

***Kearney, Nebraska
February 22, 2022
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 February 22, 2022 in the Council Chambers at City Hall. Present were: Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: Stanley Clouse. Mayor Stanley Clouse arrived at 5:35 p.m.; Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Andy Harter, Director of Public Works and Bryan Waugh, Chief of Police, were also present.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the City Council and a copy of their acknowledgment or receipt of such notice is attached to these minutes. Availability of the Agenda was communicated in the advance notice and in the notice to the Mayor and City Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

With the absence of a minister, the Council held a moment of silence.

PLEDGE OF ALLEGIANCE

Members of Kearney Police Department Honor Guard including Lieutenant Dennis Byrne, Officers Lacie Lindner, Jared Small and Tracy Suchsland presented and posted the colors. One Boy Scout from Troop 158, led the Council members and 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

Recognition Ceremony for Promotions of Police Captain Kevin Thompson and Police Sergeant Jace Schanou. Chief Bryan Waugh stated Sergeant Schanou has been with the Kearney Police Department for 21 years and has served as a Field Training Officer, a DARE Officer, member of the ESU Team as well as a Police Officer in Charge (POIC).

Chief Waugh stated Captain Thompson has been with the Kearney Police Department for 29 years, prior to this promotion, Captain Thompson served as Lieutenant of Office of

Professional Standards, was a former Field Training Officer and is a member of the ESU team. Captain Thompson will serve as the commander of the Operations Division. City Clerk, Lauren Brandt, provided the Oath of Office to both Sergeant Schanou and Captain Thompson.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

SALES TAX CAPITAL IMPROVEMENT PLAN

Mayor Clouse opened the public hearing on the ½¢ Sales Tax Capital Improvement Plan for the City of Kearney, Nebraska.

Wendell Wessels, Finance Director presented this matter to the Council. Mr. Wessels stated the City's current plan identifies five (5) years worth of improvements. He stated the majority of improvements relate to streets, but noted other improvements included are the Public Safety Bond for the radio project for Kearney Police Department, Phase II and Phase III of the Cemetery project and future Fire Station No. 4.

Council Member Jonathan Nikkila questioned the Talmadge Street project and asked if Federal funding was not going to cover the entire cost of the project? Mr. Wessels stated Federal funding will be used for water and sewer; the amount shown in the CIP is the City's portion of the paving cost for Talmadge Street that is being shared with Buffalo County.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and approve the ½¢ Sales Tax Capital Improvement Plan for the City of Kearney. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

IV. CONSENT AGENDA

Moved by Moore seconded by Lear that Subsections 1 through 17 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 February 8, 2022 and Minutes of the Special Meeting held on February 16, 2022.

