

Kearney, Nebraska
July 12, 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 July 12, 2022 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear and Tami James Moore. Absent: Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Kayla James, Director of Finance; Brenda Jensen, Assistant City Manager; 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. Several leadership members from the University of Nebraska at Kearney were also present including: Chancellor Douglas Kristensen; Senior Vice Chancellor for Academic Affairs, Kristin Majocho; Vice Chancellor for Business and Finance, Jon Watts; Senior Advisor to the Chancellor, John Falconer and Special Assistant, Charlie Bicak. Members of the media present included: Michael Shively, News Channel Nebraska and Mike Konz, Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

Mayor Clouse led Council members and the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

DEVELOPMENT OF PARK VIEW ESTATES TENTH ADDITION

Mayor Clouse opened the public hearing on the applications submitted by Miller & Associates for T James Enterprises, Inc. to 1) vacate Lot 1 and Lot 2, Block One, Park View Estates Seventh, an addition to the City of Kearney, Buffalo County, Nebraska, being part of the Northwest Quarter of the Northwest Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Ordinance No. 8580; and 2) the Final Plat for Park View Estates Tenth, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1 and Lot 2, Block One (to be vacated), Park View Estates Seventh, an addition to the City of Kearney, Buffalo County, Nebraska, being part of the Northwest Quarter of the Northwest Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest of 11th Street and 17th Avenue) and consider Resolution No. 2022-132.

Craig Bennett, Miller & Associates presented this matter to the Council. Mr. Bennett stated the current R-2 zoning will remain the same. The Developer is requesting Lot 1 and Lot 2, Block One of Park View Estates Seventh be vacated; the two (2) lots will be realigned on the proposed plat for Park View Estates Tenth. Mr. Bennett noted there is a large high pressure gas main that goes through the property which makes a large portion undevelopable. The goal is to construct duplex/townhomes on the two (2) lots.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the applications submitted by Miller & Associates for T James Enterprises, Inc. and introduced Ordinance No. 8580 vacating Lot 1 and Lot 2, Block One, Park View Estates Seventh, an addition to the City of Kearney, Buffalo County, Nebraska, being part of the Northwest Quarter of the Northwest Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8580 vacating Lot 1 and Lot 2, Block One, Park View Estates Seventh, an addition to the City of Kearney, Buffalo County, Nebraska, being part of the Northwest Quarter of the Northwest Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. 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, Lear, Buschkoetter. Nay: None. Moore abstain. Nikkila absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8580 by number. Roll call

of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Buschkoetter. Nay: None. Moore abstain. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8580 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Moore abstain. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8580 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.

Moved by Clouse seconded by Lear to adopt Resolution No. 2022-132 approving the Final Plat for Park View Estates Tenth, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1 and Lot 2, Block One (to be vacated), Park View Estates Seventh, an addition to the City of Kearney, Buffalo County, Nebraska, being part of the Northwest Quarter of the Northwest Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (Southwest of 11th Street and 17th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear. Nay: None. Moore abstain. Nikkila absent. Motion carried.

RESOLUTION NO. 2022-132

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Park View Estates Tenth, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being Lot 1 and Lot 2, Block One (now vacated), Park View Estates Seventh, an addition to the City of Kearney, Buffalo County, Nebraska, being part of the Northwest Quarter of the Northwest Quarter of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a mag nail at the Northwest corner of the Northwest Quarter of Section 11; thence N 89°20'53" E on the North line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 64.99 feet to the northerly extension of the West line of said Park View Estates Seventh; thence S 00°11'46" W on said West line a distance of 42.47 feet to a 5/8" rebar w/cap at the South line of 11th Street and the POINT OF BEGINNING; thence continuing S 00°11'46" W on said West line a distance of 241.75 feet to a 5/8" rebar w/cap at the Northwest corner of Lot 3, Block One of said Park View Estates Seventh; thence S 82°32'56" E on the North line of said Lot 3 a distance 166.03 feet to a 5/8" rebar w/cap at the Northeast corner of said Lot 3 and the West line of 17th Avenue; thence Northerly on the West line of said 17th Avenue and a non-tangent curve to the Right having a central angle of 30°09'04", a radius of 230.00 feet, an arc length of 121.03 feet, and a chord bearing of N 22°31'36" E a distance of 119.64 feet to a 5/8" rebar w/cap; thence Northerly continuing on the West line of 17th Avenue and on a tangent curve to the Left having a central angle of 36°55'41", a radius of 170.00 feet, an arc length of 109.57 feet, and a chord bearing of N 19°08'17" E a distance of 107.68 feet to a 5/8" rebar w/cap; thence N 00°40'27" E continuing on said West line of 17th Avenue a distance of 84.86 feet to a 5/8" rebar w/cap on said South line of 11th Street; thence S 82°09'52" W on said South line of 11th Street a distance of 248.26 feet to the Point of Beginning, containing 1.35 acres,

