

*Kearney, Nebraska  
January 26, 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 26, 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, and Tami James Moore. Absent: Jonathan Nikkila. Michael Morgan, City Manager and Michael Tye, City Attorney 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**

There were no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

### **CONDITIONAL USE PERMIT TO OPERATE A DAYCARE AT 1718 3RD AVENUE**

Mayor Clouse opened the public hearing on the application submitted by Amy Vinton for B & G Investments LLC (William Diessner) for a Conditional Use Permit to operate a day care on property zoned District R-3, Urban Residential Multi-Family District (Medium

Density) and described as the South 35 feet of Lot 3 and the North 7.5 feet of Lot 4, Block 10, Kearney Land and Investment Company's First Addition to the City of Kearney, Buffalo County, Nebraska (1718 3rd Avenue). Mayor Clouse stated City staff had received a request from the applicant, Amy Vinton, for this application to be withdrawn entirely.

Moved by Moore seconded by Lear to withdraw the application submitted by Amy Vinton for B & G Investments LLC (William Diessner) for a Conditional Use Permit to operate a day care on property zoned District R-3, Urban Residential Multi-Family District (Medium Density) and described as the South 35 feet of Lot 3 and the North 7.5 feet of Lot 4, Block 10, Kearney Land and Investment Company's First Addition to the City of Kearney, Buffalo County, Nebraska (1718 3rd Avenue). Roll call resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

### **CONDITIONAL USE PERMIT TO OPERATE A DAYCARE AT 1934 5TH AVENUE**

Mayor Clouse opened the public hearing on the application submitted by Brittney Seivert for Sprouts Childcare, LLC for a Conditional Use Permit to operate a day care on property zoned District R-3/ND-1, Urban Residential Multi-Family (Medium Density)/Pioneer Park Neighborhood Conservation Overlay District and described as Lot 1, Block 15, West Addition to the City of Kearney, Buffalo County, Nebraska (1934 5th Avenue) and approve Ordinance No. 8460.

Brittney Seivert, Sprouts Childcare, LLC presented this matter to the Council. Ms. Seivert stated the hours of her daycare will be from 6:00a.m. to 6:00p.m. with the potential of up to 12 children total at the daycare throughout the day. Ms. Seivert stated she will be following all DHHS guidelines for licensed daycares and noted DHHS has done a walkthrough of the property once. Ms. Seivert stated she agrees to the terms of the CUP.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the application submitted by Brittney Seivert for Sprouts Childcare, LLC and introduced Ordinance No. 8460 for a Conditional Use Permit to operate a day care on property zoned District R-3/ND-1, Urban Residential Multi-Family (Medium Density)/Pioneer Park Neighborhood Conservation Overlay District and described as Lot 1, Block 15, West Addition to the City of Kearney, Buffalo County, Nebraska (1934 5th Avenue) 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 Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8460. 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. Nay: None. Nikkila absent. 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. 8460 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. Nay: None. Nikkila absent. Motion carried. Ordinance

was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8460 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Moore. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8460 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.

#### **IV. CONSENT AGENDA**

Moved by Clouse seconded by Moore that Subsections 1 through 11 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