2. Approve the following Claims:

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

DS Debt Service

1000bulbs.com \$41.98 smcs; 1A Auto \$128.35 smcs; 911 Custom \$145.00 smcs; Acushnet \$5,434.22 smcs; Adobe \$29.99 smcs; Advance Auto Parts \$46.69 smcs; AED Authority \$1,631.00 smcs; AFC Grand Island \$1,710.00 smcs; Akrs Equipment \$13.46 smcs; Al American Sharp \$221.06 smcs; Alfred Benesch \$116,109.02 co; All Makes Auto \$4,906.99 smcs; Allied Electronics \$159.29 smcs; Amax Contracting \$398.72 smcs,co; Amazon \$11,446.28 smcs,co; American \$682.30 smcs; American Red Cross \$41.52 smcs; Anderson Bros \$1,182.77 smcs; AOII \$100.00 smcs; Apple Market \$9.23 smcs; Apple.com \$0.99 smcs; Aramark Uniform \$228.42 smcs; Artisans \$360.00 smcs; Ashtown Technology \$80.00 smcs; Ask Supply \$838.85 smcs; AT & T \$1,191.12 smcs; Aurora Coop \$3,065.62 smcs; Aussie Hydraulics \$34.52 smcs; Authorize.net \$10.00 smcs; Auto Value \$359.93 smcs; Automation Direct \$213.73 smcs; Autopay \$135.08 smcs; Avfuel \$114,066.49 smcs; Avtech \$456.90 co; B&H Photo \$1,530.95 co; Baker & Taylor \$3,009.66 smcs; Barney Insurance \$100.00 smcs; Battery Junction \$101.12 smcs; Baum Hydraulics \$908.87 smcs; Blackburn Manufacturing \$116.51 smcs; Blackhawk Supply \$27.62 smcs; Blackstone Library \$583.96 smcs; Blick Art \$100.15 smcs; BlueCross BlueShield \$115,137.24 smcs; Boogaarts \$16.00 smcs; Bosselman \$56,728.29 smcs; Brown Construction \$371,701.26 co; BSN Sports \$79.29 smcs; Bubble Factory \$94.45 smcs; Buffalo Co Sheriff \$757.00 smcs; Buffalo Co. Register \$46.00 smcs; Buffalo Co. Treasurer \$35.88 smcs, co; Buffalo Outdoor Power \$354.90 smcs; Builders \$1,450.90 smcs; Burnett,M \$155.00 smcs; Cab Store \$49.18 smcs; Cal/Amp \$781.55 smcs; Canva \$12.95 smcs; Carquest \$24.33 smcs; Casey's \$167.42 smcs; Cash-Wa \$1,240.69 smcs; CBA Lighting \$171.09 smcs; CDW Government \$6,440.00 smcs; Cenex \$31.35 smcs; Central Hydraulic \$20.55 smcs; Central NE Bobcat \$737.37 smcs; Central NE Rehab \$100.00 ps; Chemsearch \$319.00 smcs; Chesterman \$150.00 smcs; Cimcon \$200.00 smcs; Cintas \$448.60 smcs; City of Grand Island \$500.00 smcs; City of Ky \$378,550.28 smcs,ps; Civic Plus \$790.08 smcs; Coldspring \$301.35 smcs; Comcate \$2,390.99 smcs; Comm. Action Partnership \$854.00 smcs; Comm. Health Agencies \$36.00 ps; Comm. Service Fund \$16.00 ps; Consolidated Mgmt. \$237.06 smcs; Constant Contact \$45.00 smcs; Construction Rental \$493.54 smcs; Control Yours \$196.00 smcs; Copycat \$81.10 smcs; Core & Main \$444.11 smcs; Culligan \$157.10 smcs; Cummins \$130.89 smcs; Custom Products \$1,386.10 smcs; Cutting Edge Cleaning \$205.00 smcs; Dashlane \$300.00 smcs; Davco Technology \$50.85 smcs; Davis Equipment \$1,324.84 smcs; Dawson Public Power \$21,459.19 smcs; Defensive Edge \$450.00 smcs; Del City \$401.52 smcs; Dell \$608.25 smcs; Digicert \$452.20 smcs; Dish \$114.42 smcs; Dollartree \$59.92 smcs; DPC Industries \$16,398.49 smcs; Drivers License Guide \$31.95 smcs; Eakes \$1,372.66 smcs; Echo Electric \$1,011.20 smcs; Ecolab \$114.87 smcs; Ehrlich \$330.00 smcs; Eileen's Cookies \$6.40 smcs; Elliott Equipment \$19,303.46 smcs,co; Ellis Wheeler \$199.52 smcs; Embassy Suites \$1,935.84 smcs; Emergency Medical \$743.75 smcs; Enterprise Electric \$68,810.50 smcs; Exhaust Pros \$314.00 smcs; Exit Light Co. \$89.88 smcs; Expedia \$364.26 smcs; Express Market Place \$33.75 smcs; Expression Wear \$1,538.00 smcs; Eyemed \$1,363.91 smcs; Facebook \$289.50 smcs; Family Fresh \$26.59 smcs; Farmers Union \$1,200.00 smcs; Fastenal \$112.98 smcs; FBI Nat'l Academy \$125.00 smcs; Fort Ky Outdoor \$1,000.00 smcs; Friesen Chevrolet \$807.59 smcs; Frontier \$319.37 smcs; Fullcirclet \$1,115.00 smcs; G & S Solutions \$2,391.14 smcs; Gale \$283.19 smcs; Galeton \$1,811.48 smcs; Gammon Technical \$788.41 co; Garrett Tires \$5,318.67 smcs; Gaylord Rockies \$605.46 smcs;

