

*Kearney, Nebraska
January 12, 2021
5:30 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on January 12, 2021 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, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney, Bryan Waugh, Chief of Police, Neil Miller, Buffalo County Sheriff, Jim Davis, Chief of University of Nebraska at Kearney Police Department 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

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.

ORAL COMMUNICATIONS/RECOGNITION

Presentation of the Kearney Police Community Member Distinguished Services Awards from the Kearney Police Department to: (1) Shield 616 Steering Committee whom include Bill and Jackie Luke, Amber Clampitt, Robert and Clarissa Fitzgerald, Keith and Jill Johnson, Jean Kolbo and Jack Wilkins for their efforts with the Shield 616 program and (2) Trevor Brown for his efforts with Fitness for Heroes.

Chief Waugh stated in April of 2018 Bill and Jackie Luke felt the need for police officers and deputies in Kearney and Buffalo Counties to have equipment beyond standard issue when faced with dangerous situations and engaged in conversation with the non-profit organization, Shield 616. The Luke's along with the Shield 616 Steering Committee members, generous community members and various other organizations started an

effort to raise money for the upfitted armor package that included: industry leading all day rifle protection ballistic vests, carriers, ballistic helmets and lifesaving tourniquets. Through the relentless efforts of this group, strong community support and genuine care for law enforcement officers, every member of Kearney Police Department (KPD), Buffalo County Sherriff's Department and the University of Nebraska at Kearney Police Department have been provided this potentially life saving equipment with an approximate total value of over \$200,000.

Bill Luke thanked everyone for the award received and stated the Committee was thankful for the large amount of essential support they had received. Mr. Luke hoped all of the officers felt the support the community has for them. All officers have received their gear.

Mayor Clouse thanked Mr. Luke for his and the Steering Committee's efforts put forth for this project.

Chief Waugh introduced Trevor Brown with Kearney Crossfit. Since 2016, Kearney Crossfit has held Fitness for Heroes in honor of fallen Nebraska Army National Guard member and former Kearney Police Officer Staff Sergeant Jeffrey Hansen. This year, Mr. Brown expanded the event in an effort to partner with the community to raise funds for sporting equipment to be used for a program called Operation N.E.T.S. (Neighborhood Engagement Through Sports). The program helps bridge the gap between police departments and youth in the community by providing sports equipment for officers and local youth to play with; after playing, the officer leaves the equipment, i.e. basketball, football, baseball with the youth to keep. The expanded Fitness for Heroes event included local sponsorship from CHI Good Samaritan Hospital, and enthusiastic efforts from a supportive community as well as the entire Kearney Crossfit family. Approximately \$8,000 was raised and went directly to sporting equipment for the Kearney Police Department Operation N.E.T.S. program. In addition to supporting this great program, Mr. Brown also allows Kearney Police Officers use of Kearney Crossfit free of charge.

Trevor Brown, owner of Kearney Crossfit extended his thanks for the award and stated in speaking with a current Kearney Police Officer, he decided to offer the use of his gym to Kearney Police Officers free of charge. Mr. Brown stated this year; the Fitness for Heroes event included an overnight row-a-thon and bike marathon; he and his staff are excited to keep this program going annually from this year forward.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

None.

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held December 15, 2020.