1. Approve Minutes of Regular Meeting held January 12, 2021.
2. Approve the following Claims:

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

1000bulbs-\$123.13-smcs; 3cma-\$400.00-smcs; 4imprint-\$263.83-smcs; 5gstore-\$303.70-smcs,co; Ace Irrigation-\$844.38-smcs; Adobe-\$29.99-smcs; Advance Auto-\$23.68-smcs; Advance Media-\$1,800.00-smcs; Agri Coop-\$522.94-smcs; Alert Intern-\$40.00-smcs; All City Garage Door-\$275.00-smcs; All Makes-\$3,395.74-smcs; Amazon-\$14,960.78-smcs,co; American-\$3,025.85-smcs,co; American Legion-\$80.08-smcs; American Library Assn.-\$44.99-smcs; Apple-\$0.99-smcs; Apple Market-\$50.00-smcs; Applied Industrial-\$166.52-smcs; Aramark-\$267.25-smcs; Ask Supply-\$321.21-smcs; Aurora Coop-\$829.78-smcs; Auto Value-\$1,503.61-smcs; Axon Enterprise-\$2,699.10-smcs; Babbitts Online-\$28.99-smcs; Baker & Taylor-\$3,248.34-smcs; Banana Republic-\$143.84-smcs; Baum Hydraulics-\$1,161.78-smcs; Bear Frame & Alignment-\$252.23-smcs; Blackburn Manufacturing-\$295.13-smcs; Blackstone Publishing-\$610.45-smcs; Blackstrap-\$15,996.90-smcs; Blessing -\$132,191.40-smcs,co; Blue to Gold-\$318.00-smcs; BlueCross BlueShield-\$155,809.02-smcs; Boogaarts-\$50.00-smcs; Border States-\$483.24-smcs; Bosselman-\$23,539.58-smcs; Broadfoot's-\$5,376.00-smcs; Buffalo Co. Register Deeds-\$99.05-smcs; Buffalo Outdoor Power-\$735.91-smcs; Builders-\$1,062.27-smcs; Carolina Software-\$650.00-smcs; Carquest-\$190.54-smcs; Casey's-\$10.67-smcs; Cash-Wa-\$518.65-smcs; CBA Lighting-\$1,378.46-smcs; CDW Govt.-\$300.97-smcs; Cengage/Gage-\$108.10-smcs; Central District-\$3,149.00-smcs; Central Hydraulic-\$852.54-smcs; Central NE Bobcat-\$7,535.00-smcs,co; Central States Wire-\$2,548.25-smcs; Chemsearch-\$307.00-smcs; Chicago Books-\$38.50-smcs; Cintas-\$284.94-smcs; City Glass-\$716.00-smcs; City of Ky-\$4,267.73-smcs,co; City Plumbing-\$145.86-smcs; Comm. Action Part. Mid-NE-\$315.00-smcs; Compasscom-\$225.00-co;