Gfeller,N \$23.09 smcs; Glendale Parade \$295.65 smcs; Glock Professional \$500.00 smcs; Government Finance \$150.00 smcs; Graham Tire \$524.04 smcs; Grainger \$614.69 smcs; Hach \$794.25 smcs; Hall Weapon \$549.00 smcs; Heartland Motor Sports \$62.20 smcs; Heritage Inn \$359.75 smcs; Hertz \$594.45 smcs; HM Life Insurance \$42,679.03 smcs; HOA Solutions \$798.53 smcs; Hobby-Lobby \$854.01 smcs; Holiday Inn \$10,922.75 smcs; Holmes Plumbing \$53.46 smcs; Home Depot \$817.05 smcs; Hy-Vee \$60.86 smcs; IACP \$265.00 smcs; IAPE \$195.00 smcs; ICCFA \$794.00 smcs; Inland Truck Parts \$1,497.13 smcs; Integrated Security \$6,360.00 smcs; Invoicehome.com \$5.00 smcs; IRS \$358,654.18 ps; ISA \$213.00 smcs; Ispring Water \$32.30 smcs; Jack Lederman \$11,048.03 smcs; Jack's Small Engines \$98.31 smcs; Jack's Uniforms \$215.84 smcs; Jackson Services \$307.90 smcs; Janssen & Sons Ford \$25,801.00 co; JES Restaurant \$116.96 smcs; Jewell,J \$39.60 smcs; Johnston,M \$54.27 smcs; Johnstone Supply \$189.69 smcs; Kathleen Laughlin, Trustee \$140.00 ps; Ky Ace \$462.24 smcs; Ky Chamber Comm. \$200.00 smcs; Ky Concrete \$1,731.21 smcs; Ky Power Sports \$124.65 smcs; Ky Quality \$524.98 smcs; Ky Towing \$465.00 smcs; Ky Winlectric \$1,692.21 smcs,co; Ky Winnelson \$482.29 smcs; Kelly Supply \$1,266.01 smcs; Kimball Midwest \$447.72 smcs; Kolorcans \$124.49 smcs; Konica Minolta \$1,048.13 smcs; KSO CPAs \$31,710.00 smcs; Landmark Implement \$2,431.04 smcs; Lawn Builders \$3,376.85 smcs; Lawson Products \$605.77 smcs; LCL Truck Equipment \$518.52 smcs; Lee NE Media \$6,780.42 smcs; Levine Automotive \$14.99 smcs; LMC Truck \$390.12 smcs; Lodge,R \$400.00 smcs; Love's Country \$42.81 smcs; Lulzbot \$139.77 smcs; Luxor \$30.31 smcs; Magic Cleaning \$400.00 smcs; Marlatt Machine \$582.50 smcs; Masters True Value \$260.90 smcs; Matheson \$621.92 smcs; McCormack Distributing \$19,320.00 co; McElhinny Builders \$2.18 smcs; Menard,J \$17.94 smcs; Menards \$6,255.54 smcs,co; Merrill \$604.13 smcs; Metal Doors \$420.00 smcs; Michaels \$85.26 smcs; Microsoft \$212.93 co; Midlands Contracting \$378,534.91 smcs; Midwest Connect \$279.28 smcs; Midwest Restaurant \$476.95 smcs; Midwest Turf \$524.21 smcs; Miller & Associates \$45,478.95 co; Miller Signs \$825.00 smcs; Mirror Image \$100.00 smcs; Mission Square \$14,361.19 ps; Moonlight Embroidery \$867.00 smcs; Morgan,M \$42.76 smcs; MOS Equipment \$115.00 smcs; Municipal Supply \$3,135.58 smcs; My Cute Lobster \$1.20 smcs; My Senior Center \$1,190.00 smcs; Nat'l Assn. \$1,765.00 smcs; NE Arborists \$190.00 smcs; NE Assn. \$50.00 smcs; NE Aviation \$345.00 smcs; NE Child Support Center \$3,535.46 ps; NE Crane \$50.70 smcs; NE Dept of Revenue \$88,449.41 smcs,ps; NE Library Assn. \$155.00 smcs; NE Machinery \$720.81 smcs; NE Municipal Utilities \$780.00 smcs; NE Peterbilt \$110.28 smcs; NE Public Health \$210.00 smcs; NE Safety & Fire \$345.00 smcs; NE Supreme Court \$313.65 smcs; NE Truck Center \$2,222.76 smcs; Network Solutions \$166.96 smcs; NFPA \$139.55 smcs; NLETC \$135.00 smcs; Northern Safety \$142.08 smcs; Northwestern Energy \$42,139.27 smcs; Npi/Ram Mounts \$282.08 smcs; NRG Media \$720.00 smcs; NWISA \$270.00 smcs; OCLC \$3,628.28 smcs; Office Depot \$379.98 smcs; Office Max \$814.24 smcs; One Call Concepts \$214.30 smcs; O'Reilly Auto \$2,938.89 smcs; Orkin \$96.30 smcs; Orscheln \$358.85 smcs; Otto Environmental \$33,984.00 smcs; Overhead Door \$235.25 smcs; Panera Bread \$56.00 smcs; Paramount \$37.40 smcs; Payflex \$516.84 ps; Pep Co \$300.00 smcs; Pet Pick Ups \$688.88 smcs; Petzold,M \$50.00 smcs; Pfeiffer,D \$10.69 smcs; Pitney Bowes \$574.02 smcs; Plastix Revolution \$34.67 smcs; Platinum Awards \$14.35 smcs; Platte Valley Auto Mart \$275.08 smcs; Plixer \$1,575.37 smcs; Presto-X \$46.00 smcs; Prime Comm. \$18,974.02 smcs; Pro Drinking Fountains \$82.94 smcs; Proactive Sports \$682.01 smcs; Propay \$299.00 smcs; Quill \$679.50 smcs; Radiant Heating Systems \$502.00 smcs; Rasmussen Mechanical \$33,377.52 smcs,co; Ravenna

