

Kearney, Nebraska
October 28, 2014
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 October 28, 2014, in the Council Chambers at City Hall. Present were: Randy Buschkoetter, Vice-President of the Council; Michaelle Trembly, City Clerk; Council Members Bruce Lear, Bob Lammers and Jonathan Nikkila. Absent: Mayor Stanley A. Clouse. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager/Development Services Director; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Some of the citizens present in the audience included: Chris Miller, 7 UNK students, Steve Altmaier from KGFW Radio, Ashley White from 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 representative from the Kearney Ministerial Association, the Council held a moment of silence.

PLEDGE OF ALLEGIANCE

Boy Scouts from Troop 158 led the Council members and audience in the Pledge of Allegiance.

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 on the wall of the Council Chambers.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATE LOTS 1 AND 2 OF BLOCK 1, G & K ADDITION TOGETHER WITH A PORTION OF 16TH AVENUE, G&K THIRD ADDITION AND AMEND THE LAND USE MAP NORTH OF 16TH STREET BETWEEN 11TH AVENUE AND 16TH AVENUE

Vice-President Buschkoetter stated the developer notified the City that they were withdrawing the Applications submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for (1) the vacation of Lots 1 and 2 of Block 1, G & K Addition, together with a portion of 16th Avenue, G&K Third Addition; and (2) an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Business Park to Medium Density Residential property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue). Therefore, no action was taken.

REZONING PROPERTY LOCATED NORTH OF 16TH STREET BETWEEN 11TH AVENUE AND 16TH AVENUE

Vice-President Buschkoetter stated the developer notified the City that they were withdrawing the Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, to rezone from District M-1, Limited Industrial District to District R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District and District M-1, Limited Industrial/Planned Development Overlay District property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue). Therefore, no action was taken.

FINAL PLAT FOR FULLER AND DALEY FIRST ADDITION

Vice-President Buschkoetter stated the developer notified the City that they were withdrawing the Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for the Final Plat for Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue). Therefore, no action was taken.

DEVELOPMENT PLAN FOR PROPERTY LOCATED NORTH OF 16TH STREET BETWEEN 11TH AVENUE AND 16TH AVENUE

Vice-President Buschkoetter stated the developer notified the City that they were withdrawing the Application submitted by Miller & Associates for BK Development, LLC, a Nebraska Limited Liability Company, for Planned District Development Plan Approval to construction of a duplex and a tri-plex on property to be zoned R-2/PD, Urban Residential Mixed-Density/Planned Development Overlay District property described as all of Lot 1 of Block 1 and part of Lot 2 of Block 1 (to be vacated), all in G & K Addition

an addition to the City of Kearney, Buffalo County, Nebraska (north of 16th Street between 11th Avenue and 16th Avenue). Therefore, no action was taken.

REZONING BETWEEN 8TH STREET AND 11TH STREET ALONG 17TH AVENUE

Vice-President Buschkoetter stated the developer notified the City that they were withdrawing the Application submitted by Miller & Associates for Kelly Rapp and Laureen Striker-Rapp to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District property described as a tract of land being part of the West Half of the Northwest Quarter of Section 11 and part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (between 8th Street and 11th Street along 17th Avenue). Therefore, no action was taken.

FINAL PLAT FOR PARK VIEW ESTATES SEVENTH ADDITION

Vice-President Buschkoetter stated the developer notified the City that they were withdrawing the Application submitted by Miller & Associates for Kelly Rapp and Laureen Striker-Rapp for the Final Plat and Subdivision Agreement for Park View Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the West Half of the Northwest Quarter of Section 11 and part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (between 8th Street and 11th Street along 17th Avenue). Therefore, no action was taken.

ANNEXATION OF PARK VIEW ESTATES SEVENTH ADDITION

Vice-President Buschkoetter stated the developer notified the City that they were withdrawing the Application submitted by Miller & Associates for Kelly Rapp and Laureen Striker-Rapp for the annexation of Park View Estates Seventh Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the West Half of the Northwest Quarter of Section 11 and part of the Southwest Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of 6th P.M., Buffalo County, Nebraska (between 8th Street and 11th Street along 17th Avenue). Therefore, no action was taken.

