

*Kearney, Nebraska
November 23, 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 November 23, 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 Jonathan Nikkila. Absent: Tami James Moore. Michael Tye, City Attorney; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works; Bryan Waugh, Chief of Police; Brenda Jensen, Development Services Director and several Officers from the Kearney Police Department 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. Mayor Clouse also requested those in attendance remember Bill McMullen, longtime Chairman of the Buffalo County Board of Commissioners who recently passed away, for his longtime service to the community.

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

Chief Waugh stated the Employee Recognition and Awards program officially recognizes the outstanding, heroic lifesaving and distinguished service acts performed by employees of the Kearney Police Department (KPD). KPD Officers who are selected for this award receive an accommodation bar that can be worn on their uniform as well as a citation.

Chief Waugh recognized Captain Mike Young, Operations Commander, for his heroic actions on September 1st when he assisted a co-worker who was choking and having difficulty breathing. Captain Young immediately administered the heimlich maneuver and requested another co-worker call 911. He was able to clear the co-worker's airway with the heimlich maneuver and was ultimately cleared by emergency personnel who arrived on scene. The co-worker nominated Captain Young for the Lifesaving Award due to the decisive action taken by Captain Young that possibly saved their life. The nomination was supported by other office staff who were present during the incident and witnessed Captain Young's heroic actions.

Chief Waugh presented Investigator Cody Bolte with the Lifesaving Award due to his heroic actions that also occurred on September 1st. While returning from a training conference, Investigator Bolte and Buffalo County Deputy Sheriff Betke along with officers from the Grand Island Police Department, observed and approached an injury car accident on I-80 that was in the ditch and beginning to smoke. Investigator Bolte, along with the other officers were able to rescue the unconscious driver and carry him a safe distance away from the vehicle. The officers called 911 and continued to provide aid to the victim as well as assistance with directing traffic until further emergency personnel arrived at the scene. Investigator Bolte along with the other officers acted without concern for their own safety for the protection and safety of others. Investigator Bolte was nominated by his Sergeant (Tony Cordova).

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

None.

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held November 9, 2021.
2. Approve the following Claims:

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

5.11 \$1,315.00 smcs; 3CMA \$400.00 smcs; 4 All Promos \$180.23 smcs; 4Imprint \$11,232.81 smcs; 5G Store \$1,060.29 smcs; Acushnet \$7,538.57 smcs; Adobe \$29.99 smcs; Advance Auto Parts \$17.43 smcs; Aero Specialties \$69.00 smcs; Agri Coop