Consolidated Mgmt.-\$61.18-smcs; Construction Rental-\$1,790.43-smcs; Control Yours-\$400.00-smcs; Copycat -\$1,044.30-smcs; Country Partners-\$57,869.25-smcs; Crawford,L-\$120.00-smcs; Culligan-\$4,188.00-smcs; Cummins-\$997.82-smcs; Dairy Queen-\$50.00-smcs; Da-Lite Screen Store-\$8,172.86-co; Data Power-\$327.60-smcs; Dawson Public Power-\$24,836.62-smcs; Dell-\$9,305.50-smcs,co; Digicert-\$828.40-smcs; Dish-\$128.05-smcs; Ditch Witch-\$166.90-smcs; Dmilaco-\$169.92-smcs; Dutton-Lainson-\$250.00-smcs; E Replacement Parts-\$23.28-smcs; E Safety Supplies-\$74.42-smcs; Eakes-\$392.79-smcs; Echo Electric-\$1,554.74-smcs,co; Ecolab-\$83.06-smcs; Ehrlich-\$57.00-smcs; Elliot Equipment-\$70.98-smcs; Ellis Wheeler-\$601.32-smcs; EMC Insurance-\$6,969.24-smcs; Enterprise-\$147.91-smcs; Envelopes.com-\$114.86-smcs; Etsy-\$70.52-smcs; Eyemed-\$1,269.66-smcs; Facebook-\$98.49-smcs; Family Fresh Market-\$50.00-smcs; Family Practice-\$91.00-ps; Farmers Union-\$528.00-smcs; Fastenal-\$277.14-smcs; FBI Nat'l Academy-\$350.00-smcs; Federal Signal Safety-\$238.67-smcs; Five Below-\$16.05-smcs; Fleming,D-\$1,400.00 -smcs; Forms Fulfillment Center-\$136.47-smcs; Frontier-\$7,297.45-smcs; Galls-\$37.75-smcs; Gametime-\$6,634.24-co; Garrett Tires-\$4,128.15-smcs; Glass Doctor-\$119.94-smcs; Glock Professional-\$400.00-smcs; Godaddy.com-\$359.76-smcs; Graczyk Lawn-\$5,858.60-smcs; Graham Tire-\$560.00-smcs; Grainger-\$725.97-smcs; Grayshift-\$75.00-smcs; Grey House Publishing-\$2,085.00-smcs; Hall Weapon Systems-\$90.95-smcs; Handcuff Baton Whse.-\$35.20-smcs; Hazard3 Training-\$249.00-smcs; Hebron Consumer-\$122.00-smcs; Heiman Fire Equipment-\$819.15-smcs; Hobby Lobby-\$188.33-smcs; Holmes Plumbing-\$808.29-smcs,co; Home Depot-\$770.94-smcs; Hon Analytics-\$772.00-smcs; IACP-\$190.00-smcs; IAPE-\$420.00-smcs; Idsecurityonline.com-\$54.51-smcs; Intermountain Sales-\$1,837.23-smcs; Int'l Cod Council -\$240.00-smcs; Int'l Institute-\$215.00-smcs; Invoice Home-\$5.00-smcs; Jack Lederman-\$497.14-smcs; Jackson Service-\$347.60-smcs; JJ Keller & Assoc.-\$234.74-smcs; Jr's Western-\$34.99-smcs; Ky Ace-\$492.65-smcs; Ky Chamber Comm.-\$695.00-smcs; Ky Concrete-\$8,213.60-smcs,co; Ky Crete & Block-\$113.96-smcs; Ky Hub-\$1,921.75-smcs; Ky Regional Medical-\$260.98-ps; Ky Tire -\$1,455.00-smcs; Ky Towing-\$429.00-smcs; Ky Warehouse-\$481.45-smcs; Ky Winlectric-\$5,759.32-smcs,co; Kelly Supply-\$359.72-smcs; Konica Minolta-\$228.83-smcs; Landmark Implement-\$1,552.96-smcs; Lawn Mower Parts-\$77.21-smcs; Lawson Products-\$749.26-smcs; Lazzar's Hydraulic-\$28.53-smcs; Little Caesars-\$65.39-smcs; Logan Contractors-\$147.30-smcs; Macqueen Equipment-\$2,906.52-smcs; Magazines.com-\$21.40-smcs; Magic Cleaning-\$400.00-smcs; Mallory Safety-\$283.88-smcs; Marlatt Machine-\$136.86-smcs; Masters True Value-\$670.91-smcs; Matheson-\$83.32-smcs; Matt Friend Truck-\$1,092.00-smcs; Menards-\$9,396.45-smcs; Michaels-\$143.16-smcs; Mid America Signal-\$994.00-smcs; Midland Scientific-\$155.33-smcs; Midlands Contracting- \$55,207.34-co; Midwest Connect-\$273.56-smcs; Midwest Synthetic Turf-\$3,400.00-smcs; Mike Holt Enterprises-\$178.00-smcs; Miller Sims-\$72.00-smcs; Moonlight Embroidery-\$1,015.25-smcs; Municipal Supply-\$17,661.16-smcs; Musician's Friend-\$308.16-co; Nat'l Law Enforcement-\$100.00-smcs; NCL of Wisconsin-\$1,274.36-smcs; NE Dept. of Revenue-\$40,685.57-smcs; NE Dept. Environment-\$16,540.29-smcs; NE Floodplain-\$35.00-smcs; NE Library Assoc.-\$170.00-smcs; NE Library Commission-\$1,189.76-smcs; NE Machinery-\$2,529.36-smcs; NE Municipal Utilities-\$80.00-smcs; NE Park & Rec-\$720.00-smcs; NE Peterbilt-\$133.21-smcs; NE Salt & Grain-\$18,655.35-smcs; NE Truck Center-\$2,149.68-smcs; NE Turf Assoc.-\$540.00-smcs; New Deal Deicing-\$8,037.00-smcs; Nielsen Contracting-\$33,907.03-co; Nielsen,B-\$31.00-smcs; NNA Services-\$35.31-smcs; North Shore Door-\$203.02-smcs; Northwestern Energy-\$10,218.04-smcs;

