

*Kearney, Nebraska
December 21, 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 December 21, 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 Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Sarah Sawin, Assistant Utilities Director; Andy Harter, Director of Public Works; Bryan Waugh, Chief of Police and Jason Whalen, Fire Administrator, 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

Members of the Kearney Volunteer Fire Department Color Guard presented and posted the colors. Mayor Clouse and Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS/RECOGNITION

PRESENTATION OF FIREFIGHTER CERTIFICATES OF TRAINING FOR COMPLETING 2021 FIREFIGHTER I CLASS

Chief Jim Tacha presented Firefighter Certificates for completing last year's Firefighter I Class to Lukas Frey and Zach Harris; last year's Awards were not presented due to Covid.

Chief Tacha recognized Connor Brown and Adam Grazier, who is also Rookie of the Year, whom are both part of this year's Firefighter I Class and presented them with their Certificates of Completion.

PRESENTATION OF KEARNEY VOLUNTEER FIRE DEPARTMENT SERVICE AWARDS

Chief Tacha recognized Clint Smith, who previously served on the Gibbon Fire Department for 13 years, for his 5 years of service with the Kearney Fire Department. Other members of the Kearney Fire Department Service Award recipients for their 5 years of service included Josiah Gillming, Kevin Kalkowski and Bill Schaffnitt. Kevin Royle received his 10 year Fire Department Service Award and 20 year Service Award recipients were Fire Engineer, George Wiedel and Fire Chief Tacha, who has served as Fire Chief for 7 years and been with the Fire Department for 20 years. 30 year Service Award recipients were full time Fire Engineer Eddy Baer and Brad Isaac.

Chief Tacha stated on October 7th, the Fire Department lost an active member, Emmett Maul who passed away. October 7th marked 45 years to the day when Emmett became a member of the Fire Department. In Fire service, 10/7 also means out of service. Mr. Maul's 45 year Service Award was presented to his wife, Carol Jean.

Chief Tacha stated in total 175 years of service were recognized this year; a great deal of experience goes into each fire call and noted there is always someone who knows what to do at each call because of the years of experience of the members. He thanked Council for their support and noted the success the Fire Department is due to the support from the City.

Mayor Clouse thanked Chief Tacha and the Fire Department for all they do and stated it is a highlight for Council to recognize Fire Department members and their years of service to the Department.

Council Member Bruce Lear thanked the Fire Department for their service and volunteering their time to the community.

Council Member Randy Buschkoetter thanked Chief Tacha and the Fire Department for the appreciation shown to Council this evening, but noted Council is also very appreciative of the Fire Department with the time and commitment the members give. He stated Fire Department members are running into places everyone else is running out of which makes them some of the heroes of our community.

Council Member Tami Moore thanked the family members for supporting their loved ones who serve on the Fire Department.

Council Member Jonathan Nikkila agreed with everyone's comments and thanked the Fire Department for their service to the community.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

AMENDMENT TO LAND USE MAP; REZONE AND CONDITIONAL USE PERMIT FOR PROPERTY LOCATED EAST OF ONTARIO ROAD AND TAHOE DRIVE, SOUTHWEST OF AVENUE M AND EAST 1ST STREET

Mayor Clouse stated Public Hearings 1 through 3 pertaining to property located East of Ontario Road and Tahoe Drive, Southwest of Avenue M and East 1st Street were postponed until the January 25, 2022 City Council Meeting; therefore, no action is required.

