

KEARNEY CITY COUNCIL

AGENDA

City Council Chambers, 18 East 22nd Street

September 13, 2022

5:30 p.m.

I. ROUTINE BUSINESS

1. Invocation/Moment of Silence.
2. Pledge of Allegiance.
3. Announcement on Open Meetings Act.
4. Roll call.
5. Oral Communication; Recognition of visitors.

II. UNFINISHED BUSINESS

III. PUBLIC HEARINGS

1. Conduct a public hearing on the Applications submitted by Miller & Associates for Peanut Butter & Jelly, LLC, a Nebraska Limited Liability Company and Paul Younes and Linda Younes, to 1) vacate Lot 1 and Lot 2, Block Two, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8595; 2) vacate Lot 1, Block Two, Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8596; and 3) the Final Plat and Subdivision Agreement for Younes Center Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1 and Lot 2, Block Two, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated) and Lot 1, Block Two, Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), being part of Government Lot 9, and accretions to Government Lots 5, 6, and 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (between 3rd Avenue and 6th Avenue, North of 3rd Street) and consider Resolution No. 2022-174.
2. Conduct a public hearing on the Application submitted by CBRE Advisory & Transaction Services for D & M Cowpoke, Inc. for a Revised Planned District Development Plan Approval for the proposed redevelopment of the existing commercial site on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (7310 2nd Avenue) and consider Resolution No. 2022-175.

3. **REQUEST TO POSTPONE TO SEPTEMBER 27, 2022.** Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Jared and Mona Axmann, husband and wife, to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of the Southeast Quarter of Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4140 30th Avenue) and consider Ordinance No. 8597.
4. **REQUEST TO POSTPONE TO SEPTEMBER 27, 2022.** Conduct a public hearing on the Application submitted by Buffalo Surveying Corp. for Jared and Mona Axmann, husband and wife, for the Final Plat and Subdivision Agreement for Freedom Hill Estates, a subdivision being part of the Southeast Quarter of Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the South Half of the Southeast Quarter of Section 28, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4140 30th Avenue) and consider Resolution No. 2022-176.
5. **WITHDRAWN BY APPLICANT.** Conduct a public hearing on the Applications submitted by Buffalo Surveying Corp. for CFT NV Developments, LLC, to 1) vacate Lot 1, Sorensen Park Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8598 and 2) the Final Plat for Sorensen Park Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with said tract of land being Lot 1, Sorensen Park Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with said Lot 1, Sorensen Park Second Addition, to be vacated (4910 and 4920 3rd Avenue) and consider Resolution No. 2022-177.
6. Conduct a public hearing on the adoption of the One & Six Year Street Improvement Plan and consider Resolution No. 2022-178.

IV. CONSENT AGENDA *

1. Approve Minutes of Regular Meeting held August 23, 2022.
2. Approve the Claims.
3. Approve the recommendation submitted by the Keno Committee on the allocation of non-departmental keno funds designed for outside agencies.
4. Adopt Resolution No. 2022-179 allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$164,457.55 which will be carried over to the 2022-2023 Budget as "Unused Budget Authority".
5. Adopt Resolution No. 2022-180 repealing Resolution No. 2022-39 and adopt the 2022-2023 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2022-2023 year.
6. Adopt Resolution No. 2022-181 setting the 2022 City of Kearney property tax request at a different amount than the preliminary property tax request set for the City of Kearney by the

Buffalo County Clerk.

7. Approve the City of Kearney Offstreet Parking District No. 1 Budget for the 2022-2023 Fiscal Year and approve the budget statement as the Annual Appropriation Bill and adopt Resolution No. 2022-182.
8. Adopt Resolution No. 2022-183 approving the Kearney Area Solid Waste Agency Budget for the 2022-2023 Fiscal Year.
9. Adopt Resolution No. 2022-184 authorizing the Mayor to sign the certification of the Municipal Annual Certification of Program Compliance Form 2022 to Nebraska Board of Public Roads Classifications and Standards as required by the Nebraska Department of Transportation.
10. Authorize the Mayor to execute the Release of Resolution and Easement recorded on April 4, 2022 at Documents 2022-02036 and 2022-02037 pertaining to a tract of land being part of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska and approve Resolution No. 2022-168A.
11. Adopt Resolution No. 2022-185 approving Change Order No. 1 showing an increase in the amount of \$121,193.00 and increasing the Substantial Completion Date by 31 days and Application and Certificate for Payment No. 3 in the amount of \$92,835.41 submitted by Wilke Contracting Corp. and approved by Oak Creek Engineering for the 2020 Part 3 Improvements; 2nd Avenue Overpass Extension Joint Repair.
12. Adopt Resolution 2022-186 approving the Development Agreement for Lot 1, Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P. M., Buffalo County, Nebraska between Mary Classen, President of D & M Cowpoke Inc., a Nebraska Corporation and Paul LaFave, Manager of GPEAR, LLC, a Nebraska Limited Liability Company and the City of Kearney to further define development requirements for the property.
13. Adopt Resolution No. 2022-187 approving Change Order No. 3 showing an increase in the amount of \$12,401.00 and increasing the Substantial Completion Date by one day to January 1, 2023 and Application and Certificate for Payment No. 3 in the amount of \$202,751.10 submitted by RMV Construction and approved by Wilkins ADP for the Harmon Park Sonatorium Restoration.
14. Adopt Resolution No. 2022-188 approving Change Order No. 2 showing an increase in the amount of \$17,883.00 and Application and Certificate for Payment No. 3 in the amount of \$145,946.70 submitted by RMV Construction and approved by Wilkins ADP for the Yanney Heritage Park Pavilion and Parking Lot.
15. Accept the bids received for the Kearney Regional Airport Terminal Expansion (AIP/CARES Act Project No. 3-31-0045-036) and adopt Resolution No. 2022-189 awarding the bid submitted by RMV Construction, LLC in the amount of \$4,773,394.00.
16. Accept the bids received for the Kearney Regional Airport Terminal Expansion Furniture, Fixtures and Equipment (AIP/CARES Act Project No. 3-31-0045-036) and award the Bid submitted by encompass in the amount of \$21,829.31.

17. Approve the recommendations from the Development Services Division on annual renewal of the manufactured home court license for Valley View Mobile Home Court, 2701 and 2801 Grand Avenue, until May 31, 2023.
18. Adopt Resolution No. 2022-190 Change Order No. 5 showing a decrease in the amount of \$2,227.00, Application and Certificate for Payment No. 7-Final in the amount of \$82,508.70 and accept the Certificate of Substantial Completion submitted by Duncan Theis Construction, Inc. and approved by Olsson for the Yanney Park Maintenance Building.
19. Adopt Resolution No. 2022-191 approving Change Order No. 1 showing a decrease in the amount of \$2,072.70, Application and Certificate for Payment No. 4-Final in the amount of \$89,735.43 and accept the Certificate of Substantial Completion submitted by Ensley Electrical Services and approved by Olsson for 2021 Part 4 Improvements; Traffic Signal at the Intersection of 15th Avenue and 11th Street.
20. Adopt Resolution No. 2022-192 approving the Developer Constructed Infrastructure Agreement for 30th Avenue Storage between the City of Kearney and Nancy Norwood, Owner of NP Self Storage, LLC, a Nebraska Limited Liability Company, for the construction of a water main to serve Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.
21. Adopt Resolution No. 2022-193 approving Change Order No. 1 modifying the location of fiber placements, replacing existing vaults, adding slack cable and amending the Substantial and Final Completion dates submitted by Great Plains Communication, LLC and approved by Miller and Associates for the Water Communication Line.
22. Adopt Resolution No. 2022-194 approving Application and Certificate for Payment No. 4 in the amount of \$654,210.00 submitted by Caldwell Tank and approved by Miller & Associates for the 2MG Elevated Water Tower.
23. Adopt Resolution No. 2022-195 approving Application and Certificate for Payment No. 3 in the amount of \$270,293.55 submitted by Nielsen Contracting, LLC and approved by Miller & Associates for the 2022 Part 3 Improvements; 11th Street from A Avenue to F Avenue.
24. Adopt Resolution No. 2022-196 accepting the bids received for the Booster Pump Station, Renovations & Associated Improvements approving Change Order No. 1 showing a decrease in the amount of \$345,373.00 and awarding the bid to Midlands Contracting, Inc. in the amount of \$1,840,587.00.

* *Any item listed on the Consent Agenda may, by the request of any single Council member, be considered as a separate item under the Regular Agenda Section of the Agenda.*

V. CONSENT AGENDA ORDINANCES *

1. Approve Ordinance No. 8599 adopting the City of Kearney Budget for the 2022-2023 Fiscal Year and approving the budget statement as the Annual Appropriation Bill.

2. Approve Ordinance No. 8600 repealing Ordinance No. 8594 and classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for payment of vehicle allowance; and provide for payment of health and dental benefits for active full-time employees; to provide for payment of health benefits for early retiree employees pursuant to Resolution No. 2019-68A.

VI. REGULAR AGENDA

1. Presentation by Nebraska Public Power District regarding the first phase of potential line segments for an upcoming 115kV transmission line project in the Kearney area.
2. Open Account Claim to NPPD - \$14,195.41.

VII. REPORTS

VIII. ADJOURN

Mayor Stanley Clouse
4907 Linden Drive Place
627-6730 cell
238-5210 office
mayor@kearneygov.org

Vice-President Randy Buschkoetter
1110 13th Avenue
234-5553 home
440-0358 cell
citycouncil@kearneygov.org

Council Member Bruce Lear
4803 Avenue L Place
234-5354 home
308-389-8770 office
citycouncil@kearneygov.org

Council Member Tami James
Moore
704 10th Avenue
440-6992 cell
citycouncil@kearneygov.org

Council Member Jonathan Nikkila
4 Regency Place
224-4309 cell
citycouncil@kearneygov.org

City Manager Michael Morgan
18 East 22nd Street
233-3214 office
mmorgan@kearneygov.org

The Mayor and City Council reserve the right to adjourn into executive session as per Section 84-1410 of the Nebraska Revised Statutes. A current agenda is on file at the Office of the City Clerk at City Hall, 18 East 22nd Street, Kearney, Nebraska. For more information, call 233-3216 or visit our website at www.cityofkearney.org



COUNCIL AGENDA MEMO

ITEM NO. III - #1

FROM: *Brenda Jensen, Assistant City Manager*

MEETING: *September 13, 2022*

SUBJECT: *Development of Younes Center Eighth Addition located between 3rd Avenue and 6th Avenue, North of 3rd Street*

PRESENTER: *Craig Bennett, Miller & Associates*

Discussion:

On behalf of the property owners Peanut Butter & Jelly, LLC and Paul Younes, the applicant, Craig Bennett, is requesting approvals for subdivision vacations and a final plat for property generally located north of 3rd Street, between 3rd Avenue and 6th Avenue, for residential and commercial development. A subdivision vacation and final plat are required to change the lot lines due to a previously filed minor subdivision for Lot 1, Block Two of Younes Center Third Addition.

Subdivision Vacations

The applicant requests to vacate Lot 1 and Lot 2, Block Two, Younes Center Third Addition and Lot 1, Block Two, Younes Center Fourth Addition to replat new lots within this area.

Rezoning

The applicant requests to withdraw this item from the agenda.

Final Plat

The proposed final plat for Younes Center Eighth Addition contains a total of 4 lots for development. The lots range in size from 0.66-acres to 2.55-acres. The lot widths and lot areas meet the minimum requirements of the C-2 zoning district.