NRG Media-\$410.00-smcs; OCLC-\$764.46-smcs; Office Max-\$1,523.28-smcs; Officenet-\$47.73-smcs; Old Navy-\$74.33-smcs; Olsson-\$6,922.00-smcs,co; One Call Concepts-\$178.36-co; O'Neill Wood-\$35,165.00-smcs; O'Reilly Auto-\$786.62-smcs; Orscheln-\$195.91-smcs; OTC Brands-\$185.10-smcs; Otterbox-\$64.15-smcs; Overhead Door-\$884.00-smcs; Paramount-\$36.58-smcs; Peavey Corp-\$175.00-smcs; Pep Co.-\$150.00-smcs; Photo Card-\$171.52-smcs; Pitney Bowes-\$1,116.52-smcs; Platte Valley Automart-\$299.70-smcs; Platte Valley Laboratories-\$655.00-smcs; POAN-\$855.00-smcs; Poster My Wall-\$29.95-smcs; Pot O' Gold-\$77.00-smcs; Presto-X-\$99.00-smcs; Pro-Tint-\$140.00-smcs; Provantage-\$266.22-smcs; Quill-\$796.14-smcs; Raynor Garage Doors-\$1,305.00-smcs; Reams-\$111.19-smcs; Red Willow Co.-\$7,842.00-smcs; Redbox-\$7.70-smcs; Reinke's-\$133.25-smcs; Rentokil-\$42.00-smcs; Research & CPE-\$249.31-smcs; RMV Construction-\$96,427.66-co; Rockmount Research-\$151.64-smcs; Roesler,A-\$26.75-smcs; Russell's Appliance-\$854.93-smcs; S&B Heating-\$1,366.90-smcs; Safariland-\$2,685.00-smcs; Sahling Kenworth-\$373.94-smcs; Sandry Fire Supply-\$7,379.00-co; Sanitation Products-\$466.72-smcs; Sani-Tred-\$214.54-smcs; Saylor Screenprinting-\$300.00-ps; Sherwin Williams-\$202.67-smcs; Shredding Solutions-\$45.00-smcs; Sign Warehouse-\$77.86-smcs; Silverstone-\$6,405.92-smcs; Siteone Landscape-\$3,751.34-smcs; SLA Corp.-\$164.52-smcs; Smartsign-\$209.90-smcs; Spectrum-\$1,405.77-smcs; Star Herald-\$250.00-smcs; State Electrical Division-\$253.00-smcs; Steinbrink Landscaping-\$200.00-smcs; Stitch 3-\$28.00-ps; Streakwave Wireless-\$406.83-co; Stryker Sales-\$14,730.00-smcs; Stutsman-\$3,294.00-smcs; Sumuri-\$808.50-smcs; Super Shine Auto-\$22.24-smcs; Superior Signals-\$374.10-smcs; Supply House-\$268.52-smcs; Sutphen Corporation-\$57.40-smcs; Target-\$277.29-smcs; Theror Real Truck-\$134.59-smcs; Titan Machinery-\$457.85-smcs; Tractor Supply-\$429.21-smcs; Transcribe Wreally-\$30.00-smcs; Transunion-\$110.60-smcs; Traveler's Insurance-\$227,755.91-smcs; Tri-Co Glass-\$884.00-smcs; Triple Crown Products-\$17.90-smcs; UAC-\$720.00-smcs; Uline-\$334.35-smcs; Union Bank & Trust-\$1,724.00-smcs; Unique-\$340.10-smcs; Univ. of NE Event-\$320.00-smcs; UPS-\$97.23-smcs; USA Communications-\$686.46-smcs; USPS-\$593.80-smcs; Village Payment-\$142.23-smcs; Visit 531-\$151.56-smcs; Vizo.com-\$250.00-smcs; Vortex Optics-\$89.75-smcs; VVS-\$47.72-smcs; Walgreens-\$29.77-smcs; Wal-mart-\$1,048.54-smcs; WaterLink-\$682.12-smcs; Wave Onsite-\$27.00-smcs; Wave Senior-\$30.00-smcs; WPCI-\$251.00-smcs; Wroblewski,E-\$200.00-smcs; Zabel,A-\$45.46-smcs; Zimmerman Printing-\$310.50-smcs; Payroll Ending 01/16/21: \$467,826.24. 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 February 9, 2021 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2021-11 approving Application for Payment No. 1 in the amount of \$117,165.40 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.