IV. CONSENT AGENDA

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

1. Approve the following Claims:

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

5.11 \$610.00 smcs; Accut \$105.86 smcs; Ace Irrigation \$60.85 co; Acme Tools \$60.43 smcs; Action Targets \$571.00 smcs; Adobe \$29.99 smcs; Agri Coop \$1,098.14 smcs; Aircraft Spruce \$319.29 co; Alert Intern \$40.00 smcs; Alert Shirt \$1,396.54 smcs; All Copy Products \$161.81 smcs; All Makes Auto \$2,735.14 smcs; Allied Electronics \$310.82 smcs; Ally B Design \$75.00 smcs; Amazon \$32,837.29 smcs,co; American \$159.22 smcs; American Button Maker \$197.95 smcs; Anderson Brothers \$1,038.50 smcs; AOMEI Int'l \$191.53 co; Apple \$0.99 smcs; Apple Market \$32.56 smcs; Aramark Uniform \$572.82 smcs; Artisans Photography \$80.00 smcs; Ask Supply \$337.16 smcs; ASP Enterprises \$680.41 smcs; AT & T \$70.00 smcs; Aurora Coop \$64.00 smcs; Authorize.net \$10.00 smcs; Auto Value \$25.28 smcs; Av Fuel \$42,445.74 smcs; B & H Photo \$1,004.89 co; Back Country \$347.48 smcs; Baker & Taylor \$2,725.36 smcs; Ballard \$109.98 smcs; Bamford \$1,425.00 smcs; Bath & Body Works \$35.30 smcs; Battery Guy \$41.85 smcs; Baum Hydraulics \$515.63 smcs; Beacon Observer \$26.00 smcs; Bear Graphics \$504.49 smcs; Best Buy \$33.15 smcs,co; Best Materials \$87.31 smcs; Bike Shed \$4,100.00 co; Bill's Trailer Sales \$225.00 smcs; Blackburn Manufacturing \$345.34 smcs; Blackstone Library \$2,013.94 smcs; Bluecross Blueshield \$97,447.88 smcs; Blushing Moment \$53.96 smcs; Bosselman \$31,086.68 smcs; Brady Worldwide \$1,925.42 smcs; Break Time \$59.34 smcs; Broadfoot's \$4,448.00 smcs,co; Bucks \$27.18 smcs; Buffalo Co. Election \$27,135.11 smcs; Buffalo Co. Treasurer \$31.78 smcs,co; Buffalo Outdoor Power \$303.53 smcs; Builders \$402.84 smcs,co; Bush Furniture \$1,631.73 co; Cab Store \$159.98 smcs; Cabela's \$149.78 smcs; CAL/AMP \$781.55 smcs; Candlewood Suites \$2,880.00 smcs; Canva \$119.40 smcs; Capstone \$259.87 smcs; Carquest \$742.86 smcs; Caseys \$65.36 smcs; Cash-Wa \$919.64 smcs; CDW Govt. \$515.20 co; Cenex \$104.15 smcs; Central Hydraulic \$274.89 ps; Central NE