\$2,260.45 smcs; Alert Shirt \$1,744.18 smcs; Alfred Benesch \$84,443.77 co; All Makes \$3,695.67 smcs; All Safe \$496.38 smcs; Altec \$85.65 smcs; Amax Contracting \$112.00 smcs; Amazon \$8,481.18 smcs, co; American \$639.68 smcs; American Planning \$220.00 smcs; American Red Cross \$248.00 smcs; Antelope Newspaper \$240.00 smcs; Anything Truck \$1,177.19 smcs; Apple \$0.99 smcs; Aramark Uniform \$398.70 smcs; Arnott,S \$14.41 smcs; Arrow Seed \$32.67 smcs; Arrowhead Scientific \$87.62 smcs; Artisans \$120.00 smcs; Ask Supply \$4,187.67 smcs; Aunt Jo's Appliance \$96.00 smcs; Aurora Coop \$749.25 smcs; Authorize.net \$30.00 smcs; Auto Value \$575.84 smcs; Av Fuel \$24,444.26 smcs; Aviation Laboratories \$107.45 smcs; B&H Photo \$108.06 co; Baker & Taylor \$5,373.40 smcs; Barco Municipal \$2,863.18 smcs, co; Barney Insurance \$32,053.00 smcs; Baughman,J \$139.09 smcs; Baum Hydraulics \$290.10 smcs; Bear Frame \$409.41 smcs; Belson Outdoors \$793.58 co; Bendpak \$224.56 smcs; Blackstone Library \$156.97 smcs; Blackstone Publishing \$1,103.00 smcs; Blessing \$269,643.33 co; Blue Sky \$28.15 smcs; BlueCross BlueShield \$98,695.84 smcs; Boersma,C \$90.95 smcs; Bosselman \$2,064.41 smcs; Bridgett Lavene Consulting \$2,000.00 smcs; Broadfoot's \$1,784.00 smcs; Brown Construction \$519,961.14 co; Brownells \$36.54 smcs; Brown's Shoe Fit \$100.00 smcs; Bucks \$59.38 smcs; Buffalo Co. Treasurer \$206,033.25 co, ds; Buffalo Outdoor Power \$16,005.43 smcs, co; Builders \$1,370.12 smcs; Cab Store \$94.06 smcs; Candlewood Suites \$2,596.92 smcs; Card My Yard \$679.45 smcs; Cardprinting.com \$816.57 smcs; Carquest \$36.78 smcs; Casey's \$65.71 smcs; Cash Wa \$1,437.05 smcs; Castillo,E \$7.40 smcs; CDW Govt. \$417.50 smcs; Cenex \$19.00 smcs; Central Hydraulic \$1,476.48 smcs; Central NE Bobcat \$414.30 smcs; Central NE Rehab \$150.00 ps; Century Lumber \$376.29 smcs; Cervantes,R \$40.91 smcs; Chemsearch \$319.00 smcs; Chesterman \$469.14 smcs; Cintas \$212.60 smcs; City of Ky \$11,283.82 ps; CMH Interiors \$20,106.59 smcs; Coldspring \$24,074.50 smcs, co; Collinson Enterprises \$55.00 smcs; Complete Weddings \$465.00 smcs; Concrete Contracting \$1,550.00 co; Consolidated Mgmt. \$961.92 smcs; Construction Rental \$1,171.81 smcs, co; Control Yours \$200.00 smcs; Copycat Printing \$669.24 smcs, co; Creative \$204.95 smcs; Culligan \$66.00 smcs; D&K Products \$507.92 smcs; Danko Emergency \$2,064.20 smcs; Dashlane \$59.99 smcs; Dawson Public Power \$31,845.30 smcs; DC Cargo Mall \$75.98 smcs; Delehant,K \$16.96 smcs; Dell \$2,096.64 smcs; Deterdings \$100.00 smcs; Digicert \$752.40 smcs; Dish \$247.88 smcs; Dollar General \$16.84 smcs; Dostal,B \$111.53 smcs; Eakes \$900.81 smcs; Earl May \$908.00 smcs; Echo Electric \$527.83 smcs; Ecolab \$166.12 smcs; Elliott Equipment \$1,968.53 smcs, co; Emaint \$3,151.80 smcs; Enterprise Electric \$4,048.55 smcs; Environmental Resource \$133.60 smcs; EO Tech \$1,012.49 smcs; Ergonomic Solutions \$48.60 smcs; Eyemed \$1,440.30 smcs; Facebook \$170.31 smcs; Family Fresh \$68.36 smcs; Fastenal \$64.80 smcs; Federal Aviation Admin. \$193,686.91 co; Fire Com \$276.17 smcs; Fire Safety \$315.95 smcs; Flaherty,T \$252.00 smcs; Florell,J \$2,451.00 smcs; Force America \$860.19 smcs; Frontier \$225.84 smcs; Fun Express \$309.77 smcs; Gale \$898.03 smcs; Garrett Tires \$11,511.56 smcs; Gartner,E \$33.43 smcs; Genuine Replacement \$83.33 smcs; Glow Forge \$275.00 smcs; Glow Source \$217.62 smcs; Glow With Us \$180.68 smcs; Graham Tire \$1,690.67 smcs; Graham,A \$149.42 smcs; Grainger \$999.98 smcs; Gregg,M \$852.00 co; Habitat for Humanity \$250.00 smcs; Hach \$1,500.70 smcs; Hampton Inns \$350.94 smcs; Hanes Gear \$161.16 smcs; Hardwick,J \$20.64 smcs; Hawkins,J \$835.51 smcs; HOA Solutions \$2,480.00 smcs; Hobby-Lobby \$474.68 smcs; Holiday Inn \$139.56 smcs; Holmes Plumbing \$1,107.97 smcs; Home Depot \$828.70 smcs; Hooker Brothers \$1,112.00 smcs; Hultgren,J \$6.61 smcs; Human Solution \$21.40 smcs; Hy-Vee \$296.69 smcs; IBackDrop \$37.98 smcs; Ideal Shield \$750.80 smcs;