more or less, all in Buffalo County, Nebraska, Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

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

PASSED AND APPROVED THIS 12TH DAY OF JULY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 10 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Moore. Nay: None. Nikkila absent. Motion carried.

1. Approve Minutes of Regular Meeting held June 28, 2022.
2. Approve the following Claims:

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

Agri Coop \$12,113.61 smcs; Alfred Benesch \$27,615.47 co; All Copy \$362.66 smcs; Amazon \$35.00 smcs; Anderson Bros. \$512.95 smcs; Area Services \$963.00 smcs; Arias,A \$36.95 smcs; Arrow Seed \$1,311.50 smcs; Ask Supply \$3,002.49 smcs; Aurora Agronomy \$480.00 smcs; Aurora Coop \$773.86 smcs; Auto Value \$742.74 smcs; AV Fuel \$225,825.88 smcs; Baillie,T \$44.74 smcs; Baker & Taylor \$3,993.41 smcs; Bamford \$225.00 smcs; Baxa,J \$27.24 smcs; Bernu,A \$115.00 smcs; BlueCross BlueShield \$215,428.32 smcs; Borer,K \$94.15 smcs; Bosselman Energy \$12,063.10 smcs; Brandt,DJ \$455.90 co; Buffalo Co. Court \$189.95 ps; Builders \$604.74 smcs; Caldwell Tanks \$127,703.25 co; Candlewood Suites \$2.00 smcs; Carolina Software \$650.00 smcs; Cash Wa \$7,478.13 smcs; Central NE Bobcat \$611.92 smcs; Chesterman \$891.15 smcs; Ciox Health \$40.00 smcs; City of Ky \$426,669.57 smcs, ps; Comcate \$2,390.99 smcs; Comm. Health Agencies \$36.00 ps; Comm. Service Fund \$6.00 ps; Comm. Rec Specialists \$408.00 smcs; Compute North \$159,136.03 smcs; Crane River Theater \$600.00 smcs; Cypress Information \$926.10 smcs; Daehling,H \$56.92 smcs; Dakan,C \$9.02 smcs; Danko Emergency \$398.00 smcs; Delorm,A \$12.61 smcs; Depository Trust \$364,661.25 ds; Divas Floral \$36.69 smcs; Dowhy Towing \$444.40 smcs; DPC Industries