2. Approve the following Claims:

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

ADB Safegate-\$258.73-smcs; AAA Rents-\$276.88-smcs; Ace Irrigation-\$841.38-smcs; Advance Auto-\$32.09-smcs; Adobe-\$29.99-smcs; Adscreen Group-\$9,350.00-co; Agri Coop-\$522.94-smcs; All City Glass-\$258.85-smcs; All Makes Auto-\$4,576.94-smcs; Allied Electronics-\$1,796.16-smcs; Altec Industries-\$152,789.00-co; Always Bearded-\$79.31-smcs; Amax-\$9.36-smcs; Amazon-\$10,048.41-smcs,co; American-\$23.37-smcs; American Fence Co-\$56,060.00-co; American Planning-\$1,161.00-smcs; American Red Cross-\$30.00-smcs; Antillion,A-\$445.69-smcs; Anythingtruck.com-\$375.28-smcs; Apple-\$0.99-smcs; Apple Market-\$41.28-smcs; Aramark Uniform-\$525.46-smcs; Arcilla,N-\$43.58-smcs; Area Services-\$175.00-smcs; ARFF Working Group-\$95.00-smcs; Arguello,T-\$36.90-smcs; Ask Supply-\$2,658.24-smcs; Aurora Coop-\$25.76-smcs; Aussie Hydraulics-\$70.34-smcs; Auto Anything-\$305.71-smcs; Auto Value -\$244.87-smcs; Avfuel-\$16,146.20-smcs; AWWA-\$1,995.00-smcs; B&H Photo-\$1,658.99-co; Baker & Taylor-\$5,761.40-smcs; Ballard -\$69.98-smcs; Bamford-\$1,175.00-smcs; Barnes & Noble-\$23.50-smcs; Battery Guy-\$87.05-smcs; Bentz,R-\$20.24-smcs; Bien-Aise Enterprises-\$88.67-smcs; Blackstone Publishing-\$2,341.58-smcs; Blue Beam-\$349.00-smcs; BlueCross BlueShield-\$242,690.76-smcs; Border States-\$165.56-smcs; Bosselman-\$40,753.24-smcs; Bridgett Lavene Consult.-\$2,500.00-smcs; Broadfoot's-\$1,340.50-smcs; Brown Construction \$117,165.40 co; BSN Sports-\$631.70-smcs; Buffalo Co. Election-\$2,261.32-smcs; Buffalo Co. Sheriff-\$199,636.25-smcs; Buffalo Co. Treasurer-\$47.16-smcs,co; Buffalo Outdoor Power-\$216.79-smcs; Builders-\$884.77-smcs; Building Code College-\$180.00-smcs; Bullion,G-\$5.17-smcs; C&C Manufacturing-\$2,100.24-smcs; Camera Doctor-\$458.44-smcs; Canva-\$119.40-smcs; Capstone Press-\$4,879.87-smcs; Car Parts -\$24.04-smcs; Carolina GSE-\$4,227.60-co; Carquest-\$577.99-smcs; Cash-Wa-\$893.26-smcs; Cavill,W-\$102.05-smcs; CDW-\$417.50-smcs; Cellebrite-\$289.00-smcs; Center Point -\$75.96-smcs; Central Hydraulic-\$4,488.93-smcs; Central NE Bobcat-\$559.74-smcs; Central States Wire-\$7,358.51-smcs; Certified Power-\$1,303.87-smcs; Chemsearch-\$806.25-smcs; Cigna-\$8,027.11-smcs; Cintas-\$284.91-smcs; City Glass-\$9.30-smcs; City of Ky-\$104,487.17-smcs,ps; City Plumbing-\$81.58-smcs; Cold Spring Granite-\$2,126.30-smcs; Comm Health Agencies-\$96.00-ps; Comm Serv Fund of NE-\$58.00-ps; Compute North-\$25,756.74-smcs; Consolidated Mgmt.-\$165.31-smcs; Construction Rental-\$2,235.00-smcs,co; Control Yours-\$100.00-smcs; Copycat-\$690.52-smcs; Core & Main-\$12,128.26-smcs; Cornhusker Cleaning-\$66.78-smcs; Covert Track Group-\$600.00-smcs; Credit Management-\$278.51-ps; Criminal