Integrated Security \$84.00 smcs; Intercoms Online \$4,276.60 smcs; Interlight \$161.83 smcs; Int'l Assn. Identification \$80.00 smcs; Int'l Assn. Plumbing \$95.00 smcs; Int'l Assn. Property \$175.00 smcs; Invoice Home \$5.00 smcs; IRS \$171,694.41 ps; Jack Lederman \$1,285.52 smcs, co; Jack's Uniforms \$175.89 smcs; JIT Truck Parts \$548.28 smcs; JMAC Supply \$1,040.82 smcs; Johnson Hardware \$1,618.00 co; Johnson Landscaping \$197.97 smcs; Johnstone Supply \$105.08 smcs; Jorgenson Lockers \$456.60 smcs; JP Park Wayside \$88.97 smcs; Just Awards \$47.71 smcs; Ky Ace \$70.25 smcs; Ky Concrete \$10,169.86 smcs, co; Ky Crete & Block \$2,229.50 smcs, co; Ky Hub \$423.80 smcs; Ky Power Sports \$454.85 smcs; Ky Tire \$155.53 smcs; Ky Visitors Bureau \$133,350.48 smcs; Ky Winlectric \$7,219.26 smcs, co; Ky Winnelson \$406.04 smcs, co; Kelly Supply \$2,445.22 smcs; Kile,M \$46.26 smcs; Kimball Midwest \$786.85 smcs; King Investments \$3,757.36 co; Klingelhoef,C \$48.15 smcs; Koetters,J \$223.00 smcs; Konica Minolta \$405.04 smcs; Kum & Go \$3.62 smcs; Landmark Implement \$1,758.75 smcs; Laughlin,K \$70.00 ps; Lee NE Media \$2,761.77 smcs; Lerner \$87.96 smcs; Library Assn. \$84.00 smcs; Lindner,S \$133.84 smcs; Log Me In \$374.49 smcs; Macqueen Equipment \$2,795.27 smcs; Magic Cleaning \$400.00 smcs; Magnetic Mic \$1,099.75 smcs; Mallory Safety \$299.77 smcs; Marlatt Machine \$41.20 co; Marriott \$100.38 smcs; Masco Electric \$360.85 smcs; Masters True Value \$872.21 smcs; Matheson \$35.21 smcs; McCulley,T \$2.69 smcs; Menards \$5,139.40 smcs; Midland Scientific \$642.54 smcs; Midwest Connect \$123.18 smcs; Midwest Turf \$119,077.82 co; Miner,M \$22.69 smcs; Mission Square \$8,825.50 ps; Missouri Hwy Patrol \$94.25 smcs; Monoprice \$289.12 co; Moonlight Embroidery \$4,819.00 smcs; Mostek Electric \$1,964.00 smcs; Municipal Supply \$14,547.30 smcs; My Organized Life \$27.71 smcs; Nat'l Law Enforcement \$150.00 smcs; Nat'l Org. Victim Assist. \$100.00 smcs; Nat'l Recreation & Park \$299.00 smcs; NE Child Support \$1,764.50 ps; NE Crane \$110.65 smcs; NE Dept. Agriculture \$124.60 smcs; NE Dept. Revenue \$39,855.73 smcs; NE Library Assn. \$100.00 smcs; NE Machinery \$861.88 smcs; NE Peterbilt \$217.62 smcs; NE Truck Center \$3,180.72 smcs; NE Water Environment \$1,205.00 smcs; NebraskaCHA \$205.00 smcs; Northern Safety \$340.40 smcs; Northern Tool \$1,113.88 smcs; Northwestern Energy \$5,149.60 smcs; Novus \$60.00 smcs; NRPA \$875.00 smcs; Nutrien Ag \$859.02 smcs; OCLC \$779.76 smcs; Office Max \$877.79 smcs; Olsson \$6,148.79 co; Open VPN \$303.80 smcs; O'Reilly Auto \$1,696.04 smcs; Orscheln \$5,684.69 smcs; OTC Brands \$82.35 smcs; Outdoor Recreation \$433.00 co; Paramount Laundry \$36.58 smcs; Parts Tree \$85.49 smcs; Parts Warehouse \$125.59 smcs; Paulsen \$1,107,716.98 co; Penworthy \$737.42 smcs; Pep Co. \$174.68 smcs; Petsmart \$399.92 smcs; Phillips 66 \$143.04 smcs; Ping \$445.27 smcs; Pit Pros \$45.00 smcs; Pitney Bowes \$80.74 smcs; Platte Valley Auto Mart \$690.35 smcs; Platte Valley Comm. \$83.01 smcs; Platte Valley Laboratories \$880.00 smcs; Police Officers Assn. \$870.00 smcs; Pollard Creations \$142.00 smcs; Positive Concepts \$200.00 smcs; Presto-X \$103.00 smcs; Prospiant \$17,829.90 co; Public Risk Mgmt. Assn. \$385.00 smcs; Publication Printers \$144.00 smcs; Putnam,A \$37.63 smcs; Quest Diagnostics \$278.91 ps; Quill \$105.22 smcs; Randolph,L \$19.94 smcs; Ravenna Sanitation \$49.00 smcs; Reams \$2,820.28 smcs; Red Equipment \$2,947.72 smcs; Redbox \$5.94 smcs; Redman's Shoes \$294.50 smcs; Rentokil \$120.00 smcs; Rheome Tree \$1,800.00 smcs; Rockit Eve \$418.19 smcs; Roesler,A \$58.85 smcs; Roy,J \$53.50 smcs; Rustic Seagull \$15.13 smcs; Safelite AutoGlass \$328.26 smcs; Sahling Kenworth \$26.82 smcs; Sandry Fire \$1,864.75 smcs; Sanitation Products \$489.51 smcs; Sapp Brothers \$22,754.37 smcs; Saylor Screenprinting \$185.00 smcs; Schindler Elevator \$1,423.68 smcs; Schroer,J \$235.00 smcs; Schumacher Brothers \$730.00 co; Schwarting,J \$311.63 co; Schwarting,R \$213.56 co; See Clear Cleaning \$2,050.00 smcs;

