

Kearney, Nebraska
March 29, 2010
4:00 p.m.

An emergency meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 4:00 p.m. on March 29, 2010, in the Council Chambers at City Hall. Present were: Randy Buschkoetter, Vice-President of the Council; Michaelle Trembly, City Clerk; Council Members Don Kearney, Bob Lammers. Absent: Mayor Stanley A. Clouse and Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Rod Wiederspan, Director of Public Works; and Bruce Grupe, City Engineer were also present. Some of the citizens present in the audience included: Steve Altmaier from KGFW Radio, Kevin Hervert from Kearney Hub.

Notice of the meeting was given by posting said notice at City Hall, the Kearney Public Library and the Kearney Police Department. 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 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.

ANNOUNCEMENT

Vice-President Buschkoetter 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 towards the back of the Council Chambers.

REASON FOR EMERGENCY MEETING

Vice-President Buschkoetter stated the purpose of the emergency meeting is the Nebraska Department of Roads needs immediate action on the approval of the resolution and that the signed resolution be returned to them prior to April 7 in order for them to comply with the laws concerning award or rejection of the project.

AWARD BID FOR 39TH STREET PROJECT

Vice-President Buschkoetter opened for discussion Resolution No. 2010-66 authorizing the Mayor to execute the contract documents pertaining to Federal Air Project No. URB-5922(3) which is 39th Street from Pony Express Road to Avenue M.

City Engineer Bruce Grupe, also the Responsible Charge (RC) presented this matter to the Council. On March 18, 2010 the Nebraska Department of Roads opened Bids for the 39th Street Federal Aid Project. This project will remove and reconstruct 39th Street from Pony Express Road to Avenue M. One bid was received from Paulsen Inc., Cozad, Nebraska in the amount of \$2,032,153.65 for the construction of the proposed work. The City's share of the construction and construction engineering for the project is to be 100 percent funded by the American Recovery and Reinvestment Act.

With this approval, the City is recommending awarding the bid to Paulsen to the Federal

Highway Administration (FHA) and the Nebraska Department of Roads. There is the possibility that the FHA may reject the bid because they prefer to have two or three bids submitted for a project.

Moved by Kearney seconded by Lammers to approve **Resolution No. 2010-66** authorizing the Mayor to execute the contract documents pertaining to Federal Air Project No. URB-5922(3) which is 39th Street from Pony Express Road to Avenue M. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney. Nay: None. Clouse and Lear absent. Motion carried.

RESOLUTION NO. 2010-66

WHEREAS, there has been signed by the City of Kearney on the 13th day of October, 2000, an agreement providing for the construction of a Federal Aid Project at the following location: 39th Street from Pony Express to Avenue M; and

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its share of the cost of the construction of this project identified at URB-5922(3); and

WHEREAS, the above mentioned agreement provided that the City would pay costs as set forth in the agreement; and

WHEREAS, the State and the City received bids for the construction of this project on March 18, 2010, at which time one bid was received for the construction of the proposed work; and

WHEREAS, the following contractor has been selected as the low bidder to whom the contract should be awarded:

Paulsen, Inc., Cozad, Nebraska

Grading, Concrete Pavement, Culverts, Electrical and General Items: \$2,032,153.65.

NOW, THEREFORE, BE IT RESOLVED in consideration of the above facts, the City Council of the City of Kearney, Nebraska, by this resolution, takes the following action:

1. The Council hereby concurs in the selection of the above mentioned contractor to whom the contract should be awarded;

2. The Council does not desire to perform any of the work with its own forces in lieu of performing the work by the contract method.

3. The Council hereby authorizes the Mayor and the City Clerk of Kearney to sign the construction contract on behalf of said City.

PASSED AND APPROVED THIS 29TH DAY OF MARCH, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

POLICE AUCTION; BLOCK OFF AVENUE B

Vice-President Buschkoetter opened for discussion the request submitted by the Kearney Police Department/Buffalo County Sheriff's Office to temporarily block off Avenue B from North Railroad Street to 21st Street for the auto auction to be held on April 10, 2010 from 7:30 a.m. until 1:00 p.m.

The Police Department conducts several auctions of property and vehicles annually. The auction will be to sell impounded and abandoned vehicles from the Police Impound yard. To facilitate the auction, it is necessary for safety to close off a portion of Avenue B from North Railroad Street to 21st Street on April 10th between the hours of 7:30 a.m. and 1:00 p.m. for the auction. This is a safety matter, in so far as the number of people who are in and around the impound lot grows substantially. To make the area safe, we have used barrier tape and street barricades in the past to block off the street.

Moved by Lammers seconded by Buschkoetter to approve the request submitted by the Kearney Police Department/Buffalo County Sheriff's Office to temporarily block off Avenue B from North Railroad Street to 21st Street for the auto auction to be held on April 10, 2010 from 7:30 a.m. until 1:00 p.m. Roll call resulted as follows: Aye: Buschkoetter, Kearney, Lammers. Nay: None. Clouse and Lear absent. Motion carried.

ADJOURN

Moved by Buschkoetter seconded by Kearney that Council adjourn at 4:05 p.m. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney. Nay: None. Clouse and Lear absent. Motion carried.

ATTEST:

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

MICHAELLE E. TREMBLY
CITY CLERK