2014 PART 12 IMPROVEMENTS; AIRPORT WATER SYSTEM

Vice-President Buschkoetter opened the public hearing to construct the 2014 Part 12 Improvements; Airport Water System consisting of approximately 3,500 LF of a distribution water main, as required by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services and to consider Resolution No. 2014-217.

Chris Miller from Miller & Associates presented this matter to the Council. The City is required to conduct a State Revolving Fund (SRF) public hearing which is a loan program that they get from the State which receives federal money and passes it down

to cities to use for water improvements. The location of this water line is at the Airport. There are a couple water mains they need to be replaced; it is part of a long term plan they have been working on. They have had some issues with older water mains and they are replacing them. There are two long runs on the east side north and south of the terminal they are replacing water mains there. They had a failure underneath Airport Road that they will be doing a new encasement, a new water main just under the roadway just south of the old Behlen's building. There will be a pressure reducing valve and some abandonment south by Ace Irrigation where they have approximately eight repair clamps in about a 100-foot section of pipe.

Vice-President Buschkoetter asked how common are pressure reducing valves. Mr. Miller stated they previously had a 2-pressure zone and they separated those physically by valves and then they had the north and south systems that have booster pumps that pump them up and down. They have been taking them out; for instance the ball field at Memorial Field had a booster pump station and a ground storage tank. They removed that because it was an old tank and needed some work and they put a pressure reducing valve so now they can feed from the high to the low directly with these pressure reducing valves. They are fairly common and they use them quite a bit but they are a good way to feed from high to low and not have to pump. They have been running some experiments when they do the UV Building, they are going to shut the system down, feed directly from the north to the south because they cannot use the wells during construction for a short period of time. They will use these to supply water to the entire City.

The project cost is approximately \$365,000 they will replace 6-inch and 8-inch mains, some fire hydrants to help with that pressure zone and fire protection. It is in the Intended Use Plan which is the State Revolving Loan Plan for 2014 fiscal budget.

Council Member Lammers asked if the main water mains go approximately 1,300 feet each way from the terminal. Mr. Miller stated that is correct. Council Member Lammers stated it would extend past the new hangar building that was put up to the south. Mr. Miller stated confirmed. They installed a new main all the way to the terminal and they went down Airport Road north from the terminal entrance. They have been fixing and connecting mains as they go forward and had a plan what to replace and they have been doing it in steps.

Vice-President Buschkoetter stated it did not appear that the work being done will impede any use of the airport or any user groups. Mr. Miller stated most of it is out in the unpaved area. They will cross a few things but it will be shut down for a very short period of time and if they had to they can obviously drive around; they will keep it open.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2014-217** approving the construction of the 2014 Part 12 Improvements; Airport Water System consisting of approximately 3,500 LF of a distribution water main, as required by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services. Roll call resulted as follows: Aye: Buschkoetter, Nikkila, Lammers, Lear. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2014-217

WHEREAS, the City of Kearney, Nebraska recognizes that a properly functioning public water system is necessary to the health and welfare of the citizens of Kearney, Nebraska; and

WHEREAS, the City Council has determined that portions of the City public water system are in need of significant repair and improvement; and

WHEREAS, funding for the cost of the repair and improvement of portions of the City public water system may be obtained by loan from the Nebraska Department of Environmental Quality, subject to certain requirements and obligations.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that they should execute the contract for loan between the Nebraska Department of Environmental Quality and the City of Kearney, Nebraska designated as Project No. D31, incorporated by reference into this Resolution as if fully set forth.

BE IT FURTHER RESOLVED that the Mayor is hereby directed to execute the contract and all other documents necessary to facilitate a grant from the Nebraska Department of Environmental Quality to the City of Kearney, Nebraska for the purpose of planning for the repairing and improving the City public water system.

BE IT FURTHER RESOLVED that the Finance Director be authorized and directed to sign all necessary documents, to furnish such assurances to the State of Nebraska as may be required by law or regulations, and to receive payment on behalf of the applicant.