Sanitation \$269.50 smcs; Reams \$1,976.81 smcs; Redbox \$5.19 smcs; Reinke's \$1,771.46 smcs; Rheome Tree \$8,575.00 smcs; Rivershore Reading \$140.00 smcs; RMV Construction \$138,026.45 co; Roessler,A \$334.70 smcs; RTS Tactical \$24.99 smcs; Safelite Autoglass \$329.98 smcs; Sahling Kenworth \$42.15 smcs; Sanitation Products \$3,165.77 smcs; Sapp Brothers \$45,927.00 smcs; Sayler Screenprinting \$278.52 smcs; SESAC \$513.00 smcs; Shafto,B \$50.00 smcs; Sherwin Williams \$523.11 smcs,co; Shredding Solutions \$60.90 smcs; Sign Solutions \$8,195.44 smcs; Signet Jewelers \$62.28 smcs; Silverstone \$6,598.08 smcs; Sirchie Finger Print Lab \$101.40 smcs; Slumberland \$745.00 smcs; Snap-on Tools \$71.00 smcs; Spectrum \$1,427.60 smcs; Star-Herald \$250.00 smcs; Steinbrink's \$200.00 smcs; Stutsman \$1,647.00 smcs; Styker Medical \$387.45 smcs; Sumuri \$450.00 smcs; Sunrise Middle School \$300.00 smcs; Superior \$2,247.00 smcs; Supply House \$185.94 smcs; Tactical Gear \$170.35 smcs; Thoroughbred Ford \$37,116.00 co; Tillotson Enterprises \$13,036.00 co; Toby KID Klauenberg \$365.00 smcs; Total Backflow \$725.00 smcs; Tractor-Supply \$768.66 smcs; Transunion \$114.60 smcs; Trausch Dynamics \$49.73 smcs; Triple Crown \$871.45 smcs; Trophy Depot \$61.64 smcs; Twin City Hardware \$468.55 co; UA Sidekick \$539.94 smcs; Union Bank & Trust \$188,811.97 ps; Unique \$53.70 smcs; United \$571.70 smcs; United Way \$251.76 ps; UNL \$320.00 smcs; UPS \$99.63 smcs; USA Comm \$51.39 smcs; USPS \$791.90 smcs; Vanco \$97.20 smcs; Verizon \$117.66 smcs; VVS \$6.30 smcs; Walmart \$1,540.26 smcs; Wessels,W \$48.00 smcs; Whinnery Construction \$214,457.99 co; Wilcac Life \$10.00 ps; Winter Equipment \$215.84 smcs; WPCI \$694.50 ps; Yeti \$5,201.25 smcs; Zoom \$1,349.10 smcs; Payroll Ending 02/12/22 -- \$525,685.96. 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 March 8, 2022 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt Resolution No. 2022-1A approving the corrected Final Plat and Subdivision Agreement for Buffalo Island Subdivision, a subdivision being part of the Northwest Quarter of Section 15 and part of the Southwest Quarter of Section 10, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, as a result of corrections needed for recording purposes at the Buffalo County Register of Deeds Office.

