

Kearney, Nebraska
October 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 October 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; Eric Hellriegel, Assistant City Manager; Bryan Waugh, Chief of Police; Brenda Jensen, Development Services Director; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works and Shawna Erbsen, Administrative Services Director were also present. Jim Davis, UNK Police Director, Lee Ann Purdy, Chairperson of Civil Service Commission, Captain Jeff Roby, Troop C – Nebraska State Patrol and Buffalo County Sheriff Neil Miller 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.

RECOGNITION/ORAL COMMUNICATIONS

Presentation of Flag and Proclamation for Law Enforcement Appreciation Week

Mayor Clouse read the Proclamation for Law Enforcement Appreciation Week. Council Members presented a flag to the Law Enforcement Officers in attendance which included Jim Davis, UNK Police Director, Captain Jeff Roby, Troop C – Nebraska State Patrol, Sheriff Neil Miller and Kearney Police Chief Bryan Waugh.

Chief Waugh thanked Mayor Clouse and Council Members on behalf of the Law Enforcement Departments that were represented this evening and commented that they appreciated the support they receive from the community, the civic groups in Kearney along with the Mayor and City Council, all of the businesses that have contributed to this as well as the Chamber.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

FINAL PLAT AND SUBDIVISION AGREEMENT FOR LAKE VILLA ESTATES FIFTH

Mayor Clouse opened Public Hearing 1 on the application submitted by Trenton Snow for Tracy & Jolynn Cook for the Final Plat and Subdivision Agreement for Lake Villa Estates Fifth. At the request of the Applicant and Developers, Trenton Snow for Tracy & Jolynn Cook, this item has been requested to be postponed to the October 26, 2021 City Council meeting.

Moved by Nikkila seconded by Moore to postpone Public Hearing 1 pertaining to the Final Plat and Subdivision Agreement for Lake Villa Estates Fifth located North of Emerald Drive and East of Tahoe Drive to the October 26, 2021 City Council meeting. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

REZONE PROPERTY LOCATED 1000-FEET WEST OF IMPERIAL AVENUE ALONG EAST HIGHWAY 30

Public Hearings 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Buffalo Surveying Corp. for Prairie View Properties, LLC and Blessing Premier Property, LLC to rezone from District AG, Agricultural District to District M-1, Limited Industrial District for property described as a tract of land being part of the North Half of the Southeast Quarter, part of Government Lot 2 and part of Government Lot 3 located in Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1000-foot West of Imperial Avenue along East Highway 30) and consider Ordinance No. 8518.

Mitch Humphrey with Buffalo Surveying Corporation presented this matter to the Council. Mr. Humphrey described where the property is located and noted the Developer's request to rezone to M-1 is consistent with surrounding property. The development will include Hitchcock Avenue on the west side of the proposed Prairie View Business Park as well as 43rd Street and 45th Street. The Hitchcock Avenue intersection was approved by the State of Nebraska several years ago; the other half of the Avenue is now being platted with 45th Street also being extended to the east to Imperial Avenue to provide traffic flow for the property. The proposed subdivision will consist of six (6) lots ranging from two (2) acres to two and a half (2-1/2) acres and will be served by individual well and septic

systems. Each lot will require approval by the Nebraska Department of Environment and Energy pertaining to the locations of the well and septic systems. A map has been created that future lot owners will need to follow to receive these permits. Each lot will contain their own storm water system and will be installed at the time of development. The streets will be gravel with the exception of the County's requirement of 120-feet of hard surface paving off of the edge of paved roadways and will have ditches constructed to the County's standards. Mr. Humphrey noted proposed Lots Five (5) and Six (6) that abut Highway 30 will not have direct access onto Highway 30; but will instead have access off of the platted public streets contained in the proposed Prairie View Business Park plat.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the application submitted by Buffalo Surveying Corp. for Prairie View Properties, LLC and Blessing Premier Property, LLC and introduced Ordinance No. 8518 rezoning from District AG, Agricultural District to District M-1, Limited Industrial District for property described as a tract of land being part of the North Half of the Southeast Quarter, part of Government Lot 2 and part of Government Lot 3 located in Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1000-feet West of Imperial Avenue along East Highway 30) 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 close the hearing and suspend the rules for Ordinance No. 8518. 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, Nikkila, Moore, Buschkoetter, Lear. 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. 8518 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8518 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8518 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.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR PRAIRIE VIEW BUSINESS PARK