Sherwin Industries \$4,400.00 smcs; Sherwin Williams \$631.93 smcs; Shredding Solutions \$104.10 smcs; Silverstone Group \$6,405.91 smcs; Simon Contractors \$236,702.98 co; Sirsi Dynix \$150.00 smcs; SLA Corp \$374.74 smcs; Society Human Resource \$219.00 smcs; Solar Thingz \$217.08 smcs; SOS Portable Toilets \$235.00 smcs; Southeastern Diesel \$710.00 smcs; Spectrum \$912.50 smcs; Sprinkler Warehouse \$355.62 smcs; State of NE Electrical \$40.00 smcs; Steinbrink Landscaping \$2,251.03 smcs; Stitch 3 \$77.00 ps; Streakwave Wireless \$172.21 smcs; Stutsman \$2,745.00 smcs; Sunbelt Rentals \$632.20 smcs; Supply House \$116.10 smcs; Swanson,T \$100.00 smcs; Target \$69.17 smcs; Thompson,K \$112.00 smcs; Tielke's Sandwiches \$51.73 smcs; Tiger Press \$135.00 smcs; Titan Machinery \$3,283.51 smcs; Tractor Supply \$859.56 smcs; Transunion \$110.90 smcs; Tri City Concrete \$43,541.10 co; Triple Crown Products \$370.94 smcs; Tyler Technologies \$135,860.10 smcs; Uline \$629.01 smcs; Union Bank \$90,237.26 ps; Unique \$116.35 smcs; UPS \$101.08 smcs; USA Comm. \$475.24 smcs; USPS \$126.65 smcs; Van Horn,S \$28.25 smcs; Vessco \$1,428.54 smcs; Walgreens \$32.06 smcs; Wal-mart \$1,350.65 smcs; Web Network \$42.99 smcs; When to Work \$49.00 smcs; Whipple,R \$1,213.90 co; Wilco Life \$10.00 Ps; World Theatre \$475.00 smcs; WPCI \$750.00 ps; Wpy Lte Fix \$170.00 co; WY Assn. of Permit Tech \$95.00 smcs; Zoho \$445.00 smcs; Zoom \$38.60 smcs; Payroll Ending 11/06/2021 -- \$522,616.50 and Payroll Ending 11/20/2021 -- \$530,274.65. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set December 14, 2021 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class C-124531 liquor license application and manager application for Matthew Epp submitted by Dope Enterprises LLC dba The Otherside located at 15 East 24th Street.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Kimberly Bayley submitted by American Legion Buffalo County dba American Legion Post 52 located at 1223 Central Avenue in connection with their C-009067 liquor license.
6. Adopt Resolution No. 2021-220 approving Change Order No. 1 showing an increase to the contract time to reflect a new substantial completion date of November 14, 2021 and Application for Payment No. 5 in the amount of \$646,963.12 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. 2021-220