Bobcat \$919.93 smcs; Central NE Rehab \$150.00 smcs; Chemsearch \$688.00 smcs; Chesterman \$49.00 smcs; Cintas \$261.09 smcs; City of Ky \$11,283.82 ps; CNA Surety \$40.00 smcs; Consolidated Mgmt. \$537.63 smcs; Construction Rental \$92.99 smcs; Control Yours \$200.00 smcs; Copycat Printing \$91.37 smcs; Covert Track Group \$600.00 smcs; Creative Jam \$3.34 smcs; Culligan \$174.00 smcs; Culver's \$10.00 smcs; Cummins \$599.90 smcs; Cutter & Buck \$1,191.07 smcs; Cutting Edge Cleaning \$405.00 smcs; Danko Emergency \$1,918.30 smcs,ps; Del City \$942.10 smcs; Dell \$7,072.44 smcs, co; Depository Trust \$1,842,125.91 ds; Dickey's \$12.19 smcs; Dicks Sporting Goods \$219.34 co; Dish \$128.06 smcs; Displays 2 Go \$560.50 co; Ditch Witch \$103.95 smcs; Dolan Consulting \$240.00 smcs; Dollar General \$12.84 smcs; Door Openers \$67.50 smcs; Eakes \$1,735.19 smcs,co; EB First Responder \$417.24 smcs; Ebay \$96.19 co; Echo Electric \$1,208.32 smcs; Ecolab \$83.06 smcs; Ehrlich \$422.00 smcs; Elder,E \$223.00 smcs; Elliott Equipment \$822.99 smcs; Ellis Wheeler \$213.04 smcs; Embassy Suites \$270.82 smcs; Emblem Enterprises \$841.00 ps; Emergency Medical \$215.89 smcs; Enterprise \$617.30 smcs; Etrailer \$110.74 smcs; Expression Wear \$1,082.00 smcs,ps; Eyemed \$1,363.49 smcs; Facebook \$4.69 smcs; Fairfield Inn \$1,990.11 smcs; Fastenal \$1,162.12 smcs; FD Pins \$17.73 ps; Fleenor,C \$21.11 smcs; Forms Fulfillment \$846.71 smcs; Friesen Chevrolet \$244.40 smcs; Frontier \$7,188.11 smcs; Full Source \$1,893.02 smcs; Fun Express \$260.22 smcs; Gale/Cengage \$3,720.01 smcs; Galeton \$353.81 smcs; Garrett Tires \$13,145.06 smcs; Georgia Fountain \$2,000.00 smcs; GG Leagues \$150.00 smcs; Git N Split \$45.00 smcs; Glow Forge \$239.40 smcs; Goodner,D \$100.00 smcs; GPM \$3,047.60 smcs; GPM Pump & Truck \$2,056.25 smcs; Grainger \$2,411.46 smcs; Greg's Towing \$85.40 co; Grey House Publishing \$156.75 smcs; Hampton Inns \$193.57 smcs; Heuer Publish \$24.95 smcs; Hilliard,E \$89.32 smcs; Hobby-Lobby \$462.42 smcs; Holmes Plumbing \$426.91 smcs; Home Depot \$633.72 smcs; Homewood Suites \$1,255.04 smcs; Hooker Bros. \$559.40 smcs; Hy-Vee \$44.34 smcs; ID Security \$1,004.00 co; Integrated Security \$298.64 smcs; Int'l Code Council \$120.00 smcs; Int'l Institute \$215.00 smcs; Int'l Society \$125.00 smcs; Invoice Home \$5.00 smcs; IRS \$179,399.75 ps; Jack Lederman \$199.04 smcs; JJ Keller \$1,990.00 smcs; Johnson Controls \$515.28 smcs; Johnstone Supply \$241.01 smcs; Ky Ace \$18.81 smcs; Ky Ag \$480.18 smcs; Ky Appliance Repair \$177.07 smcs; Ky Concrete \$2,843.57 smcs; Ky Crete & Block \$1,561.32 smcs; Ky Hub \$119.88 smcs; Ky Power Sports \$1,249.05 smcs; Ky Winlectric \$32,191.13 smcs,co; Ky Winnelson \$204.24 smcs; Kelly Supply \$1,337.32 smcs; Ketch All \$160.50 smcs; Kings III Emergency \$499.26 smcs; Konica Minolta \$860.19 smcs; Kum & Go \$35.20 smcs; Landmark Implement \$3,487.94 smcs; Larue Tactical \$71.95 smcs; Laughlin,K \$70.00 ps; Lawson Products \$377.49 smcs; Lee NE Media \$2,527.53 smcs; Logan Contractors \$143.70 smcs; Long,T \$69.40 smcs; Lulzbot \$318.91 smcs; Mac Tools \$72.41 smcs; Macqueen Equipment \$1,745.33 smcs; Magic Cleaning \$400.00 smcs; Magnum \$91.39 smcs; Malleck,J \$40.92 smcs; Marriott \$1,091.94 smcs; Masek Golf Car \$1,100.00 smcs; Masters True Value \$719.13 smcs; Matheson Tri-gas \$84.00 smcs; McDonald's \$11.01 smcs; Menards \$5,504.96 smcs; Merrill Company \$1,516.92 smcs; Microsoft Store \$105.94 co; Midland Scientific \$249.44 smcs; Midwest Connect \$51.24 smcs; Midwest Petroleum \$1,842.40 smcs; Midwest Turf \$3,202.20 smcs; Miller & Associates \$69,953.83 co; Miller Signs \$6,685.00 smcs,co; Mission Square \$9,128.62 ps; MO State Hwy Patrol \$130.50 smcs; Modern Cleaners \$27.85 smcs; Molina,O \$396.00 co; Moonlight Embroidery \$3,650.25 smcs; MPP Tools \$9.00 smcs; Municipal Supply \$21,446.57 smcs; My Senior Center \$240.00 smcs; Nat'l Fire Protection \$1,670.50 smcs; Nat'l Petroleum \$727.69 smcs; NE Arboretum \$145.00 smcs; NE Child Support \$1,764.50 ps; NE Library Assn. \$75.00