Public Hearings 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Buffalo Surveying Corp. for Prairie View Properties, LLC and Blessing Premier Property, LLC for

the Final Plat and Subdivision Agreement for Prairie View Business Park, a subdivision being part of the North Half of the Southeast Quarter, part of Government Lot 2 and part of Government Lot 3 located in Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the North Half of the Southeast Quarter, part of Government Lot 2 and part of Government Lot 3 located in Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1000-feet West of Imperial Avenue along East Highway 30) and consider Resolution No. 2021-190.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2021-190 approving the Final Plat and Subdivision Agreement for Prairie View Business Park, a subdivision being part of the North Half of the Southeast Quarter, part of Government Lot 2 and part of Government Lot 3 located in Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the North Half of the Southeast Quarter, part of Government Lot 2 and part of Government Lot 3 located in Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (1000-feet West of Imperial Avenue along East Highway 30). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2021-190

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Prairie View Business Park, a subdivision being part of the North Half of the Southeast Quarter, part of Government Lot 2 and part of Government Lot 3 located in Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska for a tract of land being part of the North Half of the Southeast Quarter, part of Government Lot 2 and part of Government Lot 3 located in Fractional Section 27, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of the Southeast Quarter of Section 27 and assuming the Northerly right-of-way line of the Union Pacific Railroad as bearing S 73°08'00" W and all bearings contained herein are relative thereto [such right-of way line being the Northerly line of a strip of land deeded to The State of Nebraska, Department of Roads as described on Quitclaim Deed filed as Instrument 2008-07658, recorded October 20, 2008 in the office of the Register of Deeds of Buffalo County, Nebraska, with said line herein after referred to as "the Northerly right-of-way line of the Union Pacific Railroad"]; thence on the East line of the Southeast Quarter of said Section 27, S 00°05'55" E a distance of 1657.0 feet to the point of intersection with the Northerly right-of-way line of the Union Pacific Railroad; thence leaving the East line of the Southeast Quarter of said Section 27 and on the Northerly right-of-way line of the Union Pacific Railroad, S 73°08'00" W a distance of 724.10 feet to the ACTUAL PLACE OF BEGINNING, said point being the Southeast Corner of a tract described on Warranty Deed filed as Document 2021-04368, recorded June 8, 2021 in the office of the Register of Deeds of Buffalo County, Nebraska; thence continuing on the Northerly right-of-way line of the Union Pacific Railroad and on the Northerly line of the tract of land described on said Warranty Deed filed as Document 2021-04368, S 73°08'00" W a distance of 651.39 feet to the Southwest Corner of the tract of land

described on said Warranty Deed filed as Document 2021-04368, such point being 33.0 feet Easterly of as measured at right angles from the East line of Master's Business Park Second, a subdivision being part of Government Lot 2 and part of Government Lot 3 located in the Southeast Quarter (SE1/4) of Fractional Section Twenty-Seven (27), Township Nine (9) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska; thence continuing on the Northerly right-of-way line of the Union Pacific Railroad, S 73°08'00" W a distance of 34.47 feet to the Southeast Corner of said Master's Business Park Second; thence leaving the Northerly right-of-way line of the Union Pacific Railroad and on the East line of said Master's Business Park Second, N 00°03'23" W a distance of 382.61 feet to the Northeast Corner of said Master's Business Park Second; thence leaving the East line of said Master's Business Park Second, N 89°57'10" W and on the North line of said Master's Business Park Second a distance of 33.0 feet to the Northeast Corner of Lot 1 of said Master's Business Park Second, thence leaving the North line of said Master's Business Park Second on a line being 33.0 feet Westerly of and parallel with the East line of said Master's Business Park Second and 66.0 feet Westerly of and parallel with the West line of the tract of land described on said Warranty Deed filed as Document 2021-04368, N 00°03'23" W a distance of 872.59 feet to a point being 33.0 Northerly of as measured at right angles from the North line of the tract of land described on said Warranty Deed filed as Document 2021-04368; thence on a line being 33.0 feet Northerly of and parallel with the North line of the tract of land described on said Warranty Deed filed as Document 2021-04368, N 89°54'05" E a distance of 688.83 feet to a point being 33.0 feet Northerly from the Northeast Corner of the tract of land described on said Warranty Deed filed as Document 2021-04368, such point also being a point of curvature; thence on a 467.00 foot radius curve to the left forming a central angle of 21°31'04" an arc distance of 175.39 feet to a point of tangency; thence N 68°23'00" E a distance of 210.23 feet to a point of curvature; thence on a 533.00 foot radius curve to the right forming a central angle of 21°31'04" an arc distance of 201.09 feet to a point of tangency; thence N 89°54'05" E a distance of 130.00 feet to a point on the East line of the Southeast Quarter of said Section 27, said point being a distance of 661.18 feet Southerly from the Northeast Corner of the Southeast Quarter of said Section 27; thence on the East line of the Southeast Quarter of said Section 27, S 00°05'55" E a distance of 66.00 feet; thence leaving the East line of said Southeast Quarter of Section 27, S 89°54'05" W a distance of 130.00 feet to a point of curvature; thence on a 467.00 foot radius curve to the left forming a central angle of 21°31'04" an arc distance of 175.39 feet to a point of tangency; thence S 68°23'00" W a distance of 210.23 feet to a point of curvature; thence on a 533.00 foot radius curve to the right forming a central angle of 21°31'04" an arc distance of 201.09 feet to a point on the East line of, and 33.0 feet Southerly from, the Northeast Corner of the tract of land described on said Warranty Deed filed as Document 2021-04368; thence leaving said curve, non-tangent, and on the East line of the tract of land described on said Warranty Deed filed as Document 2021-04368, S 00°05'55" E and parallel with the East line said Southeast Quarter of Section 27 a distance of 991.34 feet to the place of beginning, containing 19.17 acres, more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