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 Change Order No. 1 showing an increase to the contract time to reflect a new substantial completion date of November 14, 2021 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Blessing Construction, LLC and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 5 in the amount of \$646,963.12 as shown on Exhibit "B" 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	2,298,546.75
Retainage (5%)	- 114,927.34
Amount Due to Date	<u>2,183,619.41</u>
Less Previous Certificates for Payment	<u>1,536,656.29</u>
Current Payment Due	\$ 646,963.12

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. 1, as shown as Exhibit "A" and Application and Certificate for Payment No. 5, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF NOVEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2021-221 certifying the annual appointment of City employee Brandon Shafto (License No. S-1572, Class A, served in this capacity since November 6, 2015 and continues to serve in this capacity) as the City Street Superintendent with the Nebraska Department of Transportation and authorizing the Mayor to execute the Year-End Certification of City Street Superintendent 2021.

RESOLUTION NO. 2021-221

WHEREAS, State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

WHEREAS, The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent; and

WHEREAS, The NDOT requires that such certification shall also include a copy of the documentation of the city street superintendent appoint, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

WHEREAS, The NDOT also requires that such Year-End Certification of City Street Superintendent shall be signed by the Mayor and shall include a copy of a resolution by

the governing body authorizing the signing of the Year-End Certification of City Street Superintendent by the Mayor.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor is hereby authorized to sign the attached Year-End Certification of City Street Superintendent.

PASSED AND APPROVED THIS 23RD DAY OF NOVEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Adopt Resolution No. 2021-222 granting an Electric Line Easement to Compute North NE, LLC District to construct an electric line easement for property described as a tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska located within Tech One Crossing.