The plat demonstrates that all four lots will be accessed off of 3rd Street. Lot 2 and Lot 3 are presently developed with no additional development anticipated for either lot at this time. The lots are served by existing private infrastructure. Lot 1 will provide onsite detention and utilize existing water from 3rd Street and sanitary sewer from 3rd Street or 3rd Avenue. Lot 4 will utilize an existing detention cell abutting the north and water and sanitary sewer can be served from 3rd Street. There is also a 20-foot watermain easement running through the west half of Lot 4. A final plat has been provided, which meets the minimum requirements of the subdivision regulations.

The proposed plat is located within the 1.0% (100-year) floodplain. Future development will need to meet all floodplain regulations at time of building permit. The northern boundary of the eastern 2-lots is located within the floodway. No structures are permitted within the floodway.

The Planning Commission approved the preliminary plat, and recommended approval of the subdivision vacations and final plat by unanimous vote on August 19, 2022.

"We provide services, solutions, and opportunities for our community."

ITEM NO. III - #1

Comprehensive Plan Related Reference

'Establish and maintain land use development patterns and densities in the community, that best conform with the desires and needs of the residents and emphasize improved quality of development and livability for residents of community' (LU2, Land Use Policies, Page 219)

'Continue to encourage compatible adjacent land uses during the planning and implementation of development activities' (LU3, Land Use Policies, Page 219).

Staff's finding of facts:

- The lots are compliant with the zoning district's site development regulations.
- This subdivision's layout is compatible with the surrounding land uses.
- The development is consistent with the 2016 Comprehensive Plan as referenced.

Fiscal Note:

The City is not aware of any undue financial obligations affecting the City that may be associated with this project.

Recommended Action:

Staff and Planning Commission recommend approval of the subdivision vacations and final plat, all as presented.

ORDINANCE NO. 8595

AN ORDINANCE OF THE CITY OF KEARNEY, NEBRASKA, TO VACATE A PORTION OF AN EXISTING PLAT FOR YOUNES CENTER THIRD ADDITION, AN ADDITION TO THE CITY OF KEARNEY, BUFFALO COUNTY, NEBRASKA AS THE SAME IS FILED WITH THE OFFICE OF THE REGISTER OF DEEDS AT INSTRUMENT NO. 2015-02021; TO SPECIFICALLY VACATE LOT 1 AND LOT 2, BLOCK TWO, YOUNES CENTER THIRD ADDITION, AN ADDITION TO THE CITY OF KEARNEY, BUFFALO COUNTY, NEBRASKA; TO PROVIDE FOR RETENTION OF EASEMENT FOR RIGHT OF INGRESS AND EGRESS TO ALL FUTURE AND EXISTING UTILITIES; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; TO PROVIDE FOR CERTIFICATION OF THIS ORDINANCE TO THE REGISTER OF DEEDS AND FOR REPLATTING OF THE VACATED LANDS; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL AND EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Kearney City Planning Commission has received and recommended the Kearney City Council approve a petition to vacate a portion of Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, said petition was duly signed by the owners of the land affected with the express intent of replatting and dedicating the land as part of Younes Center Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, said petition to vacate has been presented to the President and Council of the City of Kearney, Nebraska who deemed said vacation to be advantageous to and in the interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. That a portion of Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska described as Lot 1 and Lot 2, Block Two, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska, as the same is filed in the Office of the Buffalo County, Nebraska, Register of Deeds at Instrument No. 2015-02021, be and is hereby vacated in accordance with the powers granted to the City of Kearney by Neb. Rev. Stat. § 19-917, as amended.

Section 2. That the vacated afore-described portion of Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska shall no longer be or constitute any part of the City of Kearney, and the public highways, streets, alleys, and

public grounds located therein, if any, shall revert to the owners of lots or lands abutting the same in proportion to the respective ownerships of such lots or grounds.

Section 3. That the vacated afore-described portion of Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska is specifically subject to the retention, reservation and saving of a utility easement across said vacated property for the purpose of reconstruction, repairing and maintaining all presently existing and future public utilities lying within the bounds of the vacated public right-of-way, including sewers, drains, water mains, natural gas lines and appurtenances, electric cables and telephone lines, as well as all other public utility services, and the City of Kearney hereby reserves, on behalf of its employees, officers, agents and assignees, and for all presently existing and future public utilities lying within the bounds of the vacated right-of-way, a right of ingress and egress for the purpose of effecting such reconstruction, repair or maintenance.

Section 4. The public is also hereby notified that Ordinance No. 8595 is subject to limited referendum for a period of thirty (30) days after the first publication of this Ordinance and that, after the expiration of the said thirty (30) days, Ordinance No. 8595 and any measures related to it, will not be subject to any further right of referendum.

Section 5. To repeal all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith.

Section 6. That this Ordinance shall be, at the cost of the owners, certified at the Office of the Register of Deeds and there recorded by said owners, and that the owners shall cause the lands in the vacated portions of the subject plats vacated to be replatted and numbered by the County Surveyor.

Section 7. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law and shall be published in pamphlet form by authority of the City Council.

INTRODUCED BY COUNCIL MEMBER _____.
PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

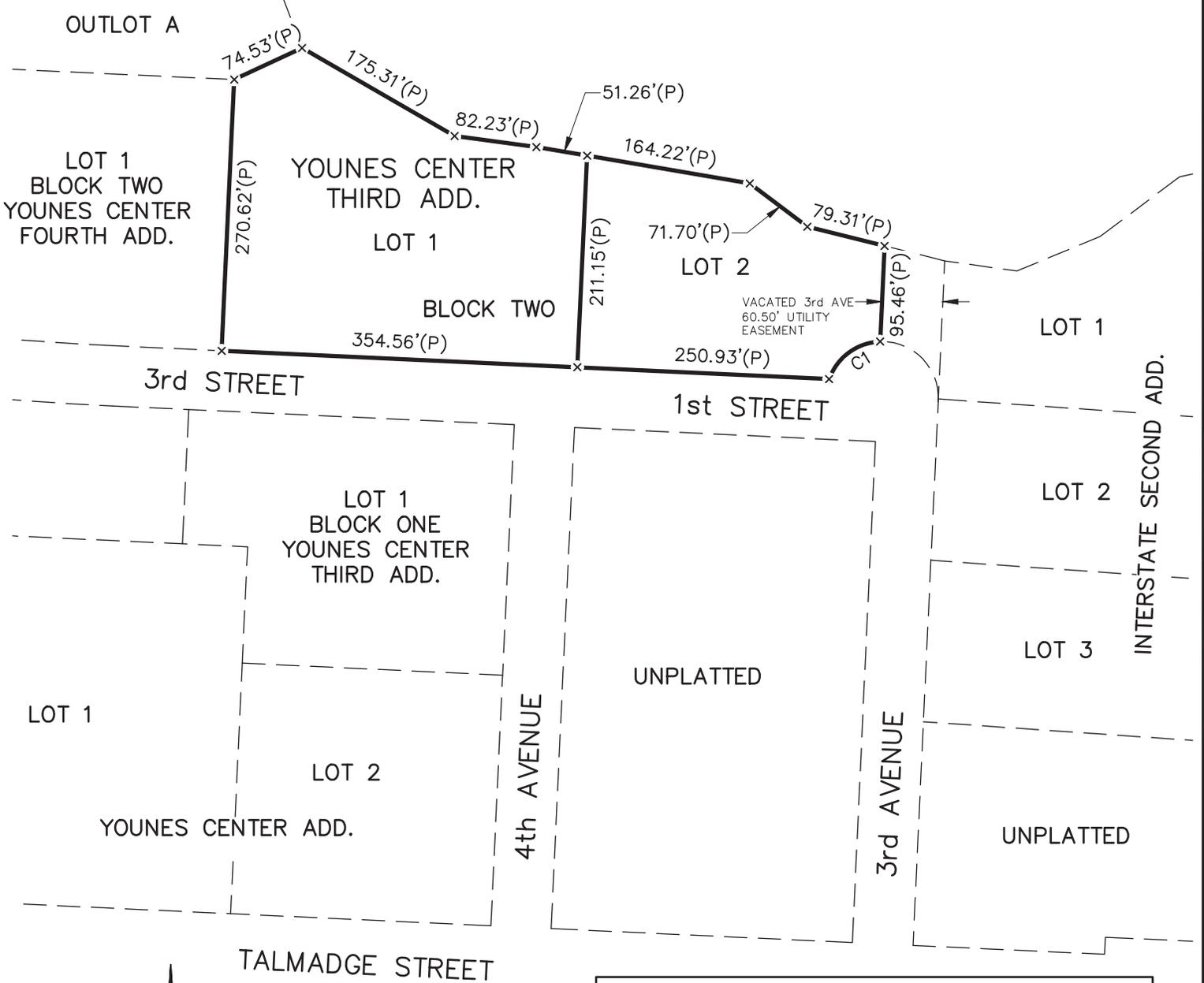
ATTEST:

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

PEGGY EYNETICH
DEPUTY CITY CLERK

-VACATION PLAT-

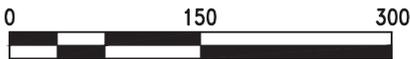
**LOT 1 & LOT 2, BLOCK 2, YOUNES CENTER THIRD ADDITION,
AN ADDITION TO THE CITY OF KEARNEY, BUFFALO COUNTY, NEBRASKA**



CURVE DATA					
NUMBER	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	68°36'46"	56.00'	67.06'	N 53°42'25" E	63.13'

LEGAL DESCRIPTION

Lot One (1) & Lot Two (2), Block Two (2), Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska



SCALE IN FEET

LEGEND

x = TEMPORARY POINT
(P) = PLATTED DISTANCES

DEVELOPMENT SERVICES
FILED
AUGUST 09 2022
CITY OF KEARNEY
PLANNING-ZONING DIVISION

 Miller & Associates Consulting Engineers, P.C.	1111 CENTRAL AVENUE KEARNEY, NE 68847-6833 Tel: 308-234-6456 Fax: 308-234-1146 www.miller-engineers.com
	YOUNES CENTER THIRD ADD

ORDINANCE NO. 8596

AN ORDINANCE OF THE CITY OF KEARNEY, NEBRASKA, TO VACATE A PORTION OF AN EXISTING PLAT FOR YOUNES CENTER FOURTH ADDITION, AN ADDITION TO THE CITY OF KEARNEY, BUFFALO COUNTY, NEBRASKA AS THE SAME IS FILED WITH THE OFFICE OF THE REGISTER OF DEEDS AT INSTRUMENT NO. 2015-04778; TO SPECIFICALLY VACATE LOT 1, BLOCK TWO, YOUNES CENTER FOURTH ADDITION, AN ADDITION TO THE CITY OF KEARNEY, BUFFALO COUNTY, NEBRASKA; TO PROVIDE FOR RETENTION OF EASEMENT FOR RIGHT OF INGRESS AND EGRESS TO ALL FUTURE AND EXISTING UTILITIES; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; TO PROVIDE FOR CERTIFICATION OF THIS ORDINANCE TO THE REGISTER OF DEEDS AND FOR REPLATTING OF THE VACATED LANDS; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL AND EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Kearney City Planning Commission has received and recommended the Kearney City Council approve a petition to vacate a portion of Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, said petition was duly signed by the owners of the land affected with the express intent of replatting and dedicating the land as part of Younes Center Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, said petition to vacate has been presented to the President and Council of the City of Kearney, Nebraska who deemed said vacation to be advantageous to and in the interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. That a portion of Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska described as Lot 1, Block Two, Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, as the same is filed in the Office of the Buffalo County, Nebraska, Register of Deeds at Instrument No. 2015-04778, be and is hereby vacated in accordance with the powers granted to the City of Kearney by Neb. Rev. Stat. § 19-917, as amended.