\$8,848.87 smcs; Eagle Distributing \$1,102.70 smcs; Eakes \$110.23 smcs; Eisenmenger,J \$13.13 smcs; ESO Solutions \$3,240.63 smcs; Fairbanks Scales \$9,462.30 smcs; Fedex \$125.94 smcs; Fiddelke \$10,690.31 smcs; Focke,C \$100.58 smcs; Gale \$1,186.98 smcs; Gangwish Turf \$2,550.38 smcs, co; GD Concrete \$28,462.00 co; Gillaspay,B \$40.67 smcs; Graczyk Lawn \$1,502.00 smcs; Greater NE Cities \$1,000.00 smcs; Hampton Inns \$2.00 smcs; Harms,R \$4.34 smcs; Harris,J \$40.07 smcs; Haupt,M \$159.00 smcs; Hawkins,J \$492.58 smcs; HM Life Insurance \$42,714.51 smcs; HOA Solutions \$327.00 smcs; Holiday Inn Express \$2.00 smcs; Houchen Bindery \$54.75 smcs; Houdesheldt,S \$30.40 smcs; Integrated Security \$148.00 smcs; IRS \$199,250.24 ps; JCB Delivery \$225.00 smcs; Jensen,B \$223.74 smcs; Johnson Brothers \$1,555.20 smcs; Ky Catholic High \$438.77 smcs; Ky Comm. Found. \$450.00 smcs; Ky Noon Rotary \$140.00 smcs; Ky Towing \$100.00 smcs; Ky Winnelson \$61.59 smcs; Kelly Supply \$52.29 smcs; Kirkham Michael \$5,500.00 co; Konica Minolta \$122.82 smcs; KRVN \$168.00 smcs; Kuhn,R \$641.25 smcs; Lentz,J \$26.81 smcs; Lincoln Nat'l Life \$8,318.45 smcs; Logan Contractors \$489.88 co; Magic Cleaning \$5,960.00 smcs; McCartney,E Trustee \$227.00 ps; McHarness,J \$36.08 smcs; Mefferd,E \$736.00 smcs; Menards \$13.57 smcs; Midwest Connect \$8,473.04 smcs; Miller & Associates \$4,990.00 co; Misener,J \$32.50 smcs; Mission Square \$7,502.78 ps; Moonlight Embroidery \$336.00 smcs; Most Dependable Fount. \$3,190.00 smcs; Motorola Solutions \$600.00 co; Municipal Emergency \$510.75 smcs; Myrec \$5,795.00 smcs; NE Child Support \$1,764.50 ps; NE Dept. Revenue \$66,096.17 ps; NE Public Health \$1,893.00 smcs; NE Society of CPAs \$165.00 smcs; Nebraskaland Distributing \$968.20 smcs; Northwestern Energy \$18,812.55 smcs; One Call Concepts \$773.32 smcs; O'Neill Wood \$59,605.00 smcs; Owen,O \$2.96 smcs; Paulsen \$21,826.39 co; Peerless Machine \$12,661.30 smcs; Pep Co \$287.34 smcs; Pioneer Athletics \$2,132.25 smcs; Platte Valley Roofing \$5,307.65 smcs; Pokorney,C \$1.13 smcs; Presto-X \$140.10 smcs; R&R Repair \$130.92 smcs; RDG Planning \$33,648.48 co; Recreonics \$122.71 smcs; Reinke's \$1,055.07 smcs, co; Reynoso,G \$10.72 smcs; Rheome Tree \$475.00 smcs; Richardson,B \$141.86 smcs; Sapp Brothers \$74,517.03 smcs; School District #7 \$150.00 smcs; See Clear Cleaning \$2,050.00 smcs; Sherwin Williams \$4,248.80 smcs; Shoemaker Backhoe \$7,217.71 smcs; Shredding Solutions \$88.73 smcs; Sign Center \$130.29 smcs; Springer,W \$575.00 smcs; State of NE/DAS \$44.10 smcs; Straight Line Striping \$30,360.80 smcs; Stutsman \$1,098.00 smcs; Sumuri \$900.00 smcs; Teel,B \$18.82 smcs; Toof,B \$315.00 ps; Torrez,B \$6.66 smcs; Tourney Bros. \$2,650.00 smcs; Turner Body Shop \$100.00 smcs; Twin City Hardware \$260.50 smcs; Tye & Rowling \$15,182.15 smcs; Union Bank \$93,397.10 ps; United Way \$202.00 ps; Village Uniform \$210.30 smcs; Vanco \$102.00 smcs; Vasquez,J \$14.50 smcs; Walsh,C \$135.72 smcs; Walter's Electric \$1,233.61 smcs; Waltman,A \$2.95 smcs; Waugh,B \$81.00 smcs; Wietjes,C \$27.29 smcs; Williams,C \$18.94 smcs; Wills,B \$45.06 smcs; Zernone,K \$23.04 smcs; Payroll Ending 07/02/2022 -- \$659,224.06. 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. Approve the recommendation from the Development Services Division extending the current manufactured home court license for Valley View Mobile Home Court, 2701 and 2801 Grand Avenue, an additional 60 days to correct deficiencies.
4. Adopt Resolution No. 2022-133 approving Amendment No. 4 to the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for Airport