smcs; NE Municipalities League \$1,053.00 smcs; NE Park & Rec \$800.00 smcs; NE Peterbilt \$3,344.39 smcs; NE Press Advertising \$115.00 smcs; NE Safety \$210.00 smcs; NE State Fire Marshal \$120.00 smcs; NE Truck Center \$3,337.28 smcs; NE Turf \$500.00 smcs; NLETC \$150.00 smcs; Nordhues,B \$301.28 smcs; Northcoast Keyless \$39.94 smcs; Northern Tool \$57.99 smcs; Northwest Electric \$455.08 smcs; Northwestern Energy \$14,196.59 smcs; Nutrishop \$150.00 ps; NWEA \$220.00 smcs; NYRP \$85.90 smcs; Office Depot \$1,491.06 smcs,co; Officenet \$367.52 smcs; Olsson \$2,703.90 co; O'Reilly Automotive \$1,031.63 smcs; Orkin \$96.30 smcs; Orscheln \$848.85 smcs; Ortgiesen,E \$64.79 smcs; Panera Bread \$147.64 smcs; Paramount \$36.58 smcs; Parts Town \$351.07 smcs; PB Leasing \$65.97 smcs; Penworthy \$230.01 smcs; Pep Co \$150.00 smcs; Picmonkey \$120.00 smcs; Pitney Bowes \$630.54 smcs; Platte Valley Auto Mart \$866.75 smcs; Platte Valley Comm. \$390.92 smcs; Pohlman,G \$27.81 smcs; Pollard Creations \$22.00 smcs; Presto-X \$114.00 smcs; Prime Comm. \$5,385.37 smcs; Pump & Pantry \$195.82 smcs; Quill \$319.67 smcs; Rasmussen Mechanical \$236.13 smcs; Ravenna Sanitation \$73.50 smcs; RDG Planning & Design \$8,480.61 co; Reams \$1,480.46 smcs; Redbox \$8.03 smcs; Redman's Shoes \$934.99 smcs,co; Reinkes Heating \$95.00 smcs; Rentokil \$139.00 smcs; Resource Mgmt. \$1,263.60 smcs; Reverse Osmosis \$29.92 smcs; Robertson,D \$84.99 smcs; Rockler \$46.96 smcs; Russell's Appliance \$649.00 smcs,co; Safelite \$1,029.98 smcs; Safety Products \$75.83 smcs; Sahling Kenwoth \$266.56 smcs; Salanas,R \$26.86 smcs; Salem Press \$1,002.25 smcs; Sandry Fire \$956.55 smcs; Sapp Brothers \$23,651.76 smcs; Scrubblade \$116.82 smcs; Sherwin Williams \$2,544.67 smcs; Shiffler Equipment \$244.88 smcs; Shoplet.com \$257.61 smcs; Showcases \$1,305.18 smcs; Shredding Solutions \$97.65 smcs; Sig Sauer \$540.00 smcs; Sign Center \$232.72 smcs; Spectrum \$882.07 smcs; Sporting Edge \$106.95 smcs; Sprague,A \$36.25 smcs; Staab,J \$200.00 smcs; Steinbrink's \$180.00 smcs; Sticker Giant \$90.58 smcs; Stutsman \$1,098.00 smcs; Super Shine \$120.56 smcs; Superior Signals \$740.46 smcs; Target \$280.34 smcs; Titan Machinery \$1,903.63 smcs; TK Elevator \$480.82 smcs; Tractor Supply \$634.08 co; Traffic Safety \$656.88 smcs; Transunion \$110.90 smcs; Triple Crown Products \$1,778.83 smcs; Turner Body Shop \$103.50 smcs; Tys Outdoor Power \$71.42 co; UA Sidekick \$12.84 smcs; Uline Ship Supplies \$674.04 smcs; Union Bank & Trust \$112,520.70 ps,ds; Unique \$116.35 smcs; UPS \$70.34 smcs; USA Blue Book \$2,607.51 smcs; USA Comm. \$1,081.73 smcs; USPS \$171.30 smcs; U-Stuff-em \$200.00 smcs; Van Wall Equipment \$169.20 smcs; Vanden Berge,J \$345.70 smcs; Village Services \$1,029.66 smcs; VVS \$90.41 smcs; Walgreens \$34.91 smcs; Wal-Mart \$1,973.52 smcs,co; Walter's Electric \$3,603.96 smcs; Watts Premier \$96.19 smcs; Weather Apparel \$500.84 smcs; Web Network \$86.96 smcs; Webstaurant Store \$886.84 smcs; Weides,B \$100.00 smcs; Wilco Life \$10.00 ps; Wilke,L \$88.00 smcs; WPCI \$799.50 ps; WPSG \$1,401.80 smcs; Yant Equipment \$2,149.20 smcs,co; Zoom \$23.41 smcs. 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.