Section 2. That the vacated afore-described portion of Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska shall no longer be or constitute any part of the City of Kearney, and the public highways, streets, alleys, and

public grounds located therein, if any, shall revert to the owners of lots or lands abutting the same in proportion to the respective ownerships of such lots or grounds.

Section 3. That the vacated afore-described portion of Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska is specifically subject to the retention, reservation and saving of a utility easement across said vacated property for the purpose of reconstruction, repairing and maintaining all presently existing and future public utilities lying within the bounds of the vacated public right-of-way, including sewers, drains, water mains, natural gas lines and appurtenances, electric cables and telephone lines, as well as all other public utility services, and the City of Kearney hereby reserves, on behalf of its employees, officers, agents and assignees, and for all presently existing and future public utilities lying within the bounds of the vacated right-of-way, a right of ingress and egress for the purpose of effecting such reconstruction, repair or maintenance.

Section 4. The public is also hereby notified that Ordinance No. 8596 is subject to limited referendum for a period of thirty (30) days after the first publication of this Ordinance and that, after the expiration of the said thirty (30) days, Ordinance No. 8596 and any measures related to it, will not be subject to any further right of referendum.

Section 5. To repeal all ordinances and resolutions or parts of ordinances and resolutions in conflict herewith.

Section 6. That this Ordinance shall be, at the cost of the owners, certified at the Office of the Register of Deeds and there recorded by said owners, and that the owners shall cause the lands in the vacated portions of the subject plats vacated to be replatted and numbered by the County Surveyor.

Section 7. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law and shall be published in pamphlet form by authority of the City Council.

INTRODUCED BY COUNCIL MEMBER _____.
PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

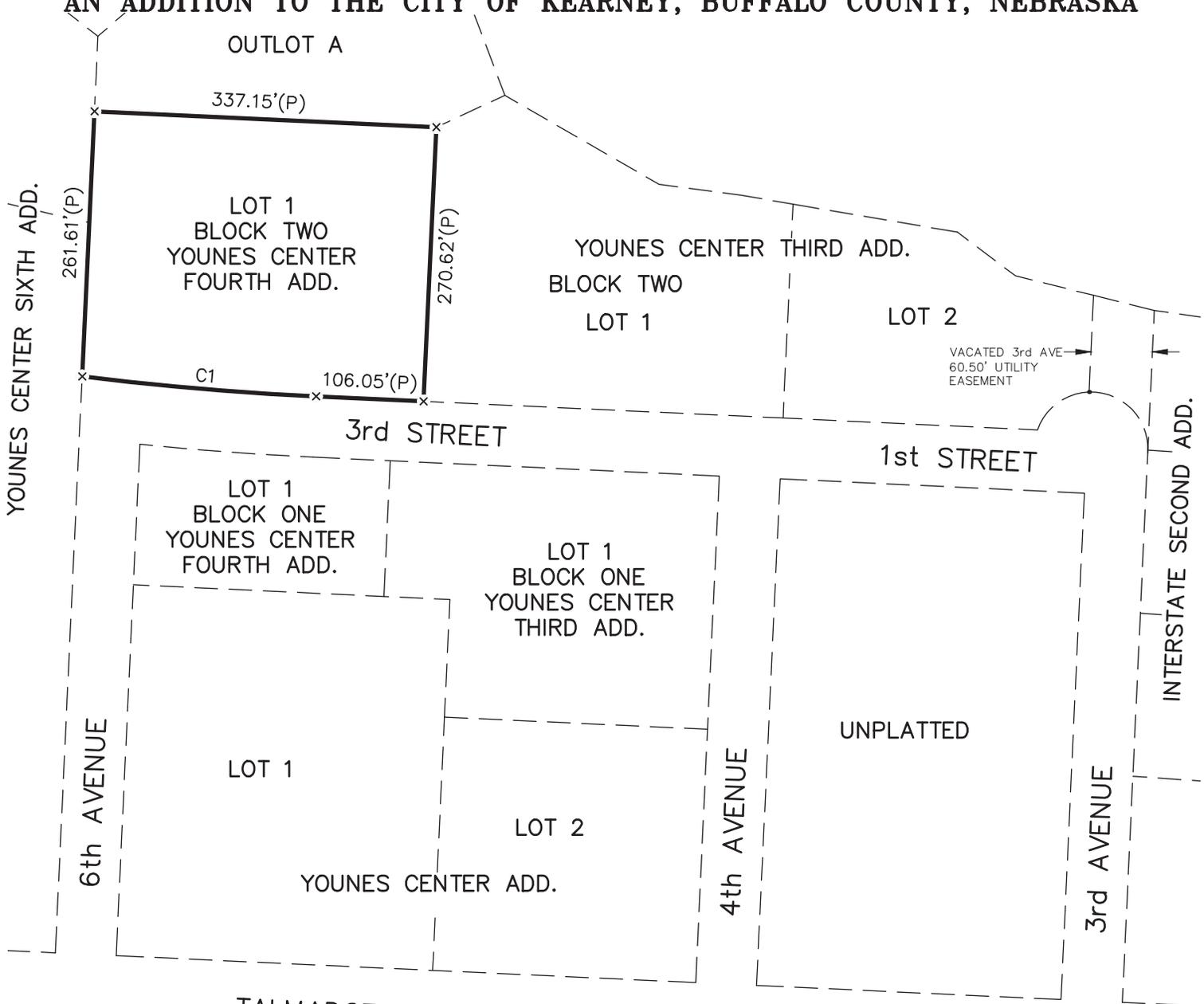
ATTEST:

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

PEGGY EYNETICH
DEPUTY CITY CLERK

-VACATION PLAT-
LOT 1, BLOCK 2, YOUNES CENTER FOURTH ADDITION,
AN ADDITION TO THE CITY OF KEARNEY, BUFFALO COUNTY, NEBRASKA

G:\Projects\130\130-P\130-P200 to P299\130-P220-035\Civil-Dwg\Design Drawings\Survey\younes center eighth add\VACATION PLAT LT 1 BLK 2 YOUNES CENTER 4th.dwg
 BYRON D. MAXSON
 SAVED: 7/28/2022 4:15 PM
 PLOTTED: 8/9/2022 8:33 AM



CURVE DATA					
NUMBER	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	4°27'47"	2970.00'	231.35'	S 85°06'37" E	231.29'

LEGAL DESCRIPTION

Lot One (1), Block Two (2), Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska



SCALE IN FEET
LEGEND

x = TEMPORARY POINT
 (P) = PLATTED DISTANCES

DEVELOPMENT SERVICES
 FILED
 AUGUST 09 2022
 CITY OF KEARNEY
 PLANNING-ZONING DIVISION

 Miller & Associates Consulting Engineers, P.C.	1111 CENTRAL AVENUE KEARNEY, NE 68847-6833 Tel: 308-234-6456 Fax: 308-234-1146 www.miller-engineers.com
	YOUNES CENTER THIRD ADD

RESOLUTION NO. 2022-174

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Younes Center Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1 and Lot 2, Block Two, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated) and Lot 1, Block Two, Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated), being part of Government Lot 9, and accretions to Government Lots 5, 6, and 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly as follows: Commencing at a + in concrete at the Southeast Corner of Government 5 in Section 11; thence N 00°37'12" E on the East line of said Government Lot 5, and all bearings contained herein are relative thereto, a distance of 875.38 feet to the Easterly extension of the North line of Talmadge Street, a street in the City of Kearney; thence N 87°20'30" W on said Easterly extension and on the North line of Talmadge Street a distance of 777.58 feet to an iron pipe on the East line of 4th Avenue as dedicated in Younes Center Addition, an addition to the City of Kearney; thence N 02°40'11" E on said East line of 4th Avenue a distance of 560.02 feet to a 5/8" rebar w/cap on the North line of 3rd Street as dedicated in Younes Center Third Addition, an addition to the City of Kearney, and the POINT OF BEGINNING; thence S 87°19'12" E on said South line of 3rd Street a distance of 250.93 feet to a 5/8" rebar w/cap; thence Northeasterly continuing on said North line of 3rd Street and on a non-tangent curve to the Right having a central angle of 68°36'46", a radius of 56.00 feet, an arc length of 67.06 feet, and a chord bearing of N 53°42'25" E a distance of 63.13 feet to a 5/8" rebar w/cap on the West line of vacated 3rd Avenue, an Avenue in the City of Kearney; thence N 02°38'34" E on the West line of said vacated 3rd Avenue a distance of 95.47 feet to a hex rod on the present South high bank of the North Channel of the Platte River; thence N 76°00'43" W on said South high bank a distance of 79.31 feet to a 5/8" rebar; thence N 53°02'24" W continuing on said South high bank a distance of 71.70 feet to a 5/8" rebar; thence N 80°18'29" W continuing on said South high bank a distance of 215.48 feet to a 5/8" rebar; thence N 82°19'12" W continuing on said South high bank a distance of 82.23 feet to a 5/8" rebar; thence N 60°00'10" W continuing on said South high bank a distance of 175.31 feet to a 5/8" rebar w/cap at the Southeast corner of Outlot A, Younes Center Fourth Addition, an addition to the City of Kearney; thence S 65°03'59" W on the South line of said Outlot A a distance of 74.52 feet to a 5/8" rebar w/cap; thence N 87°20'30" W continuing on said South line of Outlot A a distance of 337.15 feet to a 5/8" rebar w/cap at the Southwest corner of said

Outlot A and on the East line of Younes Center Sixth Addition, an addition to the City of Kearney; thence S 02°39'30" W on said East line Younes Center Sixth Addition a distance of 261.61 feet to a 5/8" rebar w/cap on said North line of 3rd Street; thence Easterly on said North line of 3rd Street and on a non-tangent curve to the Left having a central angle of 04°27'47", a radius of 2970.00 feet, an arc length of 231.35 feet, and a chord bearing of S 85°06'36" E a distance of 231.28 feet to a 5/8" rebar w/cap; thence S 87°20'30 E on said North line of 3rd Street a distance of 460.59 feet to the Point of Beginning. Containing 5.34 acres, more or less all 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 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

**PEGGY EYNETICH
DEPUTY CITY CLERK**

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

**Subdivision Agreement For
Younes Center Eighth Addition,
an addition to the City of Kearney, Buffalo County, Nebraska**

WHEREAS, _____ (print name), _____ (print title) of Peanut Butter & Jelly, L.L.C., a Nebraska Limited Liability Company, Paul Younes and Linda Younes, husband and wife, _____ (print name), _____ (print title) of First Interstate Bank, successor by merger of Great Western Bank, Beneficiary, _____ (print name), _____ (print title) of UPF Washington Incorporated, Trustee, and Paul J. Younes and Linda M. Younes, as Trustees of the Paul & Linda Younes Family Trust U/A/D January 10, 2022 (hereinafter referred to as "Owner" or "Developer"), desire to develop the following described tract of land (hereinafter referred to as "Younes Center Eighth Addition");