Improvement Program in connection with the Terminal Building Expansion project at the Kearney Regional Airport (AIP/CARES Act Project No. 3-31-0045-036) by adding re-design and re-bidding services to downsize the overall Terminal Expansion and Renovation program, and formally re-bid the project.

RESOLUTION NO. 2022-133

WHEREAS, on January 26, 2021 the City Council adopted Resolution No. 2021-14 approving the Consultant Agreement between Alfred Benesch and Company and the City of Kearney for Airport Improvement Program/CARES Act Project (AIP No. 3-31-0045-036) in connection with the Terminal Building Expansion project at the Kearney Regional Airport; and

WHEREAS, on August 10, 2021, City Council approved Amendment No. 1, amending Benesch's existing contract by adding Final Design and Bidding Phase Services; and

WHEREAS, on December 14, 2021, City Council approved Amendment Nos. 2 and 3, amending Benesch's existing contract by adding additional final design for Reimbursable Agreement NAVAIDS Relocation Design and adding Loose Furniture, Fixtures, & Equipment (FFE) Program; and

WHEREAS, Amendment No. 4, marked as Exhibit "A" attached hereto and made a part hereof by reference, is to supplement Benesch's existing contract by adding re-design and re-bidding services to downsize the overall Terminal Expansion and Renovation program, and formally re-bid the project; and

WHEREAS, approval is contingent upon Federal Aviation Administration (FAA) concurrence of Amendment No. 4.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute Amendment No. 4 to the Consultant Agreement with Alfred Benesch and Company, contingent upon Federal Aviation Administration (FAA) concurrence. Amendment No. 4, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 12TH DAY OF JULY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

5. Adopt Resolution No. 2022-134 approving Change Order No. 4 showing an increase in the amount of \$577.00 and Application and Certificate for Payment No. 5 in the amount of \$118,577.70 submitted by Duncan Theis Construction, Inc. and approved by Olsson for the Yanney Park Maintenance Building.

RESOLUTION NO. 2022-134

WHEREAS, Duncan Theis Construction, Inc. of Kearney, Nebraska has performed services in connection with Yanney Park Maintenance Building, and the City's engineer, Olsson, have filed with the City Clerk Change Order No. 4 showing an increase to the contract sum in the amount of \$577.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Duncan Theis Construction, Inc. and Olsson have filed with the City Clerk Application and Certificate for Payment No. 5 in the amount of \$118,577.70 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

| | |
|--|--------------------|
| Original Contract Sum | \$ 514,038.00 |
| Change Order No. 1 (1/25/2022) | + 0.00 |
| Change Order No. 2 (3/22/2022) | + 3,146.00 |
| Change Order No. 3 (6/28/2022) | <u>+ 1,393.00</u> |
| Contract Sum To Date | 518,577.00 |
| Gross Amount Due | 414,349.00 |
| Retainage (10%) | <u>- 41,434.90</u> |
| Amount Due to Date | 372,914.10 |
| Less Previous Certificates for Payment | <u>254,336.40</u> |
| Current Payment Due | \$ 118,577.70 |

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. 4, as shown on 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 12TH DAY OF JULY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution No. 2022-135 approving Change Order No. 7 showing an increase in the amount of \$13,436.47 submitted by Brown Construction and approved by RDG Planning & Design for the construction of the Community Tennis Facility.