2. Receive recommendations of Planning Commission and set January 11, 2022 at 5:30 p.m. as date and time for hearing on those applications where applicable.
3. Adopt Resolution No. 2021-248 approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Dalton Schmidt, Nolan Shinn and Karl Webb.

RESOLUTION NO. 2021-248

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 21ST DAY OF DECEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

4. Adopt Resolution No. 2021-249 accepting the bids received for the Harmon Park Sonatorium Restoration, awarding the bid to RMV Construction in the amount of \$1,301,400 and approving Change Order No. 1 showing a decrease in the amount of \$97,325 to RMV Construction.

RESOLUTION NO. 2021-249

WHEREAS, Wilkens ADP and the City of Kearney have reviewed the sealed bids which were opened on November 9, 2021 at 2:00 p.m. for the Harmon Park Sonatorium Restoration; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost of the project was \$960,000.00; and

WHEREAS, Wilkens ADP and the City have recommended the bid offered by RMV Construction, LLC of Kearney, Nebraska in the amount of \$1,301,400.00 be accepted as the lowest responsible bid for Harmon Park Sonatorium Restoration; and

WHEREAS, RMV Construction, LLC and the project's designer, Wilkens ADP, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$97,325 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 RMV Construction, LLC be and is the lowest responsible bidder for the Harmon Park Sonatorium Restoration to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of RMV Construction, LLC in the amount of \$1,301,400.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$960,000.00 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.

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 21ST DAY OF DECEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

5. Adopt Resolution No. 2021-250 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Silverton Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2021-250

WHEREAS, on the 8th day of May, 2018 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2018-63 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Grand West, LLC, a Nebraska Limited Liability Company, by Scott Kimmer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee, to construct paving, water main, sanitary sewer main, and storm sewer to serve Silverton Addition, an addition to the City of Kearney, Buffalo County, Nebraska, described as a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 “Acceptance of Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City’s Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for paving, water main, sanitary sewer main, and storm sewer to serve the property described as Silverton Addition, an addition

to the City of Kearney, Buffalo County, Nebraska, described as a tract of land being part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 21ST DAY OF DECEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution No. 2021-251 approving Application for Payment No. 6 in the amount of \$366,137.98 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. 2021-251

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. 6 in the amount of \$366,137.98 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	2,601,793.25
Retainage (2%)	- <u>52,035.87</u>
Amount Due to Date	2,549,757.39
Less Previous Certificates for Payment	<u>2,183,619.41</u>
Current Payment Due	\$ 366,137.98

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

PASSED AND APPROVED THIS 21ST DAY OF DECEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Approve the Plans and Specifications for the 2MG Elevated Water Tower and set the bid opening date for January 18, 2022 at 2:00 p.m.