LEGAL DESCRIPTION

Lot One (1) and Lot Two (2), Block Two (2), Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated) and Lot One (1), Block Two (2), Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated), being part of Government Lot 9, and accretions to Government Lots 5, 6, and 9, Section Eleven (11), Township Eight (8) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and more particularly as follows: Commencing at a + in concrete at the Southeast Corner of Government 5 in Section 11; thence N 00°37'12" E on the East line of said Government Lot 5, and all bearings contained herein are relative thereto, a distance of 875.38 feet to the Easterly extension of the North line of Talmadge Street, a street in the City of Kearney; thence N 87°20'30" W on said Easterly extension and on the North line of Talmadge Street a distance of 777.58 feet to an iron pipe on the East line of 4th Avenue as dedicated in Younes Center Addition, an addition to the City of Kearney; thence N 02°40'11" E on said East line of 4th Avenue a distance of 560.02 feet to a 5/8" rebar w/cap on the North line of 3rd Street as dedicated in Younes Center Third Addition, an addition to the City of Kearney, and the POINT OF BEGINNING; thence S 87°19'12" E on said South line of 3rd Street a distance of 250.93 feet to a 5/8" rebar w/cap; thence Northeasterly continuing on said North line of 3rd Street and on a non-tangent curve to the Right having a central angle of 68°36'46", a radius of 56.00 feet, an arc length of 67.06 feet, and a chord bearing of N 53°42'25" E a distance of 63.13 feet to a 5/8" rebar w/cap on the West line of vacated 3rd Avenue, an Avenue in the City of Kearney; thence N 02°38'34" E on the West line of said vacated 3rd Avenue a distance of 95.47 feet to a hex rod on the present South high bank of the North Channel of the Platte River; thence N 76°00'43" W on said South high bank a

distance of 79.31 feet to a 5/8" rebar; thence N 53°02'24" W continuing on said South high bank a distance of 71.70 feet to a 5/8" rebar; thence N 80°18'29" W continuing on said South high bank a distance of 215.48 feet to a 5/8" rebar; thence N 82°19'12" W continuing on said South high bank a distance of 82.23 feet to a 5/8" rebar; thence N 60°00'10" W continuing on said South high bank a distance of 175.31 feet to a 5/8" rebar w/cap at the Southeast corner of Outlot A, Younes Center Fourth Addition, an addition to the City of Kearney; thence S 65°03'59" W on the South line of said Outlot A a distance of 74.52 feet to a 5/8" rebar w/cap; thence N 87°20'30" W continuing on said South line of Outlot A a distance of 337.15 feet to a 5/8" rebar w/cap at the Southwest corner of said Outlot A and on the East line of Younes Center Sixth Addition, an addition to the City of Kearney; thence S 02°39'30" W on said East line Younes Center Sixth Addition a distance of 261.61 feet to a 5/8" rebar w/cap on said North line of 3rd Street; thence Easterly on said North line of 3rd Street and on a non-tangent curve to the Left having a central angle of 04°27'47", a radius of 2970.00 feet, an arc length of 231.35 feet, and a chord bearing of S 85°06'36" E a distance of 231.28 feet to a 5/8" rebar w/cap; thence S 87°20'30" E on said North line of 3rd Street a distance of 460.59 feet to the Point of Beginning. Containing 5.34 acres, more or less.

WHEREAS, the Owner desires to vacate the following:

- Lot One (1) & Lot Two (2), Block Two (2), Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska
- Lot One (1), Block Two (2), Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska

and re-plat, creating Younes Center Eighth Addition; and

WHEREAS, the Owner's representative has met with the City of Kearney Development Review Team (DRT) and the DRT has assigned the development, DRT No. 15-006; and

WHEREAS, the Owner agrees to waive all rights of protest to future improvement districts that may be created; and

WHEREAS, public improvements are existing in 3rd Street for connection and service; and

WHEREAS, public improvements must be designed and constructed in compliance with the City of Kearney Subdivision Design Manual and Standard Specifications;

NOW, THEREFORE, the undersigned Owner and the City of Kearney, Nebraska (hereinafter referred to as the "City"), in consideration of the mutual covenants and agreements herein contained, agree as follows.

OWNER AGREES AS FOLLOWS:

- 1) To provide an infrastructure feasibility plan for storm drainage at the time of development of any of the lands included in the subdivision.
- 2) To pay the remaining Water Connection District (WC89-1) fees attached to the existing fourteen-inch (14") water main that is located in the twenty-foot (20') watermain easement in Lot 4 of Younes Center Eighth at the time of development of Lot 4 of Younes Center Eighth. The cost associated is \$6.52 per linear foot of frontage.
- 3) The cost to maintain and the maintenance of all open spaces in the subdivision, including stormwater detention cells, un-paved road right-of-way, roadway medians, boulevards, public sidewalks and other public right-of-way and open spaces, will be the obligation and responsibility of the Owner or an association of property Owners.
- 4) To indemnify and hold harmless the City and its agents and employees against all claims, damages, loses, or expenses, including reasonable attorney's fees that arise or allegedly arise out of the design or construction of the public improvements and the stormwater management facilities, not due to the negligence or omissions on the part of the City, its agents and employees. Further, Owners agree to indemnify the City for any claims, damages, or expenses, including reasonable attorney's fees that arise out of or allegedly arise out of the design or construction of said stormwater management facilities, such as damaging stormwater runoffs that are caused by Owner's negligence or omission, or that of its agents or employees.

CITY AGREES AS FOLLOWS:

- 1) To continue to maintain the public infrastructure adjacent and within the subdivision.

THE PARTIES AGREE AS FOLLOWS:

- 1) This instrument is the final expression of the agreement between the parties hereto and such agreement may not be contradicted by evidence of any prior oral agreement or of a contemporaneous oral agreement between parties that allegedly exists.
- 2) This instrument contains the entire agreement between the parties, and no statements, promises or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by both parties and endorsed on this agreement.
- 3) This agreement shall run with the land and be binding upon and inure to the benefit of the parties hereto and shall be binding upon heirs, executors, administrators, and subsequent title owners in interest, devisees, assignees and successors of the Owner hereto.



For Office Use Only	
Rezoning File Number:	<u>2022-12</u>
Subdivision File Number:	<u>2022-10</u>
Date Filed:	<u>07/29/2022</u>
Fee:	<u>\$500.00</u>
Receipt No. :	<u>2022-00083925</u>
Revised 10-2017	Resubmitted on 08/09/2022

APPLICATION FOR REZONING

Applicant/Agent's Name: Craig Bennett

Applicant/Agent's Address: Miller & Associates Consulting Engineers, P.C., 1111 Central Avenue, Kearney, NE 68847

Phone No.: 308-234-6456 **E-Mail:** cbennett@miller-engineers.com

Owner's Name: PEANUT BUTTER & JELLY, L.L.C., a Nebraska Limited Liability Company; Paul Younes and Linda Younes

Owner's Address: 6 21st Avenue Place, Kearney, NE 68845

Phone No.: (308) 627-6600 **E-Mail:** paul.younes@younes.com

The Land Use Map shows this area to be: COM

The Land Use Map needs to be amended to: COM

Application is hereby filed to rezone from District: C-2/PD **to District:** C-2

Legal Description of Property to be Rezoned (Use separate sheet if necessary):
See Attached

Address or general location of property to be rezoned: Between 3rd Avenue and 6th Avenue, North of 3rd Street

Total number of acres to be rezoned: 2.05

Adjacent zoning to the North: M1,C2 **South:** C-2 **East:** C-2 **West:** C-2

Description of the reason for the rezoning application and the nature and operating characteristics of the proposed use:
Apartments and Commercial Lot

REZONING APPLICATION CHECKLIST

- Certified copy of the last deed or document of record from the Register of Deed's Office
- Map showing area to be rezoned (8 1/2 x 11)

Owner's signature **Date**

Craig A. Bennett 7-29-2022
Applicant's signature *If different than property owner, Applicant certifies by signature that s/he is the authorized agent of the property owner.)*

From: [Craig Bennett - M&A](#)
To: [Melia Schelstrate](#)
Cc: [Melissa Dougherty-O'Hara](#)
Subject: RE: [External] Request to Withdraw Younes Center Eighth Addition Rezoning
Date: Thursday, August 11, 2022 3:41:42 PM
Attachments: [image002.png](#)
[image003.png](#)

Melia,

Please consider this email a formal request to withdraw the rezoning request as submitted for Younes Center Eighth. We will resubmit rezoning for this area with different boundaries at a later date and a different Planning Commission meeting.

Thanks,

Craig Bennett, Land Development & Planning

www.miller-engineers.com

cbennett@millers-engineers.com



VACATION APPLICATION

OFFICE USE ONLY

STREET/ALLEY FILE #: _____
SUBDIVISION FILE #: 2015-05 & 2015-09
DATE FILED: 07/29/2022
FEE: \$200.00
RECEIPT #: 2022-00083925
Revised: 01/2022 Resubmitted on 08/09/2022

Applicant/Agent's Name: Craig Bennett, Miller & Associates Consulting Engineers, P.C.
Applicant/Agent's Address: 1111 Central Avenue, Kearney, NE 68847
E-Mail: cbennett@miller-engineers.com Phone: 308-234-6456
PEANUT BUTTER & JELLY, L.L.C., a Nebraska Limited Liability Company;
Property Owner Name: Paul Younes and Linda Younes
Property Owner Address: 6 21st Avenue Place, Kearney, NE 68845
E-Mail: paul.younes@younes.com Phone: (308) 627-6600

Type of Vacation requested (MARK ALL THAT APPLY):

- SUBDIVISION STREET ALLEY EASEMENT

Address or general location of area to be vacated: Between 3rd Avenue and 6th Avenue, North of 3rd St.

Legal Description of area to be vacated: (see attached for full legal descriptions)

Length of Street/Alley/Easement: NA
Width of Street/Alley/Easement: NA

The following information and exhibits shall accompany the completed application:

- o Address or General Location information above for Street/Alley/Easement shall include the names of abutting Streets/Avenues
- o Street location information above shall include recorded street name from subdivision plat and subdivision name in which it was dedicated
- o Signed letter or letters from all property owners agreeing to vacation
- o Completed Utility Consent Form (SEE FOLLOWING PAGE)
- o Certified copy of the last deed of record from the Register of Deeds office for all property owners
- o Map showing area to be vacated (8 1/2" x 11")
- o Legal description formatted in Microsoft Word

Applicant/Agent/Owner:  Date: 7-29-2022

Signature by Applicant/Agent certifies that they are the authorized agent of the property owner. All submittal information, while reviewed, is subject to meeting all zoning, subdivision, and building code regulations, and it remains the applicant/agent/owner responsibility to ensure all information is correct.

PLEASE NOTE:

- Applications for Planning Commission are due by **Noon on the last Friday of the month** ([see posted schedule for exact dates](#)), prior to the next scheduled meeting.
- A digital submission of application and exhibits is required to be sent to City Planner (mdougherty@kearneygov.org) & Associate Planner (mschelstrate@kearneygov.org) by application deadline.
- Application fees are due by 5:00 PM on the Monday following submittal.
- ONE paper copy of application and exhibits is required to be submitted to Development Services one week prior to City Council meeting.
- Applicant signature must match either applicant/agent.
- Communication regarding application will only be communicated to those listed on the application.