BE IT FURTHER RESOLVED that the Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved and that the President of the Council be and is hereby authorized and directed to execute said

agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

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

ATTEST:
LAUREN BRANDT
CITY CLERK

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

DEVELOPMENT OF FOUNTAIN HILLS FOURTEENTH ADDITION

Mayor Clouse opened Public Hearings 4 and 5 on the applications submitted by Miller & Associates for Eagle Gate Partners, LLC, a Delaware Limited Liability Company, as Trustee of the EGC 1 Trust. Public Hearing 4 pertains to (1) vacating all of 52nd Street lying East of the West line of said Fountain Hills Thirteenth Addition, also being the East right of way line of 11th Avenue to the East line of said Fountain Hills Thirteenth Addition; (2) vacating Lot 1 and Lot 2, Block One and Lot 1, Block Two, Fountain Hills Thirteenth Addition; and (3) the Final Plat and Subdivision Agreement for Fountain Hills Fourteenth Addition and Public Hearing 5 is for a Revised Planned District Development Plan Approval for the proposed construction of an apartment and townhome development all located East of 11th Avenue between 50th Street and 55th Street. At the request of the Applicant and Developers, Miller & Associates for Eagle Gate Partners, LLC, a Delaware Limited Liability Company, as Trustee of the EGC 1 Trust, these items have been requested to be postponed to the October 26, 2021 City Council meeting.

Moved by Clouse seconded by Nikkila to postpone Public Hearings 4 and 5 pertaining to the development of Fountain Hills Fourteenth Addition located East of 11th Avenue between 50th Street and 55th Street to the October 26, 2021 City Council meeting. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

IV. CONSENT AGENDA

Mayor Clouse stated the Consent Agenda was amended on Monday, October 11, 2021 by adding Subsection 12.

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

1. Approve Minutes of Regular Meeting held September 28, 2021.
2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental

| | |
|----|----------------|
| CO | Capital Outlay |
| DS | Debt Service |

Agri Coop \$3,330.47 smcs; Alfred Benesch \$128,073.18 co; All Copy Products \$353.54 smcs; All Makes Auto \$2,781.70 smcs; American Fence Co \$2,780.00 smcs; Arrow Seed \$725.59 smcs; Ask Supply \$2,016.89 smcs; Avfuel \$61,801.14 smcs,er; B2 Environmental \$705.00 co; Baird Holm \$144.00 smcs; Baker & Taylor \$1,448.03 smcs; Baughman,J \$53.50 smcs; Beehive \$7,697.00 smcs; Bergmann,M \$6.42 smcs; Big Air \$3,886.71 smcs; Blackstone \$114.99 smcs; BlueCross BlueShield \$129,682.74 smcs; Bosselman \$21,446.35 smcs; Bridgett Lavene Consult. \$2,000.00 smcs; Brown Construction \$602,665.56 co; Buffalo Co. Sheriff \$207,146.75 smcs; Buysm Sod \$5,882.56 co; Cabela's \$16,531.35 smcs; Carl Whitney Sand \$298.08 smcs; Cash Wa \$1,138.77 smcs; Chase,B \$202.00 smcs; Chavez,K \$75.00 smcs; Chesterman \$423.35 smcs; Cigna \$8,462.22 smcs; City of Ky \$60,985.43 smcs,ps; Civicplus \$11,297.09 smcs; Comm. Action Partnership \$19,335.14 smcs,co; Compute North \$110,765.88 smcs; Copycat \$350.00 smcs; Core & Main \$2,521.07 smcs; Covey,E \$70.90 smcs; Cutting Edge Cleaning \$105.00 smcs; Depository Trust \$83,671.92 ds; Deterdings \$200.00 smcs; DitchWitch \$101.32 smcs; Dolan,P \$14.41 smcs; Donner,J \$30.86 smcs; Dowhy Towing \$400.00 smcs; DPC Industries \$7,227.22 smcs; Dugan \$144.43 smcs; Eagle Distributing \$1,825.90 smcs; Eakes \$421.42 smcs; Economic Dev. Council \$186,250.00 smcs; Eirich,T \$227.00 smcs; Farmers Union \$408.65 smcs; Fedex \$5.27 smcs; Felsburg Holt & Ullevig \$5,325.00 smcs; Flaherty,T \$99.00 smcs; Gale \$773.25 smcs; Golf & Sport Solutions \$18,799.19 co; Greater NE Cities \$1,000.00 smcs; Green,N \$20.01 smcs; HM Life \$60,462.52 smcs; Hometown Leasing \$159.08 smcs; Husker Irrigation \$1,409.91 smcs; Ignite Olive Software \$4,725.60 smcs; IRS \$185,463.15 ps; Jack Lederman \$134.60 smcs; Johnsen Corrosion \$2,671.00 smcs; Johnson,L \$13.63 smcs; Kelly Supply \$15.55 smcs; Klingelhoef,C \$37.45 smcs; Konica \$581.28 smcs; League of NE Municipalities \$50,069.00 smcs; Lundeen-Isaacson \$3,069.36 ps; Magic Cleaning \$7,254.00 smcs; McDowell,J \$100.00 smcs; McLaughlin,P \$256.23 smcs; Microfilm Imaging Systems \$1,040.00 smcs; Mid American Signal \$18,715.00 smcs; Midwest Connect \$8,060.58 smcs; Milco Environmental \$6,034.83 smcs; Miller & Associates \$100,667.00 co; Mission Square \$6,227.18 ps; Moore,I \$3.03 smcs; Municipal Pipe Services \$32,100.00 smcs; Municipal Supply \$30,916.69 smcs; NE Child Support \$1,517.12 ps; NE Dept. Revenue \$75.00 smcs; NE Dept. Veterans' Affairs \$270,000.00 smcs; Nebraskaland Distributors \$634.50 smcs; NLETC \$720.00 smcs; NMC Exchange \$48,445.00 co; Northwestern Energy \$2,759.99 smcs; OCLC \$779.76 smcs; Olsson \$3,190.52 co; One Call Concepts \$569.63 smcs; O'Reilly Auto \$12,049.05 smcs,co; Paramount \$62.52 smcs; Pep Co \$462.02 smcs; Platte Valley Roofing \$1,709.55 smcs; Presto-X \$213.00 smcs; Prime Comm. \$477.50 smcs; Pulliam, Ric \$202.00 smcs; Raynor Garage Doors \$495.00 smcs; RDG Planning & Design \$8,610.97 co; Renken,C \$62.50 smcs; Rheome Tree \$750.00 smcs; RMV Construction \$88,695.90 co; Robinson Fitness \$75.32 smcs; Rouse,H \$100.00 smcs; Salvador,H \$107.21 smcs; Sapp Brothers \$61,052.64 smcs; School District #7 \$2,925.00 smcs; Schroeder Steel Erection \$3,650.00 co; Schroer,J \$140.00 smcs; See Clear Cleaning \$3,000.00 smcs; Sherwin Industries \$516.52 smcs; SignIt \$742.00 smcs; Sirsi Corporation \$38,632.48 smcs; South Central Diesel \$2,700.04 smcs; Stutsman \$2,196.00 smcs; The Shopper \$612.51 smcs; Titan Machinery \$9,374.37 smcs; Traffic Control \$1,440.00 smcs; Tri Cities Group \$45.00 smcs; Tri Co Glass \$428.50 smcs; Trugreen \$263.00 smcs; Turner Body Shop \$1,236.94 smcs; Twin City Hardware \$376.56 smcs; Tye & Rowling \$14,858.60 smcs; Union Bank