RESOLUTION NO. 2021-222

WHEREAS, Compute North NE, LLC has requested from the City of Kearney a 20.00-foot electrical easement over property described as part of Northeast Quarter of the Northwest Quarter, Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as:

A tract of land being part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Electrical Easement purposes. Said Electrical Easement to be 10.00 feet on each side of following described centerline: Commencing at the Northeast corner of the Northwest Quarter of Section 29 and assuming the North line of said Northeast Quarter as bearing N 89°26'00" W and all bearings contained herein are relative thereto; thence N 89°26'00" W on said North line a distance of 330.08 feet to the Northeast corner of Tech One Second Subdivision, a subdivision being part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West, of the 6th P.M., Buffalo County, Nebraska; thence S 00°34'16" W on the East line of said Tech One Second Subdivision a distance of 432.78 feet; thence S 00°04'12" W continuing on said East line of Tech One Second Subdivision and the East line of Tech One Third Subdivisions, a subdivision being part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, a distance of 624.55 feet to the POINT OF BEGINNING; thence S 89°15'21" E a distance of 50.00 feet to the Point of Termination. The side lines of said 20.00 feet wide Electrical Easement to be lengthened or shortened to form a continuous strip. Said Electrical Easement contains 0.02 acres, more or less.

WHEREAS, the easement is for the purpose of placing an easement for the electrical connection between the parcels of property.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Electric Line Easement on behalf of the City of Kearney. The Easement, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF NOVEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Adopt Resolution No. 2021-223 approving the CARES Act Airport Grant Agreement between the City of Kearney and Federal Aviation Administration in connection with AIP No. 3-31-0045-034-2021 for the Parking Lot Expansion project at the Kearney Regional Airport.

RESOLUTION NO. 2021-223

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR AIRPORT IMPROVEMENT PROGRAM/CARES ACT PROJECT NO. 3-31-0045-034-2021 TO PROVIDE FOR PARKING LOT EXPANSION AT THE KEARNEY REGIONAL AIRPORT.

WHEREAS, the City of Kearney, Nebraska has submitted a project application to the Federal Aviation Administration for Airport Improvement Program/CARES Act Project No. 3-31-0045-034-2021 to provide for parking lot expansion at the Kearney Regional Airport; and

WHEREAS, the Federal Aviation Administration has approved the project for the Kearney Regional Airport.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that:

1. The City of Kearney shall enter into a Grant Agreement with the Federal Aviation Administration for Airport Improvement Program/CARES Act Project No. 3-31-0045-034-2021 to provide for parking lot expansion at the Kearney Regional Airport. The Grant Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

2. The Mayor of the City of Kearney is hereby authorized and directed to execute said Grant Agreement on behalf of the City of Kearney and the City Clerk is hereby authorized to attest said execution.

PASSED AND APPROVED THIS 23RD DAY OF NOVEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Adopt Resolution No. 2021-224 approving the Interlocal Agreement between Buffalo County, Nebraska and the City of Kearney allowing the City to pile and place snow on county owned property located at 1511 Central Avenue, east of the Courthouse.

RESOLUTION NO. 2021-224

WHEREAS, Buffalo County and the City of Kearney desire to enter in an have an Interlocal Government Agreement to allow the City to pile snow on county owed property located east of the Courthouse on four vacant city lots, and

WHEREAS, an Interlocal Government Agreement has been drafted that addresses supervision, hold harmless provisions, and other issues addressed in this agreement.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City of Kearney accepts the Interlocal Agreement between itself and the County of Buffalo, Nebraska, all as set forth in the minutes of this meeting and authorizes the Mayor to sign such agreement on behalf of the City of Kearney and to do all necessary to carry out the provisions of such Interlocal agreement.

PASSED AND APPROVED THIS 23RD DAY OF NOVEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2021-225 approving Application and Certificate for Payment No. 11 in the amount of \$519,961.14 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.

RESOLUTION NO. 2021-225

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. 11 in the amount of \$519,961.14 as shown on Exhibit "A" 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		5,148,540.27
Retainage (5%)	-	<u>257,427.01</u>
Amount Due to Date		4,891,113.26
Less Previous Certificates for Payment	-	<u>4,371,152.12</u>
Current Payment Due	\$	519,961.14

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

PASSED AND APPROVED THIS 23RD DAY OF NOVEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. Approve the Proposal Agreement between the City of Kearney and Kirkham Michael to develop the West Interstate 80 Interchange Feasibility Study and adopt Resolution No. 2021-226.