Addiction-\$300.00-smcs; Crow,C-\$8.51-smcs; Culligan-\$432.75-smcs; Culver's-\$4.03-smcs; Cummins-\$15,646.30-smcs; Cutter & Buck-\$1,572.78-smcs; Cutting Edge-\$180.00-smcs; D & K Products-\$320.00-smcs; D & M Security-\$70.50-smcs; Daigle Law Group-\$395.00-smcs; Davis Equipment-\$2,363.40-smcs; Dawson Public Power-\$20,300.89-smcs; Dell-\$11,908.32-co; Depository Trust Co.-\$1,934,422.56-ds; Dero Bike Racks-\$98.00-smcs; Dish-\$346.43-smcs; Ditch Witch-\$414.91-smcs; Dmilaco-\$295.32-smcs; Don's Hobby Guns-\$38.97-smcs; Dream Fit Boutique-\$100.00-smcs; Duluth Trading-\$59.48-smcs; Eakes-\$1,412.16-smcs; Earthway Products-\$63.86-smcs; Ebay-\$101.08-co; Echo Electric-\$38.96-co; Ecolab-\$80.26-smcs; Ehrlich-\$57.00-smcs; Elk-O-\$8,805.00-smcs; Elliott Equipment-\$614.12-smcs; Emaint-\$3,060.00-smcs; Emblem Authority-\$485.00-smcs; Emergency Medica -\$134.22-smcs; Enterprise-\$60.56-smcs; ESI-\$2,591.00-smcs; Expression Wear-\$1,983.00-smcs,ps; Eyemed-\$1,269.66-smcs; Facebook-\$8.41-smcs; Fairbanks Scales-\$1,140.00-smcs; Falline Corp.-\$1,164.28-smcs; Farmers Union-\$418.00-smcs; Fastenal-\$1,324.83-smcs; Fedex-\$75.45-smcs; Forensiccon-\$200.00-smcs; Forms Fulfillment Center-\$801.83-smcs; Fort Bend Services-\$14,352.00-smcs; Frontier-\$7,269.20-smcs; Fun Express-\$89.91-smcs; Gale/Cengage-\$6,985.28-smcs; Galls-\$7.06-ps; Gammon Technical -\$61.48-smcs; Garage Door Parts-\$120.70-smcs; Garrett Tires-\$886.50-smcs; Gear for Sports-\$460.67-smcs; Government Finance-\$135.00-smcs; Graham Tire-\$1,312.00-smcs; Grainger-\$5,129.01-smcs,co; Grand Kubota-\$18,240.00-smcs; Grapes,R-\$274.50-smcs; Greater NE Cities-\$1,000.00-smcs; Grube,S-\$628.52-smcs; Haines,J-\$3.63-smcs; Happ,L-\$100.00-smcs; Heggemeyer,L-\$70.00-smcs; HM Life Insurance-\$57,373.92-smcs; Hobby Lobby-\$295.32-smcs; Holmes Plumbing-\$1,221.98-smcs,co; Home Depot-\$8,008.59-smcs,co; Hometown Leasing-\$159.08-smcs; HTS Ag-\$8,399.00-co; Hy-Vee-\$82.13-smcs; IACP-\$1,225.00-smcs; ICMA -\$20,978.43-ps; Ideal Linen-\$905.00-smcs; Ideus,M-\$15.86-smcs; Insite Instrumentation-\$57.00-smcs; Integrated Security-\$3,080.00-smcs; Interlightus-\$332.34-smcs; International Society-\$125.00-smcs; Interstate All Battery-\$212.00-smcs; Int'l Code Council-\$290.45-smcs; Invoice Home-\$5.00-smcs; IRS-\$517,358.18-ps; Jack Lederman-\$34.16-smcs; Jack's Uniforms-\$3,310.46-smcs; JD Industrial-\$430.88-smcs; John E. Reid & Assoc.-\$525.00-smcs; Johnson Controls-\$2,905.00-smcs; Johnson Service -\$8,190.00-smcs; JOPOJR -\$9.32-smcs; JP Cooke-\$13.50-smcs; Just Awards-\$224.00-smcs; Kanopy-\$2,668.00-smcs; Ky Ace-\$19.99-smcs; Ky Animal Shelter-\$20,000.00-smcs; Ky Concrete-\$780.35-smcs; Ky Crete & Block-\$1,828.96-smcs; Ky Hub-\$2,323.91-smcs; Ky Powersports-\$54.95-smcs; Ky Regional-\$505.00-smcs; Ky Tire -\$343.04-smcs; Ky Visitors Bureau-\$114,841.51-smcs; Ky Warehouse-\$642.80-smcs; Ky Winlectric-\$5,994.03-smcs,co; Ky Winnelson-\$187.00-smcs; Kelly Supply-\$747.63-smcs; Kimball Midwest-\$499.70-smcs; King Investments-\$26.72-smcs; Kings III-\$480.06-smcs; Konica Minolta-\$1,671.34-smcs; Kum & Go-\$20.36-smcs; KVFD-\$88,000.00-ps; Labs,D-\$277.06-smcs; Lamp, Ryneerson Assoc.-\$1,750.00-smcs; Landmark Implement-\$307.71-smcs; Lawson Products-\$1,077.44-smcs; Longleaf -\$184.69-smcs; Mac Tools-\$50.90-smcs; Magic Cleaning-\$6,650.00-smcs; Malmkar,E-\$12.40-smcs; Marlatt Machine-\$33.59-smcs; Masek Golf-\$167.60-smcs; Masters True Value-\$149.68-smcs; Matheson-\$116.81-smcs; Mead Lumber-\$172.72-co; Menards-\$9,418.10-smcs,co; Microsoft -\$211.88-co; Mid American Signal-\$22,678.00-smcs; Midlands Contracting-\$134,059.31-co; Midway GM-\$62.20-smcs; Midwest Connect-\$14,613.05-smcs; Midwest Turf-\$2,568.77-smcs; Miller & Associates-\$131,909.53-smcs,co; Miller Signs-\$5,483.08-smcs,co; Mirror image-\$200.00-smcs; Molina,F-\$1,582.79-smcs; Moonlight Embroidery-\$696.75-smcs; Morefilter-\$25.60-smcs; Municipal Supply-\$26,762.55-smcs; Musician Friend-\$416.23-