\$93,806.36 ps; Vermeer High Plains \$917.39 smcs; Weaver,N \$47.06 smcs; Weides,B \$400.00 smcs; Wilco Life \$10.00 ps; Willis,D \$14.01 smcs; Payroll Ending 09/25/2021 - \$560,018.10. 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. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class CCS-124499 liquor license application and manager application for Charbell Younes submitted by NVY Enterprises LLC dba NVY Cigar Lounge located at 1925 Central Avenue.

4. Accept the bids received for the 2021 Cemetery North Addition; Phase I (Bid A, Site Grading) and adopt Resolution No. 2021-193 awarding the bid for Bid A (Site Grading) to Blessing, LLC in the amount of \$66,661.25.

RESOLUTION NO. 2021-193

WHEREAS, Millers & Associates and the City of Kearney have reviewed the sealed bids which were opened on September 21, 2021 at 2:00 p.m. for the 2021 Cemetery North Addition; Phase I (Bid A, Site Grading); and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for Bid A of the project was \$38,825.50; and

WHEREAS, Millers & Associates and the City have recommended the bid offered by Blessing, LLC of Kearney, Nebraska in the amount of \$66,661.25 be accepted as the lowest responsible bid for 2021 Cemetery North Addition; Phase I (Bid A, Site Grading).

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 Blessing, LLC be and is the lowest responsible bidder for the 2021 Cemetery North Addition; Phase I (Bid A, Site Grading) to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Blessing, LLC in the amount of \$66,661.25 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost for Bid A in the amount of \$38,825.50 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 OCTOBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

5. Adopt Resolution No. 2021-194 accepting the bids received for the 2021 Cemetery North Addition; Phase I (Bid B, Storm Sewer), approving Change Order No. 1 showing a decrease in the amount of \$30,100 and awarding the bid for Bid B (Storm Sewer) to Midlands Contracting, Inc. in the amount of \$168,860.

RESOLUTION NO. 2021-194

WHEREAS, Millers & Associates and the City of Kearney have reviewed the sealed bids which were opened on September 21, 2021 at 2:00 p.m. for the 2021 Cemetery North Addition; Phase I (Bid B, Storm Sewer); and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for Bid B of the project was \$159,900.00; and

WHEREAS, Millers & Associates and the City have recommended the bid offered by Midlands Contracting, Inc. of Kearney, Nebraska in the amount of \$168,860.00 be accepted as the lowest responsible bid for 2021 Cemetery North Addition; Phase I (Bid B, Storm Sewer); and

WHEREAS, Midlands Contracting, Inc. and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$30,100.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference.

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 Midlands Contracting, Inc. be and is the lowest responsible bidder for the 2021 Cemetery North Addition; Phase I (Bid B, Storm Sewer) to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting, Inc. in the amount of \$168,860.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost for Bid B in the amount of \$159,900.00 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.

BE IT FURTHER RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

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

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Accept the Proposals received for the installation of Cemetery fence at the Kearney Cemetery and award the Proposal submitted by American Fencing Company in the amount of \$58,476.90.

7. Approve the Plans and Specifications for the Harmon Park Sonatorium Restoration and set the bid opening date for November 9, 2021 at 2:00 p.m.

8. Adopt Resolution No. 2021-195 approving Amendment No. AJW-FN-CSA-21-CE-004733 to the Non-Federal Reimbursable Agreement between the City of Kearney and the Federal Aviation Administration for FAA NAVAIDS Engineering to perform site visit, preliminary design, engineering, review, and construction/installation activities for the Terminal Expansion project impacting FAA NAS facilities including Automated Weather Observing System, Radio Communications Outlet, Instrument Landing Systems Remote Monitoring System, FAA Telecommunications Infrastructure circuits, FAA cabling and

infrastructure at the Kearney Regional Airport.

RESOLUTION NO. 2021-195

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Non-Federal Reimbursable Agreement No. AJW-FN-CSA-21-CE-004733 between the Federal Aviation Administration (FAA) and the City of Kearney to provide engineering and environmental review, and construction/installation oversight of the terminal expansion project at Kearney Regional Airport be and is hereby approved. A copy of the agreement marked as Exhibit "A" is attached hereto and made a part hereof by reference.