8. Adopt Resolution No. 2021-252 approving Change Order No. 1 showing a decrease in the amount of \$390.00, Application and Certificate for Payment No. 1-Final in the amount of \$66,271.25 and accept the Certificate of Substantial Completion submitted by Blessing LLC and approved by Miller & Associates for 2021 Cemetery North Addition; Phase I (Bid A, Site Grading).

RESOLUTION NO. 2021-252

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with 2021 Cemetery North Addition; Phase I (Bid A, Site Grading), and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$390.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Blessing, LLC and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$66,271.25 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 66,661.25
Change Order No. 1 (12/21/21)	- 390.00
Contract Sum To Date	\$ 66,271.25
Gross Amount Due	66,271.25
Retainage (0%)	0.00
Amount Due to Date	66,271.25
Less Previous Certificates for Payment	- 0.00
Current Payment Due	\$ 66,271.25

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of November 30, 2021, 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. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 1-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 21ST DAY OF DECEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Approve the Plans and Specifications for the 2020 Part 3 Improvements; 2nd Avenue Overpass Repairs and set the bid opening date for January 19, 2022 at 2:00 p.m.

10. Adopt Resolution No. 2021-253 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Grandview Estates Thirteenth, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2021-253

WHEREAS, on the 12th day of February, 2019 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2019-41 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Buffalo County School District 10-0007-000, School District #7, Buffalo County, Nebraska, a/k/a Kearney Public Schools, a/k/a the School District of the City of Kearney, a Nebraska corporation, a/k/a the School District of the City of Kearney, Buffalo County, Nebraska, a Body Corporate, by and through Alex Straatmann, President of the Board of Education, to construct a sanitary sewer main for Grandview Estates Thirteenth, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 10 (now vacated), Grandview Estates Tenth, an addition to the City of Kearney, Buffalo County, Nebraska, and located in the North Half of the Southwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and

WHEREAS, the Developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 “Acceptance of Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney the Developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City’s Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for a sanitary sewer main to serve the property described as Grandview Estates Thirteenth, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 10 (now vacated), Grandview Estates Tenth, an addition to the City of Kearney, Buffalo County, Nebraska, and located in the North Half of the Southwest Quarter of Section 30, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska constructed under, and in accordance with, Article 13 “Developer Constructed Infrastructure” of Chapter 9 “Public Works” of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 21ST DAY OF DECEMBER, 2021.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Accept the Certificate of Vote by the Buffalo County Election Commissioner for the December 14, 2021 Special Election for the City of Kearney Bond & Extension of the Occupation Tax Issue.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8540 AUTHORIZING THE ISSUANCE OF A COMBINED UTILITIES REVENUE BOND

Council Member Moore introduced Ordinance No. 8540 authorizing the issuance of a

Combined Utilities Revenue Bond of the City of Kearney, Nebraska, in the principal amount of up to \$8,000,000 for the purpose of paying the costs of improvements to the city's water tower and booster station; authorizing the issuance of said bond in the form of a promissory note to evidence a loan from the Nebraska Department of Environment and Energy; approving the execution and delivery of a loan agreement with the Nebraska Department of Environment and Energy; approving related documents with respect to said loan; prescribing the form, terms and details of said bond; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said City for the payment of said bond and interest thereon; providing for the collection, segregation and application of the revenues of the City's waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules for Ordinance No. 8540. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8540 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8540 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8540 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

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$84,587.39 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:43 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**