co; MW #1 Apts-\$563.41-smcs; Myers,C-\$39.61-smcs; Nat'l Assoc.-\$40.00-smcs; Nat'l Fire Arson-\$125.00-smcs; NCH Software-\$30.85-smcs; NE Arboretum-\$145.00-smcs; NE Child Support Payment-\$4,551.36-ps; NE Dept of Revenue-\$106,334.09-smcs,ps; NE Machinery-\$221,042.08-smcs; NE Public Health-\$1,165.00-smcs; NE Safety & Fire-\$497.50-smcs; NE State Fire Marshal-\$600.00-smcs; NE Supreme Court Pub.-\$53.15-smcs; NE Truck Center-\$2,538.31-smcs; NE Water Assoc.-\$525.00-smcs; Neenah Foundry-\$592.00-smcs; Netmotion Wireless-\$6,659.24-smcs; Network Solutions-\$98.95-smcs; New Deal Deicing-\$20,030.00-smcs; Nivel Parts-\$648.58-smcs; NLETC-\$360.00-smcs; Noller Electric-\$1,406.25-smcs; Northern Safety-\$122.90-smcs; Northern Tool-\$1,798.48-smcs; Northwestern Energy-\$3,920.91-smcs; NRG Media-\$820.00-smcs; Oak Creek Engineering-\$2,418.40-co; OCLC-\$764.46-smcs; Officemax-\$1,077.65-smcs; Officenet-\$69.90-smcs; Old Navy-\$62.57-smcs; Olsson-\$13,885.05-co; O'Reilly Auto-\$970.84-smcs; Orscheln-\$248.04-smcs; OTC Brands-\$96.35-smcs; Outdoor Recreation-\$1,025.00-co; Overhead Door-\$357.00-smcs; P.F. Pettibone & Co.-\$531.75-smcs; Paramount-\$99.10-smcs; Parson,S-\$32.80-smcs; Parts Tree-\$68.92-smcs; Parts Warehouse-\$90.19-smcs; Partserv-\$35.91-smcs; Payflex-\$531.25-smcs,ps; Peavey Corp.-\$156.25-smcs; Penworthy-\$207.35-smcs; Pep Co.-\$50.00-smcs; Pet Picks Ups-\$1,371.70-smcs; Petsmart-\$199.96-smcs; Ping-\$425.26-smcs; Platte Valley Auto Mart-\$76.70-smcs; Platte Valley Comm.-\$1,135.55-smcs; POS Portal-\$762.02-smcs; Positive Concepts-\$200.00-smcs; Pot O' Gold-\$77.00-smcs; Power Tech-\$13,373.04-smcs; Ppesource3d.com-\$55.00-smcs; Prestige Flag-\$141.31-smcs; Presto-X-\$400.00-smcs; Priority Mgmt.-\$98.00-smcs; Public Agency Training-\$75.00-smcs; Quill-\$400.04-smcs; Ramirez,P-\$42.99-smcs; RDG Planning-\$14,125.00-co; Real Truck-\$646.26-smcs; Reams-\$1,178.46-smcs; Redbox-\$3.85-smcs; Redman's-\$1,842.27-smcs,co; Rentokil-\$442.00-smcs; Rheome Tree-\$275.00-smcs; Roesler,M-\$102.05-smcs; Rollnrack-\$132.00-smcs; Roxio-\$21.09-co; Safelite Glass-\$217.99-smcs; Safety Products-\$132.51-smcs; Sage,P-\$93.62-smcs; Sagebrook Tire-\$536.78-smcs; Schmitt,A-\$1,006.76-smcs; School District #7-\$1,643.00-smcs; Schumacher Bros Fencing-\$4,720.00-smcs; See Clear Cleaning-\$2,698.75-smcs; Senior Learning-\$30.00-smcs; Sheldon,S-\$61.11-smcs; Sherwin Williams-\$1,652.15-smcs; Shoutbomb-\$402.00-smcs; Shredding Solutions-\$51.15-smcs; Sigma Aldrich -\$629.34-smcs; Sign Center-\$1,050.00-smcs,ps; Siteone Landscape-\$2,411.60-smcs; SLA Corp-\$402.16-smcs; SOS Portable Toilets-\$220.00-smcs; Spectrum-\$875.63-smcs; Speedee Mart-\$11.18-smcs; Sprinkler Warehouse-\$153.90-smcs; Sprint-\$50.00-smcs; Staples-\$916.95-smcs; State Electrical-\$349.00-smcs; Steinbrinks-\$1,179.95-smcs; Stutsman-\$6,588.00-smcs; Sunbelt Rentals-\$186.35-smcs; Super Shine-\$9.50-smcs; Superior-\$7,560.00-smcs; Sutphen-\$2,038.96-smcs; Target-\$279.36-smcs; TCH - Central-\$1,068.92-smcs; Teachers Pay Teachers-\$15.52-smcs; Titan Machinery-\$860.60-smcs; Tractor-Supply-\$738.96-smcs; Transunion-\$150.80-smcs; Tri City Concrete-\$1,160.63-co; Triple Crown-\$660.78-smcs; Turner Body Shop-\$100.00-smcs; Tye & Rowling-\$14,569.42-smcs; Tyler Technologies-\$129,390.55-smcs; Uline-\$249.45-smcs; Union Bank & Trust-\$295,013.62-smcs,ps; Unique-\$134.25-smcs; United Way of Ky-\$321.00-ps; UPS Store-\$59.05-smcs; USA communications-\$194.75-smcs; USPS-\$361.40-smcs; Van Loggerenberg, Tiaan-\$21.56-smcs; Verizon-\$8,412.32-smcs; Video Kingdom-\$356.95-smcs; Village Payment-\$358.70-smcs; Village Uniform-\$194.60-smcs; Vizocom-\$256.69-smcs; Volaire Aviation-\$2,000.00-smcs; VVS-\$104.94-smcs; W.T. Cox Subscriptions-\$11,610.03-smcs; Wal-mart-\$1,476.79-smcs; Wilco Life Ins. Co.-\$20.00-ps; Witkop,J-\$825.00-smcs; World Book-\$999.00-smcs; WPCI-\$557.50-ps; Yant Equipment-\$945.61-smcs; Zimmerman Printing-\$318.50-smcs; Zips Truck-\$21.91-smcs;