RESOLUTION NO. 2022-1A

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Buffalo Island Subdivision, a subdivision being part of the Northwest Quarter of the Northwest Quarter of Section 15 and part of the Southwest Quarter of the Southwest Quarter of Section 10, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska for a tract of land located in the Northwest Quarter of the Northwest Quarter of Section 15 and in the Southwest Quarter of the Southwest Quarter of Section 10, being part of Tax Lot 9 in said Section 15 and Tax Lot 7 in Section 10, all in Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, being more particularly described as follows: Commencing at the Northwest Corner of said Section 15; thence South 89°40'47" East (assumed bearing) on the North line of said Northwest Quarter of Section 15, a distance of 508.62 feet,

thence South 00°19'13" West perpendicular to said North line a distance of 131.45 feet to the Point of Beginning; thence South 31°15'15" East a distance of 500.96 feet to the Boundary Line Agreement as recorded in Instrument 2002-3508; thence along said Agreement Line the following; North 28°50'39" East a distance of 71.95 feet; thence North 05°32'14" East a distance of 117.70 feet; thence North 38°07'49" East a distance of 212.25 feet; thence North 60°10'04" East a distance of 239.99 feet; thence leaving said Agreement Line North 29°49'56" West a distance of 217.58 feet; thence South 67°05'05" West a distance of 583.00 feet to the Point of Beginning, containing 4.00 acres more or less and is subject to any Easements or Right of Ways by record, all located 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 22ND DAY OF FEBRUARY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

5. Approve the Plans and Specifications for the 2022 Part 3 Improvements; 11th Street from A Avenue to F Avenue and set the bid opening date for March 15, 2022 at 2:00 p.m.

6. Adopt Resolution No. 2022-46 approving Application and Certificate for Payment No. 1 in the amount of \$29,758.50 submitted by Duncan Theis Construction, Inc. and approved by Olsson for Yanney Park Maintenance Building.

RESOLUTION NO. 2022-46

WHEREAS, Duncan Theis Construction, Inc. of Kearney, Nebraska has performed services in connection with Yanney Park Maintenance Building, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$29,758.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 514,038.00
Contract Sum To Date	514,038.00
Gross Amount Due	33,065.00
Retainage (10%)	- 3,306.50
Amount Due to Date	29,758.50
Less Previous Certificates for Payment	<u>0.00</u>

Current Payment Due

\$ 29,758.50

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

PASSED AND APPROVED THIS 22ND DAY OF FEBRUARY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2022-47 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement with Rodney Wiederspan, Co-Manager of Sorensen Acres, LLC, a Nebraska Limited Liability Company for Oak Park Center Second, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2022-47

WHEREAS, on the 8th day of June, 2021 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2021-98 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Rodney K. Wiederspan, Co-Manager of Sorensen Acres, LLC, a Nebraska Limited Liability Company, to construct paving and a storm sewer main to serve Oak Park Center Second, an addition to the City of Kearney, 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 and a storm sewer main to serve the property described as Oak Park Center Second, an addition to the City of Kearney, 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 22ND DAY OF FEBRUARY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Adopt Resolution No. 2022-48 approving Change Order No. 1 showing an increase in the amount of \$8,239.25, Application and Certificate for Payment No. 4-Final in the amount of \$37,334.12 and accept the Certificate of Substantial Completion submitted by Ensley Electrical Services and approved by Olsson for the Pedestrian Hybrid Beacons involving work associated with the construction of three (3) Pedestrian Hybrid Beacon’s (PHB) at 4-lane trail crossings at 11th Street, 30th Avenue, & 17th Avenue.