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

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Approve the updated Interlocal Agreement for Cooperative Law Enforcement Services to the South Central Area Law Enforcement Services (SCALES) between the counties of Adams, Buffalo, Clay, Dawson, Hall, Hamilton, Merrick, and Phelps, and the cities of Aurora, Cozad, Grand Island, Hastings, Holdrege, Kearney, Lexington, and Minden and adopt Resolution No. 2021-196.

RESOLUTION NO. 2021-196

WHEREAS, on July 10, 2001, the Kearney Police Department entered into the South Central Area Law Enforcement Services (SCALES) between the cities of Hastings and Grand Island, and the counties of Buffalo, Adams and Hall; and

WHEREAS; the original purpose of the SCALES compact was to form a Law Enforcement Alliance between the cities of Kearney, Hastings, and Grand Island, and the counties of Buffalo, Adams, and Hall, Nebraska that allowed for the equitable sharing of investigative resources on major criminal investigations, promoted cooperation among area agencies to combat crime and criminals in the most effective manner possible, created a mechanism by which purchases can be made jointly thereby reducing the costs for individual agencies and enhanced the abilities of all member agencies to acquire necessary investigative resources that might otherwise be too expensive, and provided an example and leadership to other agencies in methods of cooperation and efficiency; and

WHEREAS, the original purpose of SCALES remains unchanged however since the initial date of the agreement, there have been several addendums to the agreement to add many more counties and cities in Nebraska to SCALES and as a result, an updated interlocal agreement has been proposed; and

WHEREAS, this updated agreement is made and entered into by and between the cities of Aurora, Cozad, Grand Island, Hastings, Holdrege, Kearney, Lexington, and Minden, and the counties of Adams, Buffalo, Clay, Dawson, Hall, Hamilton, Merrick, and Phelps, all in Nebraska and is consistent with Sections 13-801 through 13-827 and Section 29-215, of the Nebraska Revised Statutes. A copy of the Interlocal Agreement for Cooperative Law Enforcement Services, marked Exhibit "A", is 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, that the City of Kearney enter into the Interlocal Agreement for Cooperative Law Enforcement Services between the cities of Aurora, Cozad, Grand Island, Hastings, Holdrege, Kearney, Lexington, and Minden, and the counties of Adams, Buffalo, Clay, Dawson, Hall, Hamilton, Merrick, and Phelps, all in Nebraska for South Central Area Law Enforcement Services.

BE IT FURTHER RESOLVED that the Mayor and Chief of Police be and are hereby authorized and directed to execute the said Interlocal Agreement for Cooperative Law Enforcement Services as set forth in Exhibit "A".

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

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Adopt Resolution No. 2021-197 approving Application for Payment No. 4 in the amount of \$690,962.52 submitted by Blessing Construction and approved by Miller & Associates for the 2020 Part 1 Improvements for the removal and replacement of N Avenue from 28th Street to 39th Street in connection with Paving Improvement District No. 2020-004.

RESOLUTION NO. 2021-197

WHEREAS, Blessing Construction, LLC of Kearney, Nebraska has performed services in connection with 2020 Part 1 Improvements for the removal and replacement of N Avenue from 28th Street to 39th Street in connection with Paving Improvement District No. 2020-004, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$690,962.52 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

| | |
|--|------------------------|
| Original Contract Sum | <u>\$ 2,666,533.00</u> |
| Contract Sum To Date | 2,666,533.00 |
| Gross Amount Due | 1,617,532.94 |
| Retainage (5%) | - <u>80,876.65</u> |
| Amount Due to Date | 1,536,656.29 |
| Less Previous Certificates for Payment | <u>845,693.77</u> |
| Current Payment Due | <u>\$ 690,962.52</u> |

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

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

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2021-198 approving Change Order No. 3 showing a decrease in the amount of \$503.90 and Change Order No. 4 showing an increase in the amount of \$23,531.96 and Application and Certificate for Payment No. 10 in the amount of \$602,665.56 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.