Zoro Tools-\$320.99-smcs; Payroll Ending 12/19/2020 -- \$509,913.24; Payroll Ending 01/02/2021 -- \$510,682.68. 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 2020 Pedestrian Hybrid Beacons involving work associated with the construction of three (3) Pedestrian Hybrid Beacon's (PHB) at 4-lane trail crossings at 11th Street, 30th Avenue, & 17th Avenue and adopt Resolution No. 2021-1 awarding the bid to Ensley Electrical Services in the amount of \$218,267.00.

RESOLUTION NO. 2021-1

WHEREAS, Olsson and the City of Kearney have reviewed the sealed bids which were opened on December 22, 2020 at 2:00 p.m. 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

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$147,500.00; and

WHEREAS, Olsson and the City have recommended the bid offered by Ensley Electrical Services of Grand Island, Nebraska in the amount of \$218,267.00 be accepted as the lowest responsible bid for 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.

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 Ensley Electrical Services be and is the lowest responsible bidder 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 to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Ensley Electrical Services in the amount of \$218,267.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$147,500.00 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 12TH DAY OF JANUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

4. Accept the bids received for the 2021 Part 1 Improvements; Rolling Hills Road Bridge Repairs and adopt Resolution No. 2021-2 awarding the bid to Wilke Contracting Corp. in the amount of \$78,959.25.