PASSED AND APPROVED THIS 28TH DAY OF OCTOBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held October 14, 2014.
2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental
 - CO Capital Outlay
 - DS Debt Service

A-1 Refrigeration \$360.00 smcs; Al-Jon \$160.83 smcs; AM&E \$330.00 smcs; Amer First Aid \$387.16 smcs; American Library Assn \$75.00 smcs; Ask Supply \$1,058.54 smcs; Aurora Coop \$29.52 smcs; Baker & Taylor Books \$3,493.94 smcs; Barney Ins \$12,449.50 smcs; Bells Curb Grinding \$320.00 co; Blackstone Audio Books \$225.00

smcs; Blessing \$330.76 co; Bluecross Blueshield \$53,041.85 smcs; Borer,K \$90.94 smcs; Bosselman \$11,685.60 smcs; Brabec,R \$6,046.80 co; Broadfoot's \$510.00 smcs; Buffalo Co Mutual Aid \$50.00 smcs; Builders \$26.50 smcs; Capital Business Systems \$179.84 smcs; Carquest \$2,335.45 smcs; Casey's \$133.28 smcs; Cash-Wa \$664.37 smcs; Caudillo,J \$775.00 smcs; Center Point Publishing \$72.71 smcs; Central District Health \$3,999.00 smcs; Chandler,J \$30.00 smcs; Charter \$130.00 smcs; Chesterman \$179.30 smcs; City of Ky \$9,593.48 smcs,ps; Cleveland,E \$548.00 smcs; Comcate \$4,961.00 smcs; Conseco Life Ins \$19.00 ps; Consolidated Mgmt \$190.25 smcs; Cosugi \$100.00 smcs; Cummins Central Power \$1,087.19 smcs; Dawson PPD \$25,887.74 smcs; Dish \$79.00 smcs; DPC Industries \$6,322.54 smcs; Dutton-Lainson \$120.58 smcs; Eakes \$2,899.16 smcs; Eastman,R \$130.00 smcs; Elliott Equipment \$30.00 smcs; EMC Ins \$574,714.38 smcs; Evers,B \$195.00 smcs; Family of Christ Lutheran \$317.70 co; Fedex \$104.53 smcs; Feusner,J \$67.33 smcs; Fireguard \$833.38 smcs; Frontier \$9,408.42 smcs; Gale \$5,477.95 smcs; Gangwish Turf \$2,487.60 co; Giboney,S \$495.00 smcs; Gillming,C \$100.00 smcs; H&H Distributing \$606.75 smcs; HD Supply \$11,143.00 smcs; HOA Solutions \$4,841.75 smcs; Horn Legend/Skins Game \$152.00 smcs; ICMA RC \$4,151.02 ps; IRS \$136,963.98 ps; Jack Lederman \$600.41 smcs; Johnson Controls \$3,588.00 smcs; Ky Humane Soc \$7,166.25 smcs; Ky Crete & Block \$1,054.61 smcs; Ky Investment \$209.93 ps; Ky Towing \$475.00 smcs; Konica Minolta \$1,753.26 smcs; Kovar,M \$312.48 smcs; Lang,L \$33.60 smcs; Lautenschlager-Stroud,J \$7.68 smcs; League of NE Municipalities \$339.00 smcs; Lerner Publications \$996.46 smcs; Loveless,A \$100.00 smcs; Matheson-Linweld \$370.32 smcs; McCaslin,J \$21.04 smcs; Microfilm Imaging \$6,092.79 smcs,co; Midwest Turf \$124.46 smcs; Miller & Associates \$650.00 smcs; Miller Signs \$225.00 smcs; Milligan,J \$55.00 smcs; Moonlight Embroidery \$3,931.60 smcs; Mueller,J \$672.00 smcs; Municipal Supply \$12,724.61 smcs; NDEQ-Fiscal Services \$19,662.78 smcs; NE Child Support \$2,755.66 ps; NE Dept of Rev \$78,802.80 smcs; NE Environmental \$1,637.43 smcs; NE Library Commission \$3,078.70 smcs; NE Machinery;\$385.00 smcs; Nielsen,B \$63.63 smcs; Noller Elect \$79.80 smcs; Northwestern Energy \$2,977.45 smcs; OCLC \$607.10 smcs; Office Depot \$376.77 smcs; Outdoor Recreation \$18,072.00 co; Paramount \$255.59 smcs; Payton,D \$778.00 smcs; Penworthy Co \$1,058.01 smcs; Pep Co. \$56.34 smcs; Philby,J \$69.63 smcs; Ping \$460.00 smcs; Pitney Bowes \$60.98 smcs; Platte Valley Comm \$415.35 smcs; Potter,B \$100.00 smcs; Presto-X \$652.14 smcs; Random House \$396.00 smcs; Rare Refrigeration \$193.00 smcs; Ready Mixed Concrete \$18,753.63 co; Recognition Unlimited \$56.55 smcs; Recorded Books \$853.72 smcs; Research Technology \$524.95 smcs; Rheome Tree \$430.00 smcs; Sage,P \$53.50 smcs; Sandhills Plastics \$903.72 smcs; Sapp Bros \$24,562.20 smcs; Schaub,M \$100.00 smcs; Schneider,T \$12,530.00 co; Seldin Co \$1,509.96 smcs; Sheldon,S \$32.08 smcs; Sirius Computer Solutions \$1,400.00 smcs; Snap-on Tools \$549.00 smcs; SOS Portable Toilets \$105.00 smcs; St. Luke's Day Care \$16.00 smcs; Steinbrink's Landscaping \$70.00 smcs; Strategic Materials \$428.74 smcs; Thompson Co \$187.80 smcs; Tielke's Sandwiches \$6.24 smcs; Tingle,V \$450.00 co; Titleist \$380.77 smcs; Transit Works \$29.33 smcs; Turner Body Shop \$310.00 smcs; Tye Law Firm \$188.69 ps; Union Bank \$62,698.56 ps; Viter,A \$30.36 smcs; Walsh,C \$381.00 smcs; Waterlink \$668.73 smcs; Wells Fargo \$78,381.81 ds; West Villa Animal Hospital \$164.58 smcs; Whelen Engineering \$360.75 smcs; Williams,M \$389.56 smcs; Woollen,R \$56.92 smcs; WPCI \$210.50 ps; Yant Equipment \$389.71 smcs; Young,M \$858.76 smcs; Zimmerman Printers \$235.00 smcs; Payroll Ending 10-18-2014 -- \$369,547.81. 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 November 12, 2014 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt **Resolution No. 2014-218** authorizing the City of Kearney to join with NPPD as a co-applicant to the Nebraska Power Review Board for an amendment to NPPD's retail service area to include the annexed land described as the south 330 feet of the North Half of the South Half of the Northeast Quarter and the South Half of the South Half of the Northeast Quarter; and that part of the Northwest Quarter of the Southeast Quarter all being located in Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (southwest corner of Cherry Avenue and Highway 30).

