, Moore. Nay: None. Buschkoetter abstain. Nikkila absent. Motion carried.

VII. REPORTS

Vice-President Randy Buschkoetter commented he was happy to see Santa on the firetruck with a Police escort today as well as what the City is doing to spread positivity during this unique time, especially during the holidays.

City Manager Mike Morgan noted City employees have had several suggestions on spreading holiday cheer such as assisting with the delivery of Meals on Wheels, creating signage for nursing homes to see through their windows to spread cheer and driving Santa throughout various neighborhoods this week.

Mayor Clouse reminded Council the next Council meeting in December is next Tuesday, December 15th. Mayor Clouse thanked the citizens for doing all they can to slow the spread of COVID.

VIII. ADJOURN

Moved by Clouse seconded by Lear that Council adjourn at 5:40 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**