RESOLUTION NO. 2021-2

WHEREAS, Oak Creek Engineering and the City of Kearney have reviewed the sealed bids which were opened on December 15, 2020 at 2:00 p.m. for the 2021 Part 1 Improvements; Rolling Hills Road Bridge Repairs; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$87,400.00; and

WHEREAS, Oak Creek Engineering and the City have recommended the bid offered by Wilke Contracting Corp. of Kearney, Nebraska in the amount of \$78,959.25 be accepted as the lowest responsible bid for 2021 Part 1 Improvements; Rolling Hills Road Bridge Repairs.

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 Wilke Contracting Corp. be and is the lowest responsible bidder for the 2021 Part 1 Improvements; Rolling Hills Road Bridge Repairs to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Wilke Contracting Corp. in the amount of \$78,959.25 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$87,400.00 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 12TH DAY OF JANUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

5. Appointment of Jonathan Nikkila to serve on the Kearney Visitors Bureau, the appointment of Stanley Clouse and Bruce Lear to serve on the Buffalo County Economic Development Council, and the appointment of Jonathan Nikkila, Tami James Moore and Chuck Ogle to serve on the Joint Airport Zoning Board.

6. Adopt Resolution No. 2021-3 approving Application and Certificate for Payment No. 3 in the amount of \$45,416.40 submitted by Blessing Construction and approved by Miller & Associates for the 2020 Part 7 Improvements; Downtown Asphalt project.

RESOLUTION NO. 2021-3

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2020 Part 7 Improvements for the resurfacing construction of 24th Street from 2nd Avenue to Central Avenue, 23rd Street from 2nd Avenue to 1st Avenue, 22nd Street from 2nd Avenue to Central Avenue, 21st Street from 2nd Avenue to 1st Avenue, North Railroad Street from 5th Avenue to Central Avenue, 1st Avenue from 25th Street to 21st Street, and E Avenue from 25th Street to 23rd Street, and the City’s engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$45,416.40 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 447,590.00</u>
Contract Sum To Date	447,590.00
Gross Amount Due	447,578.00
Retainage (0%)	<u>- 0.00</u>
Amount Due to Date	447,578.00
Less Previous Certificates for Payment	<u>- 402,161.60</u>
Current Payment Due	\$ 45,416.40

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

PASSED AND APPROVED THIS 12TH DAY OF JANUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Iris Glaser submitted by Kearney Lodging LLC dba Ramada Kearney located at 301 2nd Avenue in connection with their CK-096499 liquor license.

8. Adopt Resolution No. 2021-4 approving the revised the Park Rules and Regulations as recommended by the Park & Recreation Advisory Board.

RESOLUTION NO. 2021-4

WHEREAS, on May 8, 1984 the City Council adopted Rules and Regulations for the Park & Recreation Department; and

WHEREAS, on September 13, 2011 the Council adopted Resolution No. 2011-115 approving the revised Rules and Regulations; and

WHEREAS, on June 10, 2014 the Council adopted Resolution No. 2014-107 approving the revised Rules and Regulations; and

WHEREAS, it has become apparent that the Rules and Regulations need to be updated.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska that the Park & Recreation Rules and Regulations be and are hereby revised and adopted. A copy of the Rules and Regulations, marked as Exhibit A is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that Resolution No. 2014-107 be and is hereby repealed.

PASSED AND APPROVED THIS 12TH DAY OF JANUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Adopt Resolution No. 2021-5 approving Application and Certificate for Payment No. 1 in the amount of \$66,622.50, Application and Certificate for Payment No. 2-Final in the amount of \$15,627.50 and accept the Certificate of Substantial Completion submitted by Blessing Construction and approved by RDG Planning and Design for the Early Grading Package for the Community Tennis Facility.