RESOLUTION NO. 2021-226

WHEREAS, the City of Kearney has decided to continue to investigate the necessary steps for the possible planning and development of an additional Interstate-80 Interchange, west of Kearney, that would serve the community as a third interchange; and

WHEREAS, the City of Kearney desires to employ Kirkham Michael to complete a scope of services to provide a “fatal flaw” analysis and feasibility of potential locations of a west interchange, meeting Federal Highway Administration policy requirements as Kirkham Michael previously assisted the City of Kearney with similar planning and engineering services for the East Bypass project.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute on behalf of the City of Kearney, Nebraska a proposal agreement for such work titled “West Interstate 80 Interchange Feasibility Study for City of Kearney, Nebraska”, a copy of which proposal, marked Exhibit “A”, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF NOVEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Approve the amended purchase price of \$283,317 for a Side Load Refuse Compactor Truck to be used in the Sanitation Division of the Utilities Department awarded to Elliott Equipment in the original amount of \$270,818.00.

14. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for William Adams submitted by The Cigarette Store LLC dba Smoker Friendly 017 Liquor & Tobacco located at 620 East 25th Street, Suite 2 in connection with their C-102050 liquor license.

15. Adopt Resolution No. 2021-227 approving Application and Certificate for Payment No. 5 in the amount of \$2,788.10 submitted by Blessing Construction and approved by Miller & Associates for the 2020 Part 7 Improvements; Downtown Asphalt project.

RESOLUTION NO. 2021-227

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. 5 in the amount of \$2,788.10 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 447,590.00
Change Order No. 1 (2/23/2021)	+ <u>305,834.25</u>
Contract Sum To Date	753,424.25
Gross Amount Due	734,703.50
Retainage (2%)	- <u>14,694.07</u>
Amount Due to Date	720,009.43
Less Previous Certificates for Payment	- <u>717,221.33</u>
Current Payment Due	\$ 2,788.10

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

PASSED AND APPROVED THIS 23RD DAY OF NOVEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

16. Adopt Resolution No. 2021- 228 approving Application and Certificate for Payment No. 2 in the amount of \$206,975.61 submitted by Midlands Contracting Inc. and approved by Miller & Associates for 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water).

RESOLUTION NO. 2021-228

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with 2021 Part 5 Improvements; Extension of Talmadge Street (Bid A, Sanitary Sewer and Water), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$206,975.61 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 2,343,960.00</u>
Contract Sum To Date	2,343,960.00
Gross Amount Due	375,583.97
Retainage (10%)	- <u>37,558.40</u>
Amount Due to Date	338,025.57
Less Previous Certificates for Payment	<u>131,049.96</u>
Current Payment Due	\$ 206,975.61

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

PASSED AND APPROVED THIS 23RD DAY OF NOVEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

17. Approve the Additional Services Agreement between the City of Kearney and Miller & Associates for development of the Southeast Master Storm Sewer Plan and Drainage Scope and adopt Resolution No. 2021-229.

RESOLUTION NO. 2021-229

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 Additional Services Agreement on behalf of the City of Kearney, Nebraska, with Miller & Associates for development of the Southeast Master Storm Sewer Plan and Drainage Scope, a copy of the Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF NOVEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8527 REPEALING ORDINANCE NO. 8481 AND AMEND THE SALARY ORDINANCE

Council Member Lear introduced Ordinance No. 8527 repealing Ordinance No. 8481 and amend the Salary Ordinance reflecting the reclassifications of certain positions, 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 suspend the rules for Ordinance No. 8527. 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, Buschkoetter, Lear, Nikkila. Nay: None. Moore 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. 8527 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Moore absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8527 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Moore absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8527 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

STAFF PRESENTATION REGARDING THE UPCOMING PROJECTS OCCURRING IN DOWNTOWN KEARNEY

Mayor Clouse opened Regular Agenda Item 1 for Council to receive a presentation from City staff regarding the upcoming projects occurring in Downtown Kearney. This presentation was for informational purposes only.