### **RESOLUTION NO. 2021-11**

WHEREAS, Brown Construction of Kearney, Nebraska has performed services in connection with the construction of the Community Tennis Facility, and the City's

engineer, RDG Planning & Design, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$117,165.40 as shown on Exhibit "A" attached hereto and made a part hereof by reference

and as follows:

Original Contract Sum	\$ 7,250,100.00
Contract Sum To Date	<u>7,250,100.00</u>
Gross Amount Due	123,332.00
Retainage (5%)	- <u>6,166.60</u>
Amount Due to Date	117,165.40
Less Previous Certificates for Payment	- <u>0.00</u>
Current Payment Due	\$ 117,165.40

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

PASSED AND APPROVED THIS 26TH DAY OF JANUARY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

5. Adopt Resolution No. 2021-12 approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Brooklyn Licking, Shane Trofholz and Ryan Wheeler.

**RESOLUTION NO. 2021-12**

WHEREAS, Jim Tacha, Chief of the Kearney Volunteer Fire Department, has forwarded names of individuals desiring to serve as a volunteer in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Tacha, the City Council of the City of Kearney, Nebraska hereby finds and determines that said persons listed are fully capable and qualified to serve a membership in the Kearney Volunteer Fire Department; and

WHEREAS, in order to be qualified for benefits in accordance with Sections 48-115, et seq. of the Nebraska Revised Statutes, said volunteer firefighters acting outside the corporate limits of the City must be officially directed to do so in order to be eligible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that the persons recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as members of the Kearney Volunteer Fire Department for the purposes of and in accordance with Section 48-115 of the Nebraska Revised Statutes, and that said members are fully entitled to benefits under the Workers' Compensation Act.

BE IT FURTHER RESOLVED that all of said volunteer firefighters named on Exhibit "A" are hereby specifically authorized and directed to serve outside the corporate limits of the municipality under the direction, orders and authority of the Chief of the Kearney Volunteer Fire Department in accordance with Section 4-204 of the Kearney City Code.

PASSED AND APPROVED THIS 26TH DAY OF JANUARY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

6. Adopt Resolution No. 2021-13 approving the Non-Owned Corporate Hangar Lease Agreement for Hangar T-929 located at the Kearney Regional Airport between the City of Kearney and Home Safety Systems, Inc.

**RESOLUTION NO. 2021-13**

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Non-Owned Corporate Hangar Lease Agreement on behalf of the City of Kearney, Nebraska, with Home Safety Systems, Inc. for Building T-929 located at the Kearney Regional Airport, a copy of the Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 26TH DAY OF JANUARY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

7. Adopt Resolution No. 2021-14 approving the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for the Airport Improvement Program Project in connection with the Terminal Building Expansion project at the Kearney Regional Airport.