RESOLUTION NO. 2021-5

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the Early Grading Package for the Community Tennis Facility, and City staff and RDG Planning and Design, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$66,622.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$82,250.00</u>
Contract Sum To Date	82,250.00
Gross Amount Due	74,025.00
Retainage (10%)	<u>- 7,402.50</u>
Amount Due to Date	66,622.50
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$66,622.50

WHEREAS, Blessing Construction, City staff and RDG Planning and Design, have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$15,627.50 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 82,250.00</u>
Contract Sum To Date	82,250.00
Gross Amount Due	82,250.00
Retainage (0%)	<u>- 0.00</u>
Amount Due to Date	82,250.00
Less Previous Certificates for Payment	<u>66,622.50</u>
Current Payment Due	\$15,627.50

WHEREAS, the City staff, the Engineer and the Contractor have now certified to the City Clerk that work is completed as of December 18, 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 Application and Certificate for Payment No. 1, 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 12TH DAY OF JANUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Adopt Resolution No. 2021-6 appointing the fulfillment of the terms vacated by Lynn Johnson on the Civil Service Commission and David Brandt on the Downtown Improvement Board.

RESOLUTION NO. 2021-6

WHEREAS, Resolution No. 2005-96 calls for Citizen Board/Commission member appointments to be made by resolution submitted by the Mayor to the City Council for final approval; and

WHEREAS, two (2) vacancies currently exist on certain Boards/Commissions.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following persons, as proposed by the City Manager and Mayor of the City of Kearney, Nebraska, are hereby appointed to the designated Boards/Commissions for the terms indicated:

CIVIL SERVICE COMMISSION

Jason Sharp appointed to fulfill term of Lynn Johnson to July 31, 2023

DOWNTOWN IMPROVEMENT BOARD

Linda Muhlbach appointed to fulfill term of David Brandt to July 31, 2022

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED THIS 12TH DAY OF JANUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2021-7 approving Application for Payment No. 3 in the amount of \$55,207.34 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. 2021-7

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. 3 in the amount of \$55,207.34 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	326,977.00
Retainage (5%)	<u>- 16,348.85</u>
Amount Due to Date	310,628.15

Less Previous Certificates for Payment	<u>255,420.81</u>
Current Payment Due	\$ 55,207.34

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. 3, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 12TH DAY OF JANUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. Adopt Resolution No. 2021-8 approving Change Order No. 4 showing an increase in the amount of \$299.30 and increasing the contract time to reflect a substantial completion date of September 25, 2020, Application and Certificate for Payment No. 2-Final in the amount of \$96,427.66 and accept the Certificate of Substantial Completion submitted by 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. 2021-8

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. 4 showing an increase in the amount of \$299.30 and increasing the contract time to reflect a substantial completion date of September 25, 2020 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. 2-Final in the amount of \$96,427.66 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)	+ 1,735.20
Change Order No. 4 (1/12/21)	<u>+ 299.30</u>
Contract Sum To Date	\$ 183,667.49
Gross Amount Due	183,667.49
Retainage (0%)	<u>0.00</u>
Amount Due to Date	183,667.49
Less Previous Certificates for Payment	<u>- 87,239.83</u>
Current Payment Due	\$ 96,427.66

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of September 25, 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. 4, 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 12TH DAY OF JANUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Adopt Resolution No. 2021-9 approving Application for Payment No. 1 in the amount of \$33,907.03 submitted by Nielsen Contracting and approved by Miller & Associates for 2020 Part 6 Improvements for 22nd Avenue and 6th Street in connection with Paving Improvement District Nos. 2020-002 and 2020-003 (Bid B, Paving).

RESOLUTION NO. 2021-9

WHEREAS, Nielsen Contracting of Kearney, Nebraska has performed services in connection with 2020 Part 6 Improvements for 22nd Avenue and 6th Street in connection with Paving Improvement District Nos. 2020-002 and 2020-003 (Bid B, Paving), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$33,907.03 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 379,418.50</u>
Contract Sum To Date	379,418.50
Gross Amount Due	37,674.48
Retainage (10%)	<u>- 3,767.45</u>
Amount Due to Date	33,907.03
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$ 33,907.03

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

PASSED AND APPROVED THIS 12TH DAY OF JANUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8350A AMENDING ORDINANCE NO. 8350 PERTAINING TO PAVING IMPROVEMENT DISTRICT 2019-1000