UTILITY CONSENT FORM

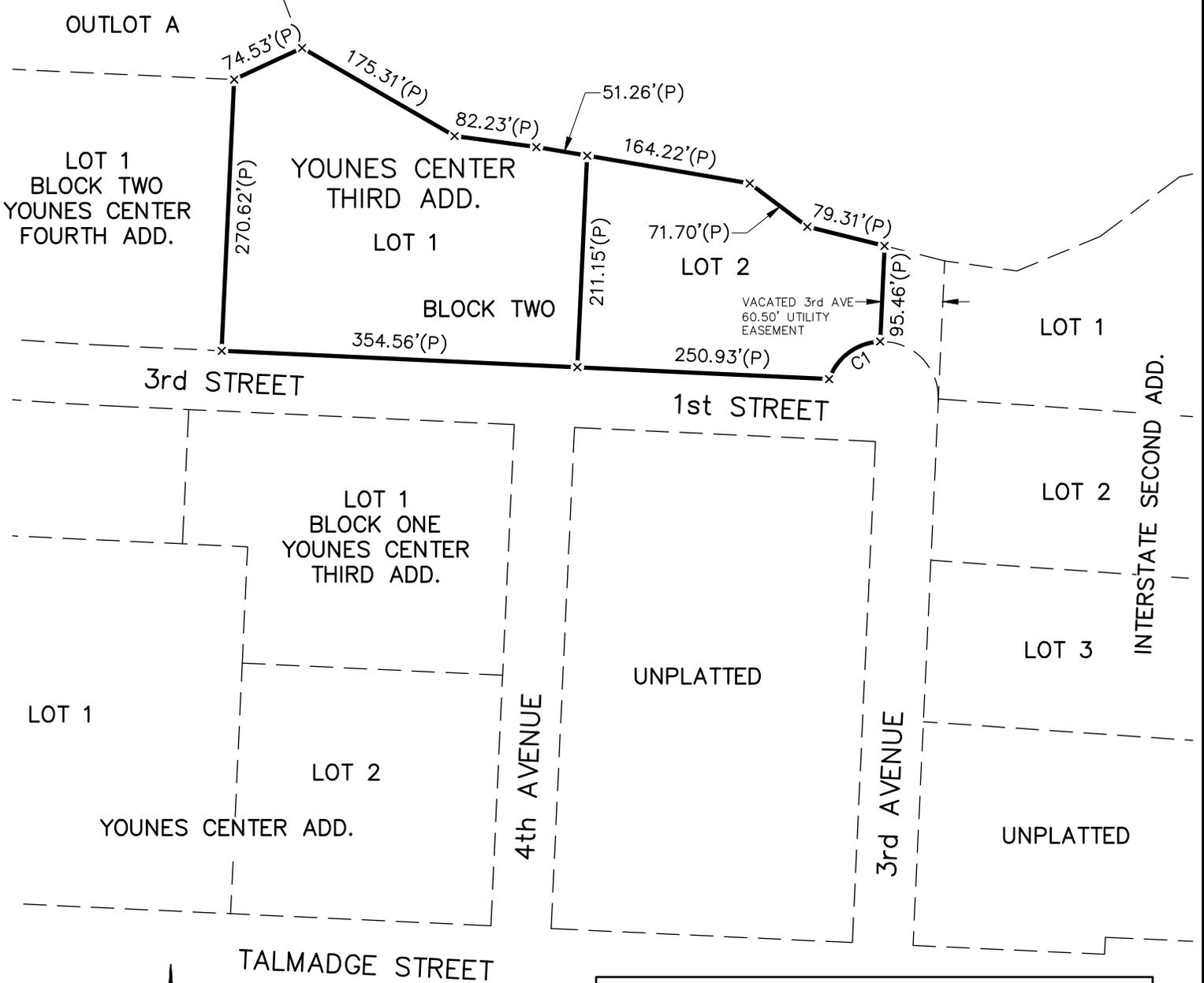
Please contact the following utilities regarding the vacation of property. Obtain a signature from an authorized agent of said utility to indicate the consent to vacate property.

UTILITY PROVIDER	SIGNATURE	DATE
Charter Communications		
Matthew Zavala matthew.zavala@charter.com Office: 308-698-1745 Cell: 293-3146		
Dawson Public Power District		
Gary Haines ghaines@dawsonpower.com Office: 308-234-2386 Cell: 308-627-5248		
Frontier Communications		
Dan Tucker with MidState Consultant dtucker@mscon.com Phone No. 435-623-6668		
Tall Grass Energy Partners		
CR McCoy charles.mccoy@tallgrassenergylp.com val.snyder@tallgrassenergylp.com Office: 308-865-0735 Cell: 308-293-2761		
Black Hills Energy		
Kent Tobler kent.tobler@blackhillscorp.com Office: 308-865-6258 Cell: 308-224-4475		
Nebraska Public Power District		
Corey McIntosh cjmclnt@nppd.com Office: 236-2224 Cell: 308-386-6248		
Northwestern Gas		
Dennis Placke dennis.placke@northwestern.com Office: 308-237-4123 Cell: 308-380-0869		
Unite Private Networks		
Shanon Morris shanon.morris@upnfiber.com Office: 402-802-9747 Cell: 402-575-1239		
Allo Communications		
Al Schroeder Aschroeder2@allophone.net Direct: 402-781-0512 Office: 866-481-2556		
Great Plains Communication		
Brian Orwig borwig@gpcom.com Office: 308-251-6244 Cell: 308-455-0428		
City of Kearney – Public Works		
Andrew Harter aharter@kearneygov.org Office: 308-233-3246		
City of Kearney – Utilities		
Anton Jelinek ajelinek@kearneygov.org Office: 308-233-3259		

Contacts listed is the last known contact provided to Development Services staff. Contacts listed may have changed.

-VACATION PLAT-

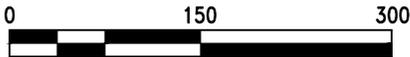
**LOT 1 & LOT 2, BLOCK 2, YOUNES CENTER THIRD ADDITION,
AN ADDITION TO THE CITY OF KEARNEY, BUFFALO COUNTY, NEBRASKA**



CURVE DATA					
NUMBER	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	68°36'46"	56.00'	67.06'	N 53°42'25" E	63.13'

LEGAL DESCRIPTION

Lot One (1) & Lot Two (2), Block Two (2), Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska



SCALE IN FEET
LEGEND

x = TEMPORARY POINT
(P) = PLATTED DISTANCES

DEVELOPMENT SERVICES
FILED
AUGUST 09 2022
CITY OF KEARNEY
PLANNING-ZONING DIVISION

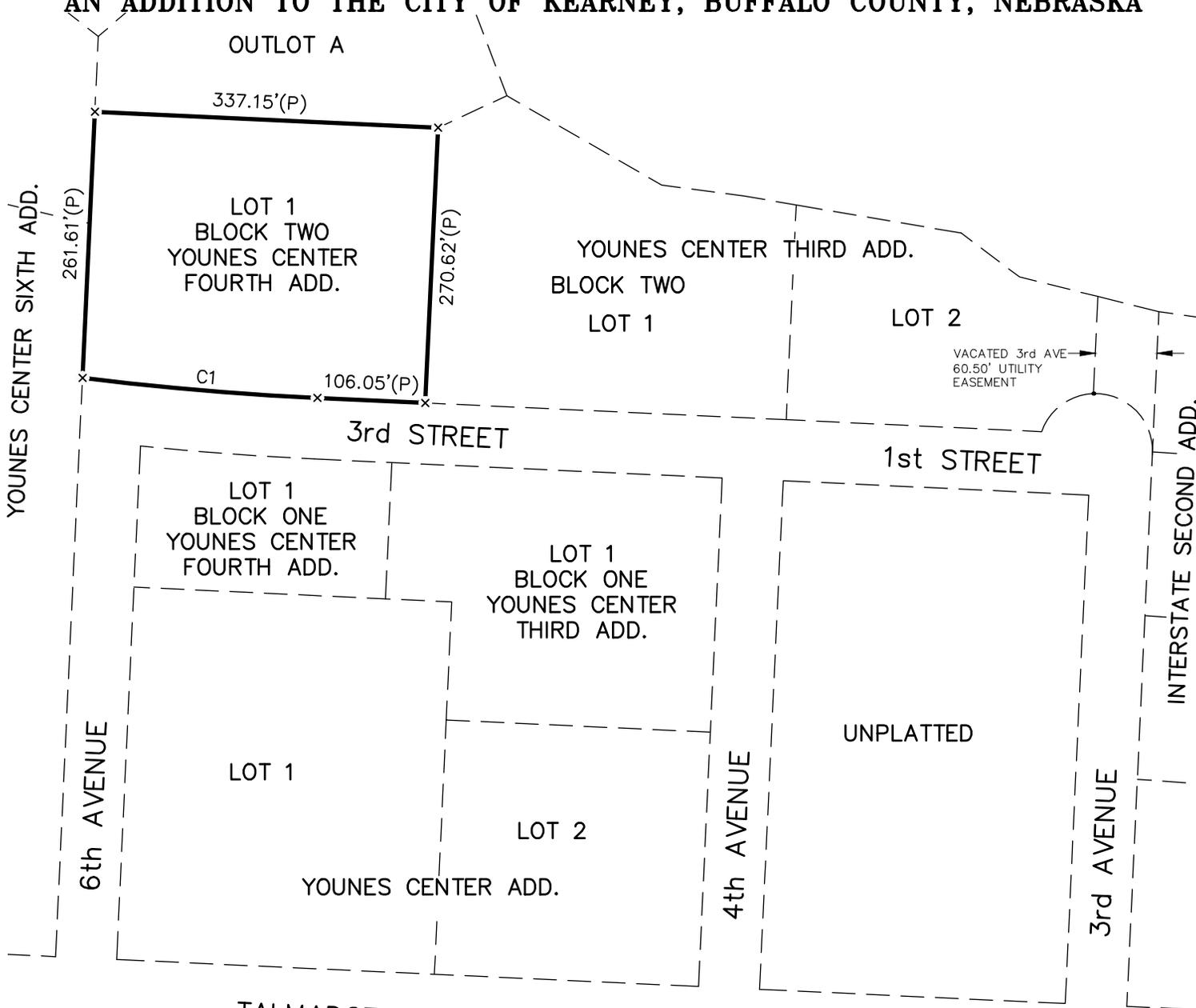
 Miller & Associates Consulting Engineers, P.C.	1111 CENTRAL AVENUE KEARNEY, NE 68847-6833 Tel: 308-234-6456 Fax: 308-234-1146 www.miller-engineers.com
	YOUNES CENTER THIRD ADD

G:\Projects\130\130-P\130-P200 to P299\130-P220-035\Civil-Dwg\Design Drawings\Survey Design\Younes center eighth add\VACATION PLAT 1-2 BLK 2 YOUNES CENTER 3rd.dwg
 Byron D. Mason
 SAVED: 7/28/2022 4:16 PM
 PLOTTED: 8/9/2022 8:32 AM

-VACATION PLAT-

**LOT 1, BLOCK 2, YOUNES CENTER FOURTH ADDITION,
AN ADDITION TO THE CITY OF KEARNEY, BUFFALO COUNTY, NEBRASKA**

G:\Projects\130\130-P\130-P200 to P299\130-P220-035\Civil-Dwg\Design\Survey\younes center eighth add\VACATION PLAT LT 1 BLK 2 YOUNES CENTER 4th.dwg
Byron D. Maxson
SAVED: 7/28/2022 4:15 PM
PLOTTED: 8/9/2022 8:33 AM



CURVE DATA					
NUMBER	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	4°27'47"	2970.00'	231.35'	S 85°06'37" E	231.29'

LEGAL DESCRIPTION

Lot One (1), Block Two (2), Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska



SCALE IN FEET
LEGEND

x = TEMPORARY POINT
(P) = PLATTED DISTANCES

DEVELOPMENT SERVICES
FILED
AUGUST 09 2022
CITY OF KEARNEY
PLANNING-ZONING DIVISION

 Miller & Associates Consulting Engineers, P.C.	1111 CENTRAL AVENUE KEARNEY, NE 68847-6833 Tel: 308-234-6456 Fax: 308-234-1146 www.miller-engineers.com
	YOUNES CENTER THIRD ADD

LEGAL DESCRIPTION (Vacations)

Lot One (1) & Lot Two (2), Block Two (2), Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska

LEGAL DESCRIPTION (Vacation)

Lot One (1), Block Two (2), Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska



For Office Use Only	
File Number:	2022-10
Date Filed:	07/29/2022
Fee:	\$300.00 + 20.00 per lot
Total Paid:	\$380.00
Receipt No.:	2022-00083925
Revised 07-2020	Resubmitted on 08/09/2022

PRELIMINARY PLAT APPLICATION

Applicant's Name: Craig Bennett

Applicant's Address: Miller & Associates, 1111 Central Avenue, Kearney, NE 68847

Phone No. 308-234-6456 **E-Mail:** cbennett@miller-engineers.com

Owner's Name: PEANUT BUTTER & JELLY, L.L.C., a Nebraska Limited Liability Company; Paul Younes and Linda Younes

Owner's Address: 6 21st Avenue Place, Kearney, NE 68845

Phone No. (308) 627-6600 **E-Mail:** paul.younes@younes.com

Number of Lots: 4 **Size of Subdivision in Acres:** 5.34

General location of property to be developed: Between 3rd Avenue and 6th Avenue, North of 3rd Street

Subdivision name exactly as to be recorded: Younes Center Eighth Addition

PRELIMINARY PLAT CHECKLIST

- If not part of a Rezoning Application – Certified Copy of the last deed of record from the Register of Deeds office
- Name, address of developer, owner and firm who prepared the plat
- Location map showing boundary lines of the subdivision with reference to section, township and range lines
- Proposed name of subdivision
- Identify surrounding property, railroad right-of-way, utility easements, existing rights-of-way and easements, parks, public open space, driveways, city limits, existing subdivisions, and other features within 150 feet of the subdivision boundary within
- Present and proposed zoning
- North arrow and bar scale
- Metes and bounds description, including dimensions, bearings, curve data, tangent length, radii, arcs, chords, and central angles for all centerlines and rights-of-way, and centerline curves on streets
- Acreage of tract
- Date of original and all revisions
- Dimensioning of setbacks
- Proposed width and street names
- Proposed arrangement of lots, blocks, lot dimensions, and lot areas in square feet or acreage with new block and lot numbers.
- Existing and proposed width of easements or land reserved for or dedicated to public use, width and name of proposed rights-of-way, easements and pedestrian ways
- Phasing plan (if applicable)
- Property lines within 150 feet
- All existing water courses, floodplains, wetlands, habitat areas or other environmentally sensitive features within 150 feet
- Topography at two foot contours including areas up to 150 feet of the plat boundaries
- Existing site drainage system
- Concept Infrastructure Feasibility Plan including location of water, sanitary sewer, all underground installations for serving the proposed subdivision including lighting, storm water management and detention
- Road and paving cross-sections
- Subdivider shall contact all utility companies and dedicate easements when needed and submit Utilities Comment form
- Improvement financing plans, including sources of funding (private, assessments, public, Sanitary and Improvement Districts, and other sources)
- Draft Subdivision Agreement (if applicable)
- Three full size copies of Plat document and one reduced 8 ½ by 11 copy
- Minimum scale of Plat documents - 1 inch equals 200 feet
- Electronic file in the portable document format (pdf). All sheets shall be converted to pdf at full size of original document to City of Kearney, also **please e-mail a word document of the legal description as part of the submittal.**

Craig A. Bennett

7-29-2022

Applicant/Owner signature - Applicant certifies by signature that they are the authorized agent of the property owner.)

Date

PRELIMINARY PLAT YOUNES CENTER EIGHTH ADDITION AN ADDITION TO THE CITY OF KEARNEY, BUFFALO COUNTY, NEBRASKA

CURVE DATA					
NUMBER	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	4°27'47"	2970.00'	231.35'	S 85°06'37" E	231.29'
C2	68°36'46"	56.00'	67.06'	N 53°42'25" E	63.13'

NORTHEAST CORNER SOUTHEAST QUARTER SECTION 11, T 8 N, R 16 W FOUND SURVEY MARKER AND I.D. WASHER IN PAVEMENT	
S	23.67'
N	63.65'
SE	40.15'
NW	67.94'

LEGAL DESCRIPTION

Lot One (1) and Lot Two (2), Block Two (2), Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated) and Lot One (1), Block Two (2), Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), being part of Government Lot 9, and accretions to Government Lots 5, 6, and 9, Section Eleven (11), Township Eight (8) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and more particularly as follows:

Commencing at a + in concrete at the Southeast Corner of Government 5 in Section 11; thence N 00°37'12" E on the East line of said Government Lot 5, and all bearings contained herein are relative thereto, a distance of 875.38 feet to the Easterly extension of the North line of Talmadge Street, a street in the City of Kearney; thence N 87°20'30" W on said Easterly extension on the North line of Talmadge Street a distance of 777.58 feet to an iron pipe on the East line of 4th Avenue as dedicated in Younes Center Addition, an addition to the City of Kearney; thence N 02°40'11" E on said East line of 4th Avenue a distance of 560.02 feet to a 5/8" rebar w/cap on the North line of 3rd Street as dedicated in Younes Center Third Addition, and addition to the City of Kearney, and the POINT OF BEGINNING; thence S 87°19'11" E on said South line of 3rd Street a distance of 250.93 feet to a 5/8" rebar w/cap; thence Northeasterly continuing on said North line of 3rd Street and on a non-tangent curve to the Right having a central angle of 68°36'46", a radius of 56.00 feet, and an arc length of 67.06 feet, and a chord bearing of N 53°42'25" E a distance of 63.13 feet to a 5/8" rebar w/cap on the West line of vacated 3rd Avenue, an Avenue in the City of Kearney; thence N 02°38'34" E on the West line of said 3rd Avenue a distance of 95.47 feet to a hex rod on the present South high bank of the North Channel of the Platte River; thence N 76°00'46" W on said South high bank a distance of 79.31 feet to a 5/8" rebar; thence N 53°02'24" W continuing on said South high bank a distance of 71.70 feet to a 5/8" rebar; thence N 80°18'29" W continuing on said South high bank a distance of 215.48 feet to a 5/8" rebar; thence N 82°19'12" W continuing on said South high bank a distance of 82.23 feet to a 5/8" rebar; thence N 60°00'10" W continuing on said South high bank a distance of 175.31 feet to a 5/8" rebar w/cap at the Southeast corner of Outlot A, Younes Center Fourth Addition, and addition to the City of Kearney; thence S 65°03'59" W on the South line of said Outlot A a distance of 74.52 feet to a 5/8" rebar w/cap; thence N 87°20'30" W continuing on said South line of Outlot A a distance of 337.15 feet to a 5/8" rebar w/cap at the Southwest corner of said Outlot A and on the East line of Younes Center Sixth Addition, and addition to the City of Kearney; thence S 02°39'30" W on said East line Younes Center Sixth Addition a distance of 261.16 feet to a 5/8" rebar w/cap on said North line of 3rd Street; thence Easterly on said North line of 3rd Street and on a non-tangent curve to the Left having a central angle of 04°27'47", a radius of 2970.00 feet, an arc length of 231.35 feet, and a chord bearing of S 85°06'36" E a distance of 231.28 feet to a 5/8" rebar w/cap; thence 87°20'30" E on said North line of 3rd Street a distance of 460.59 feet to the Point of Beginning. Containing 5.34 acres, more or less.

NOTES

This plat prepared July, 2022 for:

**DEVELOPMENT SERVICES
FILED
AUGUST 09 2022
CITY OF KEARNEY
PLANNING-ZONING DIVISION**

Paul Younes and Peanut Butter & Jelly, L.L.C.
6 21st Ave. Pl
Kearney, NE 68845

BY: Miller & Associates
1111 Central Avenue
Kearney, NE 68847

Lot 1, Block 2, Younes Center Fourth Addition
Lot 1, Block 2, Younes Center Third Addition (East 72.00' see Minor Subdivision dated April 12, 2016)
Lot 2, Block 2, Younes Center Third Addition

Current Zoning: C-2
Proposed Zoning: C-2

Lot 1, Block 2, Younes Center Third Addition
(Except East 72.00' see Minor Subdivision dated April 12, 2016)

Current Zoning: C-2/PD
Proposed Zoning: C-2

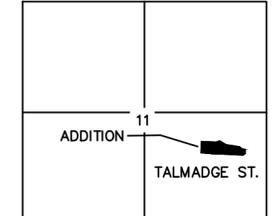
**INFRASTRUCTURE
FEASIBILITY NOTES:**

**LOT 1 WILL PROVIDE
ONSITE DETENTION, UTILIZE
EXISTING WATER FROM 3RD
STREET AND SANITARY
SEWER FROM 3RD STREET
OR 3RD AVENUE.**

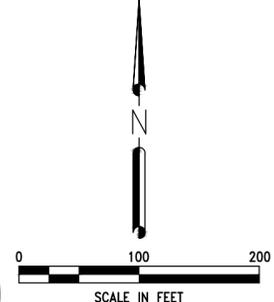
**LOT 4 WILL UTILIZE
EXISTING DETENTION CELL
ABUTTING THE NORTH.
WATER AND SANITARY
SEWER FROM 3RD STREET.**

LOCATION MAP

SEC. 11-T8N-R16W
11TH ST.



NOT TO SCALE
PRELIMINARY PLAT



SOUTHEAST CORNER GOVERNMENT LOT 5 SECTION 11, T8N, R 16 W FOUND CHISELED + IN CONCRETE PAVING. NNE 34.52' SW CONC. SLAB NE 13.04' SW BOLT LP BASE E 38.56' CL MANHOLE

G:\Projects\130\130-P\130-P200 to P299\130-P220-035\Civil-Dwg\Design Drawings\Survey Design\Younes Center Eighth Add-PRELIMINARY - Plat.dwg
 SAILED: 8/5/2022 10:17 AM Byron D. Maxson
 PLOTTED: 8/9/2022 8:33 AM

- ▲ = SECTION CORNERS FOUND
- = CORNERS FOUND (CAPPED 5/8" REBAR UNLESS OTHERWISE NOTED)
- = CORNERS FOUND (5/8" REBAR)
- = CORNERS ESTABLISHED (CAPPED 5/8" x 24" REBAR)
- + = TEMPORARY POINT
- (P) = PLATTED DISTANCES
- (M) = MEASURED DISTANCES
- (R) = RECORDED DISTANCES
- P.O.B. = POINT OF BEGINNING

LEGAL DESCRIPTION (For Younes Center Eighth Addition – Preliminary Plat & Final Plat)

Lot One (1) and Lot Two (2), Block Two (2), Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated) and Lot One (1), Block Two (2), Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated), being part of Government Lot 9, and accretions to Government Lots 5, 6, and 9, Section Eleven (11), Township Eight (8) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and more particularly as follows:

Commencing at a + in concrete at the Southeast Corner of Government 5 in Section 11; thence N 00°37'12" E on the East line of said Government Lot 5, and all bearings contained herein are relative thereto, a distance of 875.38 feet to the Easterly extension of the North line of Talmadge Street, a street in the City of Kearney; thence N 87°20'30" W on said Easterly extension and on the North line of Talmadge Street a distance of 777.58 feet to an iron pipe on the East line of 4th/ Avenue as dedicated in Younes Center Addition, an addition to the City of Kearney; thence N 02°40'11" E on said East line of 4th/ Avenue a distance of 560.02 feet to a 5/8" rebar w/cap on the North line of 3rd/ Street as dedicated in Younes Center Third Addition, and addition to the City of Kearney, and the POINT OF BEGINNING; thence S 87°19'11" E on said South line of 3rd/ Street a distance of 250.93 feet to a 5/8" rebar w/cap; thence Northeasterly continuing on said North line of 3rd/ Street and on a non-tangent curve to the Right having a central angle of 68°36'46", a radius of 56.00 feet, an arc length of 67.06 feet, and a chord bearing of N 53°42'25" E a distance of 63.13 feet to a 5/8" rebar w/cap on the West line of vacated 3rd/ Avenue, an Avenue in the City of Kearney; thence N 02°38'34" E on the West line of said 3rd/ Avenue a distance of 95.47 feet to a hex rod on the present South high bank of the North Channel of the Platte River; thence N 76°00'46" W on said South high bank a distance of 79.31 feet to a 5/8" rebar; thence N 53°02'24" W continuing on said South high bank a distance of 71.70 feet to a 5/8" rebar; thence N 80°18'29" W continuing on said South high bank a distance of 215.48 feet to a 5/8" rebar; thence N 82°19'12" W continuing on said South high bank a distance of 82.23 feet to a 5/8" rebar; thence N 60°00'10" W continuing on said South high bank a distance of 175.31 feet to a 5/8" rebar w/cap at the Southeast corner of Outlot A, Younes Center Fourth Addition, and addition to the City of Kearney; thence S 65°03'59" W on the South line of said Outlot A a distance of 74.52 feet to a 5/8" rebar w/cap; thence N 87°20'30" W continuing on said South line of Outlot A a distance of 337.15 feet to a 5/8" rebar w/cap at the Southwest corner of said Outlot A and on the East line of Younes Center Sixth Addition, and addition to the City of Kearney; thence S 02°39'30" W on said East line Younes Center Sixth Addition a distance of 261.16 feet to a 5/8" rebar w/cap on said North line of 3rd/ Street; thence Easterly on said North line of 3rd/ Street and on a non-tangent curve to the Left having a central angle of 04°27'47", a radius of 2970.00 feet, an arc length of 231.35 feet, and a chord bearing of S 85°06'36" E a distance of 231.28 feet to a 5/8" rebar w/cap; thence 87°20'30" E on said North line of 3rd/ Street a distance of 460.59 feet to the Point of Beginning. Containing 5.34 acres, more or less.



For Office Use Only	
File Number:	2022-10
Date Filed:	07/29/2022
Fee:	\$300 + \$15 per lot
Total Paid:	\$360.00
Receipt No.:	2022-00083925
Revised 07-2020	Resubmitted on 08/09/2022

FINAL PLAT APPLICATION

Applicant's Name: Craig Bennett
Applicant's Address: Miller & Associates, 1111 Central Avenue, Kearney, NE 68847
Phone No. 308-234-6456 **E-Mail:** cbennett@miller-engineers.com
Owner's Name: PEANUT BUTTER & JELLY, L.L.C., a Nebraska Limited Liability Company; Paul Younes and Linda Younes
Owner's Address: 6 21st Avenue Place, Kearney, NE 68845
Phone No. (308) 627-6600 **E-Mail:** paul.younes@younes.com
Number of Lots: 4 **Size of Subdivision in Acres:** 5.34
Is the property located outside City limits? Yes No **Does the property need to be annexed?** Yes No
Address/location of property to be developed: Between 3rd Avenue and 6th Avenue, North of 3rd Street
Subdivision name exactly as to be recorded: Younes Center Eighth Addition

Final Plat Check List

- If not part of a zoning application – Certified copy of the last deed of record from the Register of Deed's Office
- Name, address of developer, owner and firm who prepared the plat
- Location map, showing boundary lines with reference to section, township and range lines
- Proposed name of subdivision
- Present and proposed zoning
- North arrow and bar scale
- Signature blocks for Planning Commission Chairman, Mayor and City Clerk with appropriate certification blocks see Chapter 53, Table 53-1, of the Code of the City of Kearney
- Existing monumentation including bearings and distances to reference points or monuments
- Metes and bounds description, including dimensions, bearings, curve data, tangent length, radii, arch, chords and central angles for all centerlines and rights-of-way and centerline curves on streets
- Acreage of tract
- Date of original and all revisions
- Proposed width and street names
- Proposed arrangement of lots, blocks, lot dimensions and lot areas in square feet or acreage with new block and lot numbers
- Dimensions of building setback lines on front and side street
- Existing and proposed width of easements or land reserved for or dedicated to public use, width and name of proposed rights-of-way, easements and pedestrian ways
- Phasing Plan (if applicable)
- Drainage calculations and percolation tests if needed
- Infrastructure Feasibility Plan including location of water, sanitary sewer, all underground installations for serving the proposed subdivision including lighting, storm water management and detention
- Subdivider shall contact all utility companies and dedicate easements when needed and submit Utilities Comment Form
- Certifications and seals from licensed Professional Engineer and/or Registered Land Surveyor as required by State Statute
- Improvement financing plans, including sources of funding (private, assessments, public, Sanitary and Improvement Districts and other sources)
- Final Subdivision Agreement (if applicable)
- Three full size copies of plat document and one reduced 8 ½ by 11 copy
- Required minimum scale of Plat documents – one inch equals 100 feet
- Fully executed 18x24 inch submission on Mylar of Final Plat to City Clerk by Wednesday prior to Council meeting
- Electronic file in the portable document format (pdf). All sheets shall be converted to pdf at full size of original documents to City of Kearney, also **please e-mail a word document of the legal description as part of the submittal.**

Craig A. Bennett 7-29-2022
Applicant/Owner signature - Applicant certifies by signature that they are the authorized agent of the property owner.) **Date**

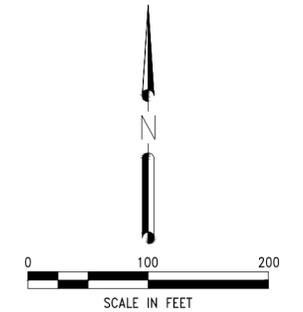
-YOUNES CENTER EIGHTH ADDITION-

AN ADDITION TO THE CITY OF KEARNEY, BUFFALO COUNTY, NEBRASKA

DEVELOPMENT SERVICES
FILED
AUGUST 09 2022
CITY OF KEARNEY
PLANNING-ZONING DIVISION

NORTHEAST CORNER SOUTHEAST QUARTER
SECTION 11, T 8 N, R 16 W
FOUND SURVEY MARKER AND I.D. WASHER IN
PAVEMENT
S 23.67' CHISELED "+" IN TOP CL
CONC. HEADWALL
N 63.65' CHISELED "+" IN TOP NE COR
CONC. HEADWALL
SE 40.15' NAIL IN POWER POLE
NW 67.94' PUNCHED "+" IN E RIM INLET
MANHOLE

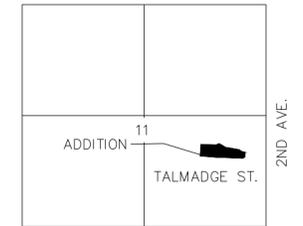
CURVE DATA					
NUMBER	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	4°27'47"	2970.00'	231.35'	S 85°06'36" E	231.28'
C2	68°36'46"	56.00'	67.06'	N 53°42'25" E	63.13'



- ▲ = SECTION CORNERS FOUND
- = CORNERS FOUND (CAPPED 5/8" REBAR UNLESS OTHERWISE NOTED)
- = CORNERS FOUND (5/8" REBAR)
- = CORNERS ESTABLISHED (CAPPED 5/8" x 24" REBAR)
- × = TEMPORARY POINT
- (P) = PLATTED DISTANCES
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- (R) = RECORDED DISTANCES
- P.O.B. = POINT OF BEGINNING

LOCATION MAP

SEC. 11-T8N-R16W
11TH ST.

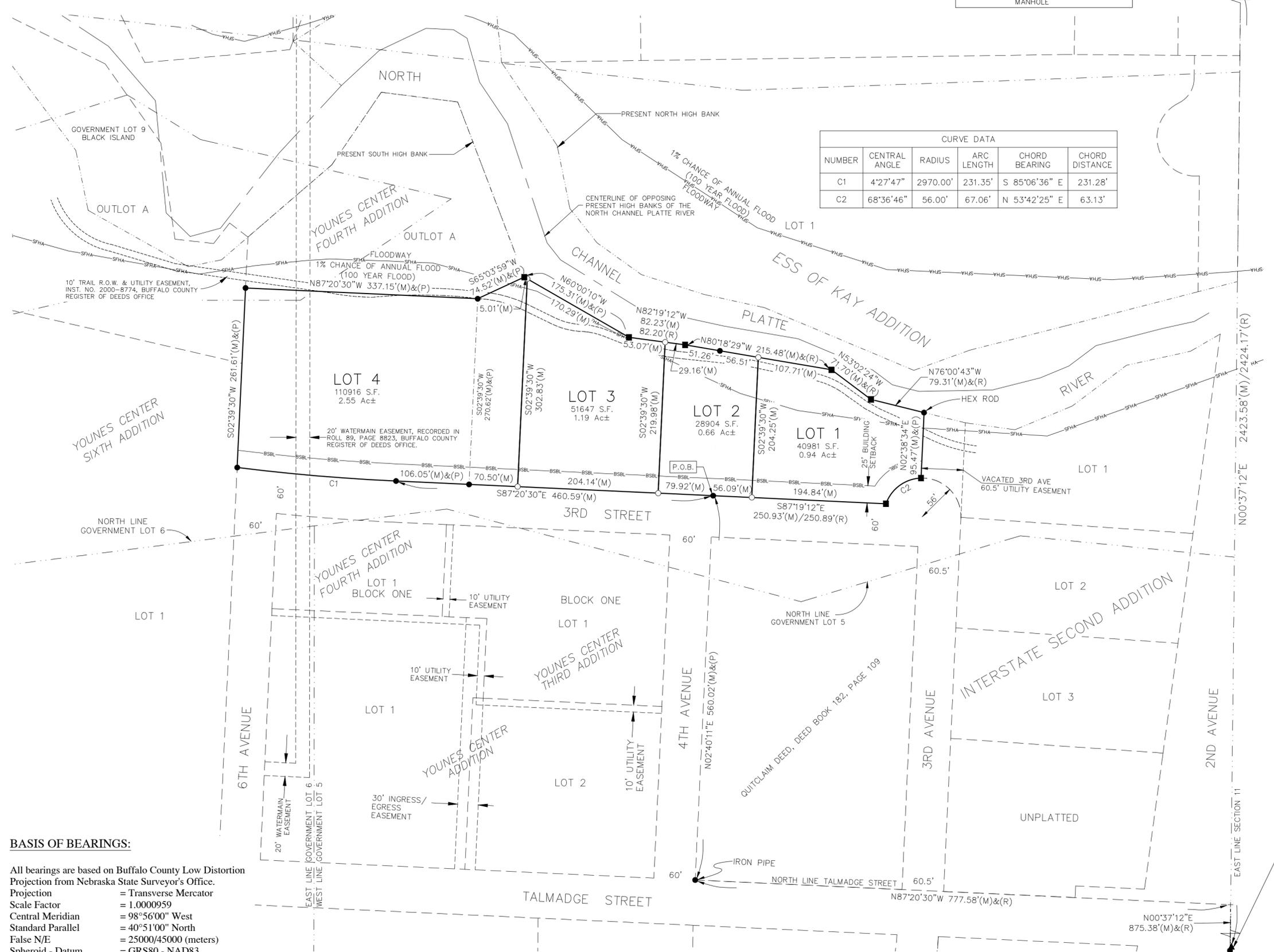


NOT TO SCALE

NOTES

- This plat prepared July, 2022 for:
- Paul Younes and Peanut Butter & Jelly, L.L.C.
6 21st Ave. Pl
Kearney, NE 68845
- BY: Miller & Associates
1111 Central Avenue
Kearney, NE 68847
- Lot 1, Block 2, Younes Center Fourth Addition
Lot 1, Block 2, Younes Center Third Addition (East 72.00' see Minor Subdivision dated April 12, 2016)
Lot 2, Block 2, Younes Center Third Addition
- Current Zoning: C-2
Proposed Zoning: C-2
- Lot 1, Block 2, Younes Center Third Addition
(Except East 72.00' see Minor Subdivision dated April 12, 2016)
- Current Zoning: C-2/PD
Proposed Zoning: C-2

SOUTHEAST CORNER GOVERNMENT LOT 5
SECTION 11, T8N, R 16 W
FOUND CHISELED "+" IN CONCRETE PAVING.
NNE 34.52' SW CONC. SLAB
NE 13.04' SW BOLT LP BASE
E 38.56' CL MANHOLE



BASIS OF BEARINGS:

All bearings are based on Buffalo County Low Distortion
Projection from Nebraska State Surveyor's Office.
Projection = Transverse Mercator
Scale Factor = 1.0000959
Central Meridian = 98°56'00" West
Standard Parallel = 40°51'00" North
False N/E = 25000/45000 (meters)
Spheroid - Datum = GRS80 - NAD83

SHEET 1 OF 2 SHEETS

MA Miller & Associates Consulting Engineers, P.C. BUFFALO CO.-KEARNEY-YOUNES CENTER EIGHTH ADD.	PARTY CHIEF: CHAD DIXON	REVISION-DATE & REASON
	DRAWN BY: BYRON MAXSON	
	JOB NUMBER: 130-p220-035	
	1111 CENTRAL AVENUE KEARNEY, NE 68847-6833 Tel: 308-234-6456 Fax: 308-234-1146 www.miller-engineers.com	

G:\Projects\130\130-P-130-P200 to P299\130-P220-035\Civil-Dwg-Design\Drawings\Survey Design\Younes center eighth add\Younes Center Eighth Addition - Plat.dwg
SAVED: 8/5/2022 10:17 AM Byron D. Maxson
PLOTTED: 8/9/2022 8:34 AM

—YOUNES CENTER EIGHTH ADDITION—
AN ADDITION TO THE CITY OF KEARNEY, BUFFALO COUNTY, NEBRASKA

LEGAL DESCRIPTION

Lot One (1) and Lot Two (2), Block Two (2), Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated) and Lot One (1), Block Two (2), Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated), being part of Government Lot 9, and accretions to Government Lots 5, 6, and 9, Section Eleven (11), Township Eight (8) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and more particularly as follows:

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DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that

PEANUT BUTTER & JELLY, L.L.C., a Nebraska Limited Liability Company, by (print name) _____, (print title) _____, and Paul Younes and Linda Younes, husband and wife, and formerly Great West Bank (now First Interstate Bank), Trustee and Beneficiary, by (print name) _____, (print title) _____, being the sole owners of the land described hereon have caused the same to be surveyed, subdivided, platted and designated as "YOUNES CENTER EIGHTH ADDITION", an addition to the City of Kearney, Buffalo County, Nebraska and said owners hereby ratify and approve the disposition of their property as shown on said plat, and hereby dedicate to the use and benefit of the public, the streets and utility easements as shown on the said plat, and acknowledge said addition to be made with the free consent and in accord with the desires of said owners and dedicate the storm water management facilities contained on the proposed land and all appurtenances thereto contained within the boundaries of the subdivision to the use and the benefit of all property owners in said subdivision, including Lot One (1)-Four (4), of said "YOUNES CENTER EIGHTH ADDITION", that said owners shall be collectively and proportionally responsible for the ongoing maintenance of said storm water facilities in perpetuity, with such obligations stipulated as part of the Subdivision Agreement of said subdivision; said agreement by reference hereto made a part hereof and filed with the subdivision plat with the Register of Deeds.

Dated this _____ day of _____, 20__.

by: (signature) _____

(print name) _____ (print title) _____
PEANUT BUTTER & JELLY, L.L.C., a Nebraska Limited Liability Company

Dated this _____ day of _____, 20__.

(signature) _____
Paul Younes, husband of Linda Younes

Dated this _____ day of _____, 20__.

(signature) _____
Linda Younes, wife of Paul Younes

Dated this _____ day of _____, 20__.

by: (signature) _____
(print name) _____ (print title) _____
formerly Great Western Bank (now First Interstate Bank), Trustee and Beneficiary

ACKNOWLEDGMENT

STATE OF _____)
S.S.
COUNTY OF _____)
The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by
(print name) _____, (print title) _____
PEANUT BUTTER & JELLY, L.L.C., a Nebraska Limited Liability Company.

(S E A L)
Notary Public

My commission expires _____

ACKNOWLEDGMENT

STATE OF _____)
S.S.
COUNTY OF _____)
The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by
Paul Younes, husband of Linda Younes.

(S E A L)
Notary Public

My commission expires _____

ACKNOWLEDGMENT

STATE OF _____)
S.S.
COUNTY OF _____)
The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by
Linda Younes, wife of Paul Younes

(S E A L)
Notary Public

My commission expires _____

ACKNOWLEDGMENT

STATE OF _____)
S.S.
COUNTY OF _____)
The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by
(print name) _____, (print title) _____
formerly Great Western Bank, now First Interstate Bank, Trustee and Beneficiary.

(S E A L)
Notary Public

My commission expires _____

APPROVAL OF KEARNEY, NEBRASKA, CITY PLANNING COMMISSION

The undersigned, _____ (print name), Chairperson or Vice Chairperson of the City Planning Commission of the City of Kearney, Buffalo County, Nebraska, does hereby certify that the foregoing plat of "YOUNES CENTER EIGHTH ADDITION", an addition to the City of Kearney, Buffalo County, Nebraska, was submitted to the Kearney, Nebraska, Planning Commission for a public meeting and review and that recommendation by the Kearney, Nebraska, Planning Commission was made to the City Council on the _____ day of _____, 20__.

Chairperson or Vice Chairperson (signature) (print name)

APPROVAL OF KEARNEY, NEBRASKA, CITY COUNCIL

The above and foregoing plat was submitted to the City Council in and for the City of Kearney, Buffalo County, Nebraska, and duly considered by this Council at its regular meeting assembled on the _____ day of _____, 20__, and upon motion duly made and recorded, the same was approved in accordance with the requirements of Section 19-916, Nebraska Revised Statutes of 1943 (as amended), in all respects by a majority vote of the members of such council.

Dated this _____ day of _____, 20__. (S E A L)

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

LAUREN BRANDT
CITY CLERK

RESOLUTION NO. _____

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of "YOUNES CENTER EIGHTH ADDITION", an addition to the City of Kearney, Buffalo County, Nebraska, for a tract of land described as Lot One (1) and Lot Two (2), Block Two (2), Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated) and Lot One (1), Block Two (2), Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (now vacated), being part of Government Lot 9, and accretions to Government Lots 5, 6, and 9, Section Eleven (11), Township Eight (8) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and more particularly as follows: Commencing at a + in concrete at the Southeast Corner of Government 5 in Section 11; thence N 00°37'12" E on the East line of said Government Lot 5, and all bearings contained herein are relative thereto, a distance of 875.38 feet to the Easterly extension of the North line of Talmadge Street, a street in the City of Kearney; thence N 87°20'30" W on said Easterly extension an on the North line of Talmadge Street a distance of 777.58 feet to an iron pipe on the East line of 4th/ Avenue as dedicated in Younes Center Addition, an addition to the City of Kearney; thence N 02°40'11" E on said East line of 4th/ Avenue a distance of 560.02 feet to a 5/8" rebar w/cap on the North line of 3rd/ Street as dedicated in Younes Center Third Addition, and addition to the City of Kearney, and the POINT OF BEGINNING; thence S 87°19'11" E on said South line of 3rd/ Street a distance of 250.93 feet to a 5/8" rebar w/cap; thence Northeasterly continuing on said North line of 3rd/ Street and on a non-tangent curve to the Right having a central angle of 68°36'46", a radius of 56.00 feet, an arc length of 67.06 feet, and a chord bearing of N 53°42'25" E a distance of 63.13 feet to a 5/8" rebar w/cap on the West line of vacated 3rd/ Avenue, an Avenue in the City of Kearney; thence N 02°38'34" E on the West line of said 3rd/ Avenue a distance of 95.47 feet to a hex rod on the present South high bank of the North Channel of the Platte River; thence N 76°00'46" W on said South high bank a distance of 79.31 feet to a 5/8" rebar; thence N 53°02'24" W continuing on said South high bank a distance of 71.70 feet to a 5/8" rebar; thence N 80°18'29" W continuing on said South high bank a distance of 215.48 feet to a 5/8" rebar; thence N 82°19'12" W continuing on said South high bank a distance of 82.23 feet to a 5/8" rebar; thence N 60°00'10" W continuing on said South high bank a distance of 175.31 feet to a 5/8" rebar w/cap at the Southeast corner of Outlot A, Younes Center Fourth Addition, and addition to the City of Kearney; thence S 65°03'59" W on the South line of said Outlot A a distance of 74.52 feet to a 5/8" rebar w/cap; thence N 87°20'30" W continuing on said South line of Outlot A a distance of 337.15 feet to a 5/8" rebar w/cap at the Southwest corner of said Outlot A and on the East line of Younes Center Sixth Addition, and addition to the City of Kearney; thence S 02°39'30" W on said East line Younes Center Sixth Addition a distance of 261.16 feet to a 5/8" rebar w/cap on said North line of 3rd/ Street; thence Easterly on said North line of 3rd/ Street and on a non-tangent curve to the Left having a central angle of 04°27'47", a radius of 2970.00 feet, an arc length of 231.35 feet, and a chord bearing of S 85°06'36" E a distance of 231.28 feet to a 5/8" rebar w/cap; thence 87°20'30" E on said North line of 3rd/ Street a distance of 460.59 feet to the Point of Beginning. Containing 5.34 acres, more or less., 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 inhabits 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 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 _____ DAY OF _____, 20__.

ATTEST:

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

LAUREN BRANDT
CITY CLERK

(S E A L)

DEVELOPMENT SERVICES
FILED
AUGUST 09 2022
CITY OF KEARNEY
PLANNING-ZONING DIVISION

SURVEYOR'S CERTIFICATE

I, Chad Dixon, Nebraska Professional Registered Land Surveyor No. 672, do hereby certify that the survey on "YOUNES CENTER EIGHTH ADDITION", an addition to the City of Kearney, Buffalo County, Nebraska, an addition to the City of Kearney, Buffalo County, Nebraska, was performed under my direct supervision, the lots are well and accurately staked off and marked, the dimensions of the lots are as shown on the above plat, the lots bear their own number, and that the survey was made using known and recorded monuments. All information shown on the above plat is accurate and correct to the best of my knowledge and belief.

Chad Dixon
Nebraska Professional Registered Land Surveyor No. 672

Date _____



SHEET 2 OF 2 SHEETS

	PARTY CHIEF: CHAD DIXON	REVISION-DATE & REASON:
	DRAWN BY: BYRON MAXSON	
	JOB NUMBER: 130-p220-035	
	1111 CENTRAL AVENUE	
	KEARNEY, NE	
	68847-6883	
	Tel: 308-234-6456	
	Fax: 308-234-1146	
	www.miller-engineers.com	
BUFFALO CO.-KEARNEY-YOUNES CENTER EIGHTH ADD.		