RESOLUTION NO. 2014-218

WHEREAS, on February 24, 2009 the Kearney City Council passed and approved Ordinance No. 7503 extending to include within the corporate limits of the City the contiguous and adjacent tract of land described as a tract of land being the south 330 feet of the North Half of the South Half of the Northeast Quarter and the South Half of the South Half of the Northeast Quarter; AND that part of the Northwest Quarter of the Southeast Quarter described as follows: Commencing at the northwest corner of said Southeast Quarter, and running thence south on the half section line, 288.6 feet to the north boundary of the Union Pacific Railroad right-of-way, thence running northeasterly along said Railroad right-of-way, 999.5 feet to the half section line; thence running west on said half section line 958.2 feet to the place of beginning, all being located in Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, EXCEPT the Union Pacific Railroad right-of-way AND EXCEPT that part deeded to the State of Nebraska, by Deed recorded on Roll 76, Page 4658; and

WHEREAS, the Nebraska Public Power District (NPPD) will apply to the Nebraska Power Review Board for an order amending its existing retail service area, which includes the City of Kearney, to include the above described property into the corporate boundaries of the City of Kearney, Nebraska; and

WHEREAS, the City of Kearney has an interest in the outcome of such application by reason of its rights under the Professional Retail Operations Agreement with NPPD approved on July 11, 1989, pursuant to which NPPD operates and maintains the electric distribution system owned by the City of Kearney; and

WHEREAS, it is determined by the City Council that it would be desirable and in the best interests of the City of Kearney to join with NPPD as a co-applicant to the Nebraska Power Review Board.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the City of Kearney, Nebraska, be authorized to join with NPPD as a co-applicant to the Nebraska Power Review Board for an amendment to NPPD's retail service area which includes the City to include the above described property into the corporate boundaries of the City of Kearney, Nebraska in said retail service area.

BE IT FURTHER RESOLVED that the Vice-President be and is hereby authorized to execute on behalf of the City of Kearney a joint application with NPPD to the Nebraska Power Review Board and to cooperate with NPPD in the prosecution of its application.