Council Member Moore introduced Ordinance No. 8350A amending Ordinance No. 8350 pertaining to the creation of Paving Improvement District No. 2019-1000 that was originally approved on June 25, 2019, to retract language stating that the cost of the

improvements for the district shall be assessed and replace with language stating that no special assessments should be levied against owners of abutting property for Paving Improvement District No. 2019-1000 for Yanney Avenue from the northwest corner of Lot 3, E.K. and Mary Yanney Heritage Park Second, thence easterly 250 feet to the northeast corner of Lot 3, thence southerly 248.84 feet to the South line of Lot 3, thence 598.54 feet westerly to the southwest corner of Government Lot 3 in Section 10, Township 8 North, Range 16 West, thence northerly 203.16 feet to the northwest corner of Government Lot 3, thence easterly 316 feet to the northwest corner of Lot 3, E.K. and Mary Yanney Heritage Park Second, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules for Ordinance No. 8350A. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8350A by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8350A be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8350A is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

CONSIDER APPROVAL OF INTERLOCAL AGREEMENT FOR COMMUNICATIONS FINANCING SYSTEM UPGRADE

Mayor Clouse opened for discussion the Resolution No. 2021-10 approving the Interlocal Agreement for Communications Financing and System Upgrade between the County of Buffalo and the City of Kearney to establish an upgraded communications system for joint use by the City and County and addresses financing of the upgrading to the existing communications system.

Bryan Waugh, Chief of Police presented this matter to the Council. Chief Waugh stated the Interlocal Agreement in front of Council today is in reference to an 800-megahertz radio project that the City is entering into with the Buffalo County Sherriff's Office. This project will enhance the communication capabilities within the entire City and County through the addition of the new radio system. The current UHF system equipment and services that go with it are becoming outdated. The new system will allow in building penetration with three (3) towers located in Kearney; the towers will be owned and

managed by Buffalo County. The equipment, or infrastructure of the radio system that will be located in the buildings at the base of the towers, are what the City is partnering with Buffalo County to purchase; the user subscriber units which are the radios carried by officers and located in police cars would be solely owned and the responsibility of each participating agency. The funding listed in the Interlocal Agreement presented this evening, would be for the City's portion of the infrastructure as well as the end user equipment. Funding for the project will be received via a 10-year limited liability bond that was issued through Buffalo County and will be paid annually with other Interlocal Agreements with Buffalo County.

Council Member Buschkoetter thinks this is a great idea and thanked Sheriff Neil Miller for all of his efforts.

Sheriff Miller Neil Miller thanked Council for their support and stated he is very proud of the current and future partnerships that the two departments have. Sheriff Miller feels this is an important change due to some of the current equipment being 30 years old.

Moved by Buschkoetter seconded by Clouse to approve Resolution No. 2021-10 approving the Interlocal Agreement for Communications Financing and System Upgrade between the County of Buffalo and the City of Kearney to establish an upgraded communications system for joint use by the City and County and addresses financing of the upgrading to the existing communications system. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2021-10

WHEREAS, the City of Kearney and Buffalo County, Nebraska, desire to establish an upgraded communications system for joint use as concerns the City and County; and

WHEREAS, an Interlocal Government Agreement has been drafted that addresses financing of the upgrading to the existing communications system used between the County and City and was approved by Buffalo County, Nebraska at their regular Board of Commissioners meeting on December 22, 2020 through Resolution No. 2020-60.

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Interlocal Agreement for Communications Financing and System Upgrade between the City of Kearney and Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 12TH DAY OF JANUARY, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

OPEN ACCOUNT CLAIM

Moved by Clouse seconded by Nikkila that the Open Account Claim in the amount of \$19.80 payable to Goodwill be allowed. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore Lear. Nay: None. Buschkoetter abstained. Motion carried.

Moved by Nikkila seconded by Moore that the Open Account Claim in the amount of \$98,873.55 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council Member Moore thanked Trevor Brown for all he does for the City. Council Member Buschkoetter agreed with Council Member Moore and stated he is impressed with the amount of people who help out in the community.

City Manager, Michael Morgan stated the agreements between the City of Kearney and Buffalo County law enforcement agencies are not the norm and further commented on Sheriff Miller’s technical skills and leadership on this project was tremendous. Mr. Morgan stated this is one of the most important projects in Kearney’s history and noted his appreciation for Sheriff Miller efforts and devotion to this project. Mr. Morgan stated it is a joy to be able to work with the County and extended his appreciation to the County Commissioners on the radio project as well.

Mayor Clouse thanked everyone related to the radio project and noted COVID numbers are decreasing; however, the community needs to remain diligent and continue to look out for one another.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:53 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**