RESOLUTION NO. 2022-48

WHEREAS, Ensley Electrical Services of Grand Island, Nebraska has performed services in connection with the 2020 Pedestrian Hybrid Beacons involving work associated with the construction of three (3) Pedestrian Hybrid Beacon’s at 4-lane trail crossings at 11th Street, 30th Avenue, & 17th Avenue, and the City’s engineer, Olsson, have filed with the City Clerk Change Order No. 1 showing an increase in the amount of \$8,239.25 as shown on Exhibit “A” attached hereto and made a part hereof by reference; and

WHEREAS, Ensley Electrical Services and Olsson have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$37,334.12 as shown on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 218,267.00
Change Order No. 1 (2/22/2022)	+ 8,239.25
Contract Sum To Date	<u>226,506.25</u>
Gross Amount Due	226,506.25
Retainage (0%)	- 0.00
Amount Due to Date	<u>226,506.25</u>
Less Previous Certificates for Payment	- 189,172.13
Current Payment Due	\$ 37,334.12

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of January 31, 2022, 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. 4-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 22ND DAY OF FEBRUARY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Adopt Resolution No. 2022-49 approving Application and Certificate for Payment No. 14 in the amount of \$371,701.26 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.

RESOLUTION NO. 2022-49

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. 14 in the amount of \$371,701.26 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)	+ 23,028.06
Change Order No. 5 (01/11/2022)	<u>+ 62,196.09</u>
Contract Sum To Date	7,342,830.37
Gross Amount Due	6,563,456.71
Retainage (5%)	<u>- 328,172.84</u>
Amount Due to Date	6,235,283.87
Less Previous Certificates for Payment	<u>- 5,863,582.61</u>
Current Payment Due	\$ 371,701.26

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. 14, as shown on Exhibit “A” be and are hereby accepted and approved.
 PASSED AND APPROVED THIS 22ND DAY OF FEBRUARY, 2022.

ATTEST:
 LAUREN BRANDT
 CITY CLERK

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

10. Adopt Resolution No. 2022-50 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement with Timothy Norwood, President of NP Land Development, Inc., a Nebraska Corporation and Nancy Norwood, Trustee of the Nancy Norwood Revocable Trust for Stoneridge Tenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2022-50

WHEREAS, on the 13th day of April, 2021 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2021-55 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Timothy J. Norwood, President of NP Land Development, Inc., a Nebraska Corporation and Nancy A. Norwood, Trustee of the Nancy A. Norwood Revocable Trust dated October 14, 1999, to construct paving, water main, sanitary sewer main and storm sewer to serve Stoneridge Tenth Addition, an addition to the City of Kearney, 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 Stoneridge Tenth Addition, an addition to the City of Kearney, 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 22ND DAY OF FEBRUARY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Approve the Plans and Specifications for the 2022 Part 4 Improvements; 31st Street from G Avenue to N Avenue and set the bid opening date for March 15, 2022 at 2:00 p.m.

12. Adopt Resolution No. 2022-51 approving Change Order No. 2 showing a decrease in the amount of \$22,800.00 and increasing the contract time, resulting in a new substantial completion date of December 3, 2021 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. 2022-51

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. 2 showing an increase to the contract time to reflect a new substantial completion date of December 3, 2021 and showing a decrease in the amount of \$22,800.00 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 2,666,533.00
Change Order No. 1 (11/23/2021)	- 0.00
Change Order No. 2 (2/22/2022)	- <u>22,800.00</u>
Net Contract Sum	2,643,733.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown as Exhibit “A” be and is hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF FEBRUARY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Accept the bids received for the 2MG Elevated Water Tower and adopt Resolution No. 2022-52 awarding the bid to Caldwell Tank in the amount of \$4,973,000.00 for Bid B (Composite).

RESOLUTION NO. 2022-52

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on February 15, 2022 at 2:00 p.m. for the 2MG Elevated Water Tower; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$5,227,000.00 for Bid A (Fluted Column) and \$4,993,000.00 for Bid B (Composite); and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Caldwell Tank of Louisville, Kentucky in the amount of \$4,973,000.00 for Bid B (Composite) be accepted as the lowest responsible bid for the 2MG Elevated Water Tower; and

WHEREAS, award is contingent upon Drinking Water State Revolving Fund (DWSRF) Loan approval.