BE IT FURTHER RESOLVED that such joint application shall be prosecuted at the sole cost and expense of NPPD.

PASSED AND APPROVED THIS 28TH DAY OF OCTOBER, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

RANDY BUSCHKOETTER
 VICE-PRESIDENT OF THE COUNCIL

5. Adopt **Resolution No. 2014-219** approving Change Order No. 2 showing a decrease in the amount of \$7,174.15, Application and Certificate for Payment No. 2-Final in the amount of \$150,000.72 and accept the Certificate of Substantial Completion submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2013 Part 4 Improvements consisting of Paving Improvement District No. 2013-963 and Sanitary Sewer District No. 2013-509 for Talmadge Street from the west line of 6th Avenue west a distance of 532.09 feet and for 6th Avenue from the north line of Talmadge Street north a distance of 366.09 feet, Water District No. 2013-572 in Talmadge Street from the west line of 6th Avenue west a distance of 532.09 feet.

RESOLUTION NO. 2014-219

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the 2013 Part 4 Improvements consisting of Paving Improvement District No. 2013-963, Sanitary Sewer District No. 2013-509 for Talmadge Street from the west line of 6th Avenue west a distance of 532.09 feet and for 6th Avenue from the north line of Talmadge Street north a distance of 366.09 feet, Water District No. 2013-572 in Talmadge Street from the west line of 6th Avenue west a distance of 532.09 feet, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an decrease in the amount of \$7,174.15, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Dan Roeder Concrete and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$150,000.72, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$477,203.80
Change Order No. 1 (11-26-2013)	+ 6,138.00
Change Order No. 2 (10-28-2014)	- <u>7,174.15</u>
	\$476,167.65
Contract Sum To Date	476,167.65
Gross Amount Due	476,167.65
Retainage (0%)	.00
Amount Due to Date	476,167.65
Less Previous Certificates for Payment	<u>326,166.93</u>
Current Payment Due	\$150,000.72

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that

work is completed as of May 15, 2014, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the Vice-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. 2-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 28TH DAY OF OCTOBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

6. Adopt **Resolution No. 2014-220** approving Application and Certificate for Payment No. 4 in the amount of \$96,587.37 submitted by Blessing, LLC and approved by Miller & Associates for the 2014 Part 2 Improvements consisting of Paving Improvement District No. 2014-964 for Central Avenue from 31st Street to a point 150 feet south of 26th Street and 26th Street from Central Avenue to Avenue C.

RESOLUTION NO. 2014-220

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2014 Part 2 Improvements consisting of Paving Improvement District No. 2014-964 for Central Avenue from 31st Street to a point 150 feet south of 26th Street and 26th Street from Central Avenue to Avenue C, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$96,587.37 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$2,474,168.95
Change Order No. 1 (8-26-2014)	+ 17,375.00
Contract Sum To Date	<u>2,491,543.95</u>
Gross Amount Due	811,811.20
Retainage (10%)	81,181.12
Amount Due to Date	730,630.08
Less Previous Certificates for Payment	<u>634,042.71</u>
Current Payment Due	\$ 96,587.37

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

PASSED AND APPROVED THIS 28TH DAY OF OCTOBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

7. Adopt **Resolution No. 2014-221** approving Application and Certificate for Payment No. 2 in the amount of \$103,122.70 submitted by Dan Roeder Concrete and

approved by Miller & Associates for the 2014 Part 3 Improvements; 16th Street and 5th Avenue Project.

RESOLUTION NO. 2014-221

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the 2014 Part 3 Improvements; 16th Street and 5th Avenue Project, and the City's engineer, Miller & Associates, have filed with the City Clerk Certificate for Payment No. 2 in the amount of \$103,122.70, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$728,339.25
Change Order No. 1 (8-26-2014)	<u>+ 35,005.00</u>
	\$763,344.25
Contract Sum To Date	763,344.25
Gross Amount Due	742,518.50
Retainage (10%)	74,251.85
Amount Due to Date	668,266.95
Less Previous Certificates for Payment	<u>565,143.95</u>
Current Payment Due	\$103,122.70

NOW, THEREFORE, BE IT RESOLVED by the Vice-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 28TH DAY OF OCTOBER, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

RANDY BUSCHKOETTER
 VICE-PRESIDENT OF THE COUNCIL

8. Adopt **Resolution No. 2014-222** approving Change Order No., 1 showing an increase in the amount of \$10,324.00 submitted by Danko Emergency Equipment and Alfred Benesch & Company for the Aircraft Rescue & Fire Fighting (ARFF) Vehicle Acquisition (AIP-3-31-0045-029) for the Kearney Regional Airport.