Brenda Jensen, Development Services Director presented this matter to Council. Ms. Jensen stated City staff are looking into outlining the tops of all Downtown buildings along Central Avenue with white lighting. The idea was proposed during separate listening sessions held between City staff, the Downtown Improvement Board; Downtown property owners and Downtown business owners. The lights would be permanent so City staff will be reaching out to property owners for permission to install the lights on each building. Council Member Bruce Lear questioned who would pay for the electricity for the lighting? Ms. Jensen stated City staff is still evaluating the lighting project and will be looking into the cost and responsibility of electricity for the project.

Ms. Jensen stated the City is also looking into extending fire mains for water suppression systems due to the cost hinderance pertaining to fire suppression system requirements for remodel projects Downtown. The City of Kearney would potentially extend the mains on the public side, with the possibility of extending one main to serve several buildings in an effort to be more cost effective for everyone involved. Additionally, Tony Jelinek, Director of Utilities is currently assessing the replacement of lead service lines in Downtown, and if that occurs, the City would extend the water mains at the time the lines are replaced so the street and brick removal would only have to occur once.

Ms. Jensen discussed the Creative District designation that is a new funding opportunity from the State of Nebraska through a designation by the Nebraska Arts Council. Kearney Cultural Partners will be leading this project and have discussed this designation with the Downtown Improvement Board to gain their support. Funding received for this designation would include \$10,000 for a planning grant followed by a \$250,000 implementation grant if plans moved forward from the planning stage.

Ms. Jensen stated the City is also looking into the adoption of the C-Pace program which is a stable gap financing tool; cities have to adopt this Program and administer it. Property owners who are starting new construction or a remodel project would apply to the Program that is funded by a separate financing structure that works towards energy efficiency improvements; funding received by property owners is based on assessments of their property. The City is in the beginning stages of evaluating this Program and has been in touch with pier communities who have already adopted the C-Pace Program. Implementation seems fairly simplistic and a very good resource for Downtown property owners; this Program could eventually be extended City wide.

Mayor Clouse stated that gap financing pertaining to a typical remodel would deal with enhancements to the structure for energy efficiency. Ms. Jensen agreed and gave examples that qualify for the Program that includes but is not limited to: window replacement, insulation, installation of solar panels, LED conversion and updates to

HVAC. She further noted that there are Downtown property owners that are very interested in applying to this Program. Ms. Jensen stated the C-Pace Program would come back in front of Council for approval and would be further discussed at that time.

The final item the City is evaluating for Downtown is the possibility of removing some stop lights on Central Avenue and replacing them with stop signs. Public Works will begin a traffic study that looks at traffic counts at various intersections Downtown.

Ms. Jensen stated after the listening sessions the City looked at all the items proposed and determined which projects could potentially be feasible in 2022 while still keeping track of all suggestions heard for potential future projects. The City has presented this as a Five-Point Plan for the upcoming year. This Plan will be in addition to the Downtown Rehabilitation Grant Program and will also include evaluating current processes and updating communication tools.

This year's Downtown Rehabilitation Grant Program, due to additional funding received by the City and subsequent approval by Council, awarded \$175,000 in grant funding with a matching amount from property owners of \$840,000. Ms. Jensen noted there is a lot of private investment that is currently occurring Downtown and property and business owners are very appreciative of the support from City Council.

Mayor Clouse stated he appreciates what is going on Downtown and noted what is already going on Downtown is pretty amazing and this Plan will help that keep going. Council Member Randy Buschkoetter stated Kearney's Downtown is a phenomenal area and as much growth and improvement as there has already been, there is still a lot of room where additional enhancements can take off. He has seen many Downtown areas and feels like Kearney's Downtown has a lot of opportunities for its future.

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Lear that the Open Account Claim in the amount of \$85,987.22 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Buschkoetter. Nay: None. Clouse abstained. Moore absent. Motion carried.

VII. REPORTS

Mayor Clouse stated the City Manager position will begin advertisement this next week.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:51 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Moore absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**