RESOLUTION NO. 2022-135

WHEREAS, Brown Construction of Kearney, Nebraska has performed services in connection with the construction of the Community Tennis Facility, and the City's engineer, RDG Planning & Design, have filed with the City Clerk Change Order No. 7 showing an increase in the amount of \$13,436.47 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 (1/11/2022) | + 62,196.09 |
| Change Order No. 6 (3/22/2022) | + 57,533.82 |
| Change Order No. 7 (7/12/2022) | <u>+ 13,436.47</u> |
| New Contract Sum To Date | \$ 7,413,800.66 |

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

PASSED AND APPROVED THIS 12TH DAY OF JULY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2022-136 to designate and appoint Eric Hellriegel, Assistant City Manager to serve as ADA, Section 504 & Title VI Coordinator for the City of Kearney and repeal Resolution Nos. 2012-130, 2013-216 and 2017-215.

RESOLUTION NO. 2022-136

WHEREAS, the Americans with Disabilities Act (ADA) was enacted on July 26, 1990 which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services and programs, and telecommunications; and

WHEREAS, Title II regulations of the ADA require that all public entities with 50 or more employees designate at least one employee to coordinate compliance with ADA; and

WHEREAS, the requirement for designation of a particular employee and dissemination of information about how to locate that employee helps to ensure that individuals dealing with large agencies are able to easily find a responsible person who is familiar with the requirements of the Act and to communicate those requirements to other individuals in the agency who may be unaware of their responsibilities; and

WHEREAS, Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Resolution No. 2012-130 passed on August 14, 2012 appointing the Assistant City Manager to serve as the City of Kearney Title VI Coordinator and Resolution No. 2013-216 passed on November 12, 2013 appointing the Assistant City Manager to serve as the City of Kearney ADA Coordinator, and Resolution No. 2017-215 passed on December 19, 2017 appointing the Project Coordinator to serve as the City of Kearney Title VI Coordinator, Section 504 and ADA Coordinator be and are hereby repealed.

BE IT RESOLVED that the Eric Hellriegel, Assistant City Manager, under the supervision of the City Manager, be and is hereby designated and appointed as the Title VI Coordinator, Section 504 and ADA Coordinator for the City of Kearney.

PASSED AND APPROVED THIS 12TH DAY OF JULY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Adopt Resolution No. 2022-137 approving Application and Certificate for Payment No. 2 in the amount of \$90,758.25 submitted by Caldwell Tank and approved by Miller & Associates for the 2MG Elevated Water Tower.

RESOLUTION NO. 2022-137

WHEREAS, Caldwell Tank of Louisville, Kentucky has performed services in connection with the 2MG Elevated Water Tower, and the City’s engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$90,758.25 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

| | |
|--|------------------------|
| Original Contract Sum | <u>\$ 4,973,000.00</u> |
| Contract Sum To Date | 4,973,000.00 |
| Gross Amount Due | 242,735.00 |
| Retainage (10%) | - <u>24,273.50</u> |
| Amount Due to Date | 218,461.50 |
| Less Previous Certificates for Payment | - <u>127,703.25</u> |
| Current Payment Due | <u>\$ 90,758.25</u> |

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

PASSED AND APPROVED THIS 12TH DAY OF JULY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Accept the bids received for the WWTP Phase II Improvements; Water Resource Recovery Facility and adopt Resolution No. 2022-138 awarding the bid to John T. Jones Construction Co. in the amount of \$35,858,000 (includes Alternate E for the deduction of \$57,000 for the deletion of ceramic disc cleaning system) and approving Change Order No. 1 showing a decrease in the amount of \$639,633 to John T. Jones Construction Co.

RESOLUTION NO. 2022-138

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on June 7, 2022 at 2:00 p.m. for the WWTP Phase II Improvements; Water Resource Recovery Facility; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$30,000,000 to \$32,000,000; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by John T. Jones Construction Co., of Fargo, North Dakota in the amount of \$35,858,000 (includes Alternate E for the deduction of \$57,000 for the deletion of ceramic disc cleaning system) be accepted as the lowest responsible bid for the WWTP Phase II Improvements; Water Resource Recovery Facility; and

WHEREAS, John T. Jones Construction Co. and the City’s engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the

amount of \$639,633 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 John T. Jones Construction Co. be and is the lowest responsible bidder for the WWTP Phase II Improvements; Water Resource Recovery Facility to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of John T. Jones Construction Co. in the amount of \$35,858,000 (includes Alternate E for the deduction of \$57,000 for the deletion of ceramic disc cleaning system), be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$30,000,000 to \$32,000,000 be and is hereby accepted.