**RESOLUTION NO. 2021-14**

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the 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 Terminal Building 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 26TH DAY OF JANUARY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

8. Accept the bids received for the 2021 Part 3 Improvements; 56th Street/Cherry Avenue Sanitary Sewer Infrastructure in connection with Sanitary Sewer Connection District No. 2020-1 and adopt Resolution No. 2021-15 awarding the bid to Midlands Contracting, Inc. the amount of \$561,015.00.

**RESOLUTION NO. 2021-15**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on January 19, 2021 at 2:00 p.m. for 2021 Part 3 Improvements; 56th Street/Cherry Avenue Sanitary Sewer Infrastructure in connection with Sanitary Sewer Connection District No. 2020-1; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$605,135.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Midlands Contracting, Inc. of Kearney, Nebraska in the amount of \$561,015.00 be accepted as the lowest responsible bid for 2021 Part 3 Improvements; 56th Street/Cherry Avenue Sanitary Sewer Infrastructure in connection with Sanitary Sewer Connection District No. 2020-1.

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 Midland Contracting, Inc. be and is the lowest responsible bidder for the 2021 Part 3 Improvements; 56th Street/Cherry Avenue Sanitary Sewer Infrastructure in connection with Sanitary Sewer Connection District No. 2020-1 to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midland Contracting, Inc. in the amount of \$561,015.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$605,135.00 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 26TH DAY OF JANUARY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

9. Accept the bids received for the Wastewater Treatment Plant Phase II; Vehicle Storage Building and adopt Resolution No. 2021-16 awarding the bid to RMV Construction the amount of \$1,516,900.00.

**RESOLUTION NO. 2021-16**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on January 19, 2021 at 2:00 p.m. for Wastewater Treatment Plant Phase II; Vehicle Storage Building; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$1,000,000.00 to \$1,450,000.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by RMV Construction of Kearney, Nebraska in the amount of \$1,516,900.00 be accepted as the lowest responsible bid for Wastewater Treatment Plant Phase II; Vehicle Storage Building.

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 RMV Construction be and is the lowest responsible bidder for the Wastewater Treatment Plant Phase II; Vehicle Storage Building to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of RMV Construction in the amount of \$1,516,900.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$1,000,000.00 to \$1,450,000.00 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 26TH DAY OF JANUARY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

10. Adopt Resolution No. 2021-17 approving Change Order No. 2 showing an increase in the amount of \$50,850.00, Application and Certificate for Payment No. 3-Final in the amount of \$55,148.96 and accept the Certificate of Substantial Completion submitted by Morten Construction, LLC and approved by Miller & Associates for the 2020 Trail Restoration.

**RESOLUTION NO. 2021-17**

WHEREAS, Morten Construction, LLC of Kearney, Nebraska has performed services in connection with the 2020 Trail Restoration, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an increase to the contract sum in the amount of \$50,850.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Morten Construction, LLC and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 3-Final in the amount of \$55,148.96 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows

Original Contract Sum	\$ 201,450.00
Change Order No. 1 (11-10-2020)	+ 13,498.00
Change Order No. 2 (1-26-2021)	+ 50,850.00
Contract Sum To Date	265,798.00
Gross Amount Due	265,978.00
Retainage (2%)	- 0.00
Amount Due to Date	265,798.00
Less Previous Certificates for Payment	- 210,649.04
Current Payment Due	\$ 55,148.96

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work

is completed as of October 20, 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. 3-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 26TH DAY OF JANUARY, 2021.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

11. Accept the bids received for the purchase of a 2022 Dump Truck with a 16-foot Dump Box to be used in the Sanitary Sewer Treatment Division of the Utilities Department and award the bid to Truck Center Companies in the amount of \$136,020.00.

**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 \$80,894.63 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear. Nay: None. Clouse abstained. Nikkila absent. Motion carried.

**VII. REPORTS**

Mayor Clouse questioned if Street Crews would be able to clear the entire Downtown area in one night? Michael Morgan, City Manager stated they are planning to have everything removed in one evening.

**VIII. ADJOURN**

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

ATTEST:

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

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