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 Caldwell Tank be and is the lowest responsible bidder for the 2MG Elevated Water Tower to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Caldwell Tank in the amount of \$4,973,000.00 for Bid B (Composite), contingent upon Drinking Water State Revolving Fund (DWSRF) Loan approval, be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$5,227,000.00 for Bid A (Fluted Column) and \$4,993,000.00 for Bid B (Composite) 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 22ND DAY OF FEBRUARY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

14. Accept the bids received for the Water Utility Communication Line and adopt Resolution No. 2022-53 awarding the bid to Great Plains Communication the amount of \$67,380.00.

RESOLUTION NO. 2022-53

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on February 15, 2022 at 2:00 p.m. for the Water Utility Communication Line; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$134,250.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by

Great Plains Communication of Blair, Nebraska in the amount of \$67,380.00 be accepted as the lowest responsible bid for the Water Utility Communication Line; and

WHEREAS, award is contingent upon Drinking Water State Revolving Fund (DWSRF) Loan approval.

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 Great Plains Communication be and is the lowest responsible bidder for the Water Utility Communication Line to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Great Plains Communication in the amount of \$67,380.00, contingent upon Drinking Water State Revolving Fund (DWSRF) Loan approval, be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$134,250.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 22ND DAY OF FEBRUARY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

15. Reject the bids received for the purchase of a Trailer Mounted 100kW Generator to be used in the Wastewater Treatment Division of the Utilities Department.

16. Adopt Resolution No. 2022-54 approving Change Order No. 2 showing a decrease in the amount of \$3,873.00 and increasing the contract time to reflect a substantial completion date of February 14, 2022 and final completion date of February 15, 2022, Application and Certificate for Payment No. 9 in the amount of \$109,020.80 and accept the Certificate of Substantial Completion submitted by RMV Construction and approved by Miller & Associates for the Wastewater Treatment Plant Phase II; Vehicle Storage Building.

RESOLUTION NO. 2022-54

WHEREAS, RMV Construction of Kearney, Nebraska has performed services in connection with the Wastewater Treatment Plant Phase II; Vehicle Storage Building, and the City’s engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing a decrease in the amount of \$3,873.00 and increasing the contract time to reflect a substantial completion date of February 14, 2022 and final completion date of February 15, 2022, as shown on Exhibit “A” attached hereto and made a part hereof by reference; and

WHEREAS, RMV Construction and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 9 in the amount of \$109,020.80 as shown on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 1,516,900.00
Change Order No. 1 (10/26/2021)	- 2,724.00

Change Order No. 2 (2/22/2022)	- 3,873.00
Contract Sum To Date	1,510,303.00
Gross Amount Due	1,510,303.00
Retainage (10%)	- 10,000.00
Amount Due to Date	1,500,303.00
Less Previous Certificates for Payment	- 1,391,282.80
Current Payment Due	\$ 109,020.80

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of February 14, 2022, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown on Exhibit "A", Application and Certificate for Payment No. 9, 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 22ND DAY OF FEBRUARY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

17. Approve the purchase of a Bomag Model BC773RB-5 Landfill Compactor in the amount of \$654,058.00 submitted by Road Builders Machinery and Supplies Co. under the Sourcewell Cooperative Purchasing Contract program to be used at the Kearney Area Solid Waste Agency Landfill by the Utilities Department.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8554 AMENDING SECTION 1-1520 "POLITICAL SUBDIVISION CONSTRUCTION ALTERNATIVES ACT" OF ARTICLE 15 "PURCHASING" OF CHAPTER 1 "ADMINISTRATION" OF THE CITY CODE

Council Member Lear introduced Ordinance No. 8554 amending Section 1-1520 "Political Subdivision Construction Alternatives Act" of Article 15 "Purchasing" of Chapter 1 "Administration" of the City Code to remove the process of Letters of Interest from the procedures addressed under Construction Management at Risk Contract, 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. 8554. 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, Moore. 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. 8554 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, Moore. Nay: None. Motion

carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8554 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8554 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.

ORDINANCE NO. 8555 REPEALING ORDINANCE NO. 8527 AND AMEND THE SALARY ORDINANCE

Council Member Lear introduced Ordinance No. 8555 repealing Ordinance No. 8527 and amend the Salary Ordinance reflecting changes 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. 8555. 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, Moore. 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. 8555 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, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8555 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8555 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 \$112.40 payable to Stanley Clouse and \$82,095.17 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Mayor Clouse stated he and Council Member Tami Moore are attending the League of Municipalities meeting next week.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:49 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter, Nikkila. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**