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

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

PASSED AND APPROVED THIS 12TH DAY OF JULY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Adopt Resolution No. 2022-139 approving the Standard Form of Agreement between Owner and Construction Manager as Constructor and the General Conditions of the Contract for Construction with MCL Construction to perform Construction Manager at Risk services for the City of Kearney Indoor Sports Complex.

RESOLUTION NO. 2022-139

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Standard Form of Agreement Between Owner and Construction Manager as Constructor entered into by the City of Kearney and Meyers, Carlisle, Leapley Construction Company, Inc. dba MCL Construction, a Nebraska corporation for the purpose of providing Construction Manager at Risk services for the City of Kearney Indoor Sports Complex, be and is hereby approved. The Agreement, marked as Exhibit 'A', is hereby attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED by the President and Council of the City of Kearney, Nebraska, that the General Conditions of the Contract for Construction entered into by the City of Kearney and Meyers, Carlisle, Leapley Construction Company, Inc. dba MCL Construction, a Nebraska corporation for the purpose of providing Construction Manager at Risk services for the City of Kearney Indoor Sports Complex, be and is hereby approved. The Agreement, marked as Exhibit 'B', is hereby attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute both the Standard Form of Agreement Between Owner and Construction

Manager as Constructor and the General Conditions of the Contract for Construction, on behalf of the City of Kearney.

PASSED AND APPROVED THIS 12TH DAY OF JULY, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8581 AUTHORIZING THE DEED OF SALE FOR LOT 1, HORIZON SECOND ADDITION

Council Member Lear introduced Ordinance No. 8581 authorizing the deed of sale for Lot 1, Horizon Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska to The First Baptist Church of Kearney, Nebraska, a Nebraska Non-Profit Corporation, 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. 8581 authorizing the deed of sale for Lot 1, Horizon Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska to The First Baptist Church of Kearney, Nebraska, a Nebraska Non-Profit Corporation. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8581 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8581 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8581 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

PRESENTATION BY UNK CHANCELLOR DOUG KRISTENSEN

Mayor Clouse opened Regular Agenda Item 1 for Council to receive the presentation by UNK Chancellor Doug Kristensen regarding the Rural Healthcare Education Building on the University of Nebraska at Kearney Campus. This item was for informational purposes

only.

Chancellor Kristensen thanked Council for what they have done for the City and the Kearney Police Department for the safety that is enjoyed by citizens and students who come to Kearney to attend UNK. Since 2015 UNK has been collaborating with UNMC to bring world class, quality programs to UNK. This collaboration has proved to be successful as the University has found 85% of students stay in rural settings upon graduation. The dream has been to expand the program and bring all of the colleges, including the College of Medicine to Kearney. This past spring, the Nebraska Legislature passed legislation that authorized construction of a Rural Health Education Facility in Kearney; this Facility will be located north of the Health Science Education Complex. The location was chosen due to its proximity to University Village which offers professionals a place to live that is not like a traditional residence hall. The building will be approximately 100,000 square feet.

As a result of the critical healthcare shortages facing almost all counties in Nebraska, it is harder to attract new residents to rural communities and many current residents are leaving to seek healthcare in larger communities. The economic income that in-community professionals bring to local economies and noted 20% of the physicians in Nebraska are ready to retire, mostly from rural communities. The anticipated immediate economic impact of the new Facility will be \$29,900,000 with a projected impact in five (5) years of \$52,400,000. The Facility will make Kearney the rural health center of Nebraska with 40 doctors per year trained here that can go all over the state of Nebraska. Healthcare professionals will also have the ability to train as a result of the extension of the Davis Global Center that is currently at UNMC. There will also be the ability to conduct rural healthcare research. The cost of the project is \$85,000,000; this year the State of Nebraska contributed \$50,000,000 with an additional \$10,000,000 also coming from the State for the startup cost of constructing the Global Davis Center. The remaining \$35,000,000 will need to be raised by UNK.