RESOLUTION NO. 2021-198

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 Change Order No. 3 showing a decrease in the amount of \$503.90 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Brown Construction and RDG Planning & Design, have filed with the City Clerk Change Order No. 4 showing an increase in the amount of \$23,531.96 as shown on Exhibit "B" attached hereto and made a part hereof by reference; and

WHEREAS, Brown Construction and RDG Planning & Design, have filed with the City Clerk Application and Certificate for Payment No. 10 in the amount of \$602,665.56 as shown on Exhibit "C" attached hereto and made a part hereof by reference and as follows:

| | |
|--|-----------------------|
| Original Contract Sum | \$ 7,250,100.00 |
| Change Order Nos. 1 & 2 (4/27/2021) | + 7,506.22 |
| Change Order Nos. 3 & 4 (10/12/2021) | + <u>23,028.06</u> |
| Contract Sum To Date | 7,280,634.28 |
| Gross Amount Due | 4,601,212.76 |
| Retainage (5%) | - <u>230,060.64</u> |
| Amount Due to Date | 4,371,152.12 |
| Less Previous Certificates for Payment | - <u>3,768,486.56</u> |
| Current Payment Due | \$ 602,665.56 |

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. 3, as shown on Exhibit "A", Change Order No. 4, as shown on Exhibit "B", Application and Certificate for Payment No. 10, as shown on Exhibit "C" be and are hereby accepted and approved.

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

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. ADDENDUM ITEM. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager applications for Kinsey Bosselman submitted by Bosselman Pump & Pantry Inc dba: 1) Pump & Pantry 27 located at 4311 2nd Avenue in connection with their D-025700 liquor license; 2) Pump & Pantry 40 located at 1616 2nd Avenue in connection with their D-121959 liquor license; and 3) Pump & Pantry 41 located 1212 East 56th Street in connection with their D-113929

liquor license.

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

PRESENTATION ON THE CITY MANAGER RECRUITMENT SERVICES PROCESS

Mayor Clouse opened Regular Agenda Item 1 for Council to receive a presentation from Art Davis with Baker Tilly on the City Manager Recruitment Services Process. This presentation was for informational purposes only.

Art Davis with Baker Tilly presented this matter to the Council. Mr. Davis explained that Baker Tilly is known as an accounting/auditing/financial services firm; however, they also have a boutique division that performs executive recruitment for City's, County's and non-profit organizations. He stated the first round of meetings with Department Heads and the Mayor and Council Members to develop a position and candidate profile, marketing brochure and advertisement for pursuing Kearney's next City Manager occurred today. Mr. Davis stated once the information is put together and Baker Tilly receives City approval, advertising for the position will begin at the end of October to early November. The first review of Semi-Finalists by Council will occur mid-December with Finalist selection occurring during closed session at the first Council Meeting in January. Baker Tilly will then vet the Finalist candidates selected at the beginning of February with Finalist candidate on-site interviews starting the middle of February. Mr. Davis stated an employment offer will potentially be extended at the end of February with plans to have a new City Manager in place by March of 2022. He feels Kearney will be very attractive to applicants.

Mayor Clouse and Council Members thanked Mr. Davis for coming to Kearney to speak with them and Department Heads.

OPEN ACCOUNT CLAIM

Moved by Moore seconded by Lear that the Open Account Claims in the amount of \$11,758.27 payable to Nebraska Public Power District and \$428.54 payable to Stanley Clouse be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council Member Tami Moore reported the alumni of the Kearney Police Department Citizen's Academy went to the Training Academy in Grand Island last week. She noted the Training Academy had a lot of good things to say about Kearney, the Kearney Police Department and Buffalo County Sheriff's Department and stated it was great to hear such positives thoughts.

Chief Waugh stated since early summer, he, Buffalo County Sheriff Neil Miller and representatives from Region III Behavioral Health have been working on a Co-Responder Program for mental health calls in Buffalo County. He stated the Buffalo County Sheriff's Office was awarded a COPS grant which is a two (2) year grant that provides \$125,000 per year, from the Department of Justice to start this program. The Co-Responder Program will provide a full-time licensed clinician, who's office will be at the Buffalo County Jail, to assist Officers when responding to individuals in crisis; the licensed clinician will be able to provide an immediate evaluation and assessment. The hope and goal for the Program is to provide available services to the individual and develop a safety plan rather than placing that individual in Emergency Protective Custody (EPC) or putting them in jail. In addition, Region III applied for and received a grant through Medica Foundation in the amount of \$50,000 that will also assist the Co-Responder Program. Omaha Police Department and Douglas County Sheriff's Office are the only two (2) agencies with similar programs in Nebraska; Grand Island also has plans to start something similar.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:03 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Lear, Moore. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**