RESOLUTION NO. 2014-222

WHEREAS, Danko Emergency Equipment of Snyder, Nebraska has performed services in connection with the Aircraft Rescue & Fire Fighting (ARFF) Vehicle Acquisition (AIP-3-31-0045-029) located at the Kearney Regional Airport, and the City's engineer, Alfred Benesch & Company, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$10,324.00, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$267,970.00
Change Order No. 1 (10-28-2014)	<u>+ 10,324.00</u>
Contract Sum to Date	\$278,294.00

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. 1, as shown on Exhibits "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF OCTOBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

9. Accept the bids received for the construction of a UV Disinfection Building at the Platte River Well Field and adopt **Resolution No. 2014-223** awarding the bid to Midlands Contracting in the amount of \$1,535,860.

RESOLUTION NO. 2014-223

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on October 21, 2014 at 2:00 p.m. for the construction of an UV Disinfection Building at the Platte River Well Field; and

WHEREAS, the Engineer's Estimate for an UV Disinfection Building was \$1,445,510.00; and

WHEREAS, the said engineers have recommended the bid offered by Midlands Contracting of Kearney, Nebraska in the amount of \$1,535,860.00 be accepted as the lowest responsible bid for the UV Disinfection Building at the Platte River Well Field; and

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska that the City Engineer's recommendation is hereby accepted and approved, that Midlands Contracting be and is the lowest responsible bidder for the UV Disinfection Building at the Platte River Well Field to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting in the amount of \$1,535,860.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Estimate for the UV Disinfection Building was \$1,445,510.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the Vice-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 28TH DAY OF OCTOBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

10. Adopt **Resolution No. 2014-224** amending the Personnel and Employee Benefits Manual to include Christmas Eve as a holiday.

RESOLUTION NO. 2014-224

WHEREAS, the City of Kearney has adopted a Personnel and Employee Benefits Manual since September 1, 1973, and has for several years prior to that time, maintained a cohesive personnel program including standard rules and regulations; and

WHEREAS, on August 22, 2006 the City Council adopted a newly revised Personnel and Employee Benefits Manual and was revised on December 26, 2007 by Resolution No. 2007-264; and

WHEREAS, the City Manager and administrative staff have made a revision to the latest version of the Personnel and Employee Benefits Manual adopted on August 22, 2006 by Resolution No. 2006-151, as amended by Resolution No. 2007-264 on December 26, 2007; and

WHEREAS, the City Council having reviewed the recommended revision, finds it to be appropriate and necessary to the continued effective performance of duties by employees of the City.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Personnel and Employee Benefits Manual adopted on August 22, 2006 by Resolution No. 2006-151, as amended by Resolution No. 2007-264 on December 26, 2007, be and is hereby amended to include Christmas Eve as a holiday.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to implement the policies and provisions of the said Personnel and Employee Benefits Manual in the fairest and most constructive manner possible.

PASSED AND APPROVED THIS 28TH DAY OF OCTOBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

11. Adopt **Resolution No. 2014-225** approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Shea Coakley, Austin Doyle, Stuart Hostetler, and Shane Trofholz.

RESOLUTION NO. 2014-225

WHEREAS, Terry Eirich, Chief of the Kearney Volunteer Fire Department, has forwarded several names of individuals desiring to serve as volunteers in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Eirich, 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 those 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 28TH DAY OF OCTOBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by * seconded by * that the Open Account Claim in the amount of \$191,930.35 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Nikkila, Lammers, Lear. Nay: None. Clouse absent. Motion carried.

VII. REPORTS

Council member Lammers stated the City will be conducting a special meeting to make a recommendation with regard to the carrier for essential air service for Kearney.

Vice-President Buschkoetter encouraged citizens to get out and vote and to consider voting for the restaurant occupation tax.

VIII. ADJOURN

Moved by Buschkoetter seconded by Lammers that Council adjourn at 5:39 p.m. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Lear, Nikkila. Nay: Clouse. Motion carried.

ATTEST:

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

MICHAELLE E. TREMBLY
CITY CLERK