Most medical programs throughout the United States have an immersion program that puts healthcare professionals in rural settings for a short period of time; however, this program will allow future healthcare professionals the ability to receive their education while living in a more rural setting. This program will change UNK, Kearney and rural Nebraska.

Mayor Clouse asked if there will be a clinic located in the new building? Chancellor Kristensen stated Good Samaritan and Kearney Regional Medical Center will need to assist with internships and noted UNK Student Health will be moved to the new building.

Council Member Randy Buschkoetter stated this project will be a great thing for Kearney and Mayor Clouse echoed that the project will be a game changer for the community.

ORDINANCE NO. 8582 AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS

Mayor Clouse opened for discussion authorizing the issuance of Highway Allocation Fund Pledge Bonds of the City of Kearney, Nebraska, in the principal amount of not to exceed \$950,000 for the purposes of paying the costs of constructing certain street and related

improvements of the City; prescribing the form of said bonds; pledging funds to be received by the City from the State of Nebraska Highway Allocation Fund for the payment of said bonds; providing for the levy and collection of taxes to pay the same if necessary; authorizing the officers of the City to establish the final terms of the bonds within certain parameters; authorizing the delivery of the bonds to the purchaser; providing for the disposition of the bond proceeds; approving post-issuance tax compliance policies; authorizing a bond purchase agreement and other related documents; and ordering the ordinance published in pamphlet form and consider Ordinance No. 8582.

Bruce Lefler, Piper Sandler presented this matter to the Council. Mr. Lefler stated this item authorizes the issuance of Highway Allocation Fund Pledge Bonds not to exceed \$950,000. The Bonds will be amortized over a 20-year period of time and the true interest cost is not to exceed 4.5%.

Moved by Clouse to close the public hearing authorizing the issuance of Highway Allocation Fund Pledge Bonds of the City of Kearney, Nebraska, in the principal amount of not to exceed \$950,000 for the purposes of paying the costs of constructing certain street and related improvements of the City; prescribing the form of said bonds; pledging funds to be received by the City from the State of Nebraska Highway Allocation Fund for the payment of said bonds; providing for the levy and collection of taxes to pay the same if necessary; authorizing the officers of the City to establish the final terms of the bonds within certain parameters; authorizing the delivery of the bonds to the purchaser; providing for the disposition of the bond proceeds; approving post-issuance tax compliance policies; authorizing a bond purchase agreement and other related documents; and ordering the ordinance published in pamphlet form 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 Moore seconded the motion to close the hearing and suspend the rules for Ordinance No. 8582 authorizing the issuance of Highway Allocation Fund Pledge Bonds of the City of Kearney, Nebraska, in the principal amount of not to exceed \$950,000 for the purposes of paying the costs of constructing certain street and related improvements of the City; prescribing the form of said bonds; pledging funds to be received by the City from the State of Nebraska Highway Allocation Fund for the payment of said bonds; providing for the levy and collection of taxes to pay the same if necessary; authorizing the officers of the City to establish the final terms of the bonds within certain parameters; authorizing the delivery of the bonds to the purchaser; providing for the disposition of the bond proceeds; approving post-issuance tax compliance policies; authorizing a bond purchase agreement and other related documents; and ordering the ordinance published in pamphlet form. 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, Moore. Nay: None. Nikkila absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 8582 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, Moore. Nay: None. Nikkila absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8582 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Moore, Buschkoetter. Nay: None. Nikkila absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8582 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.

OPEN ACCOUNT CLAIM

Moved by Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$104,540.49 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear. Nay: None. Clouse abstained. Nikkila absent. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Lear that Council adjourn at 5:56 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear. Nay: None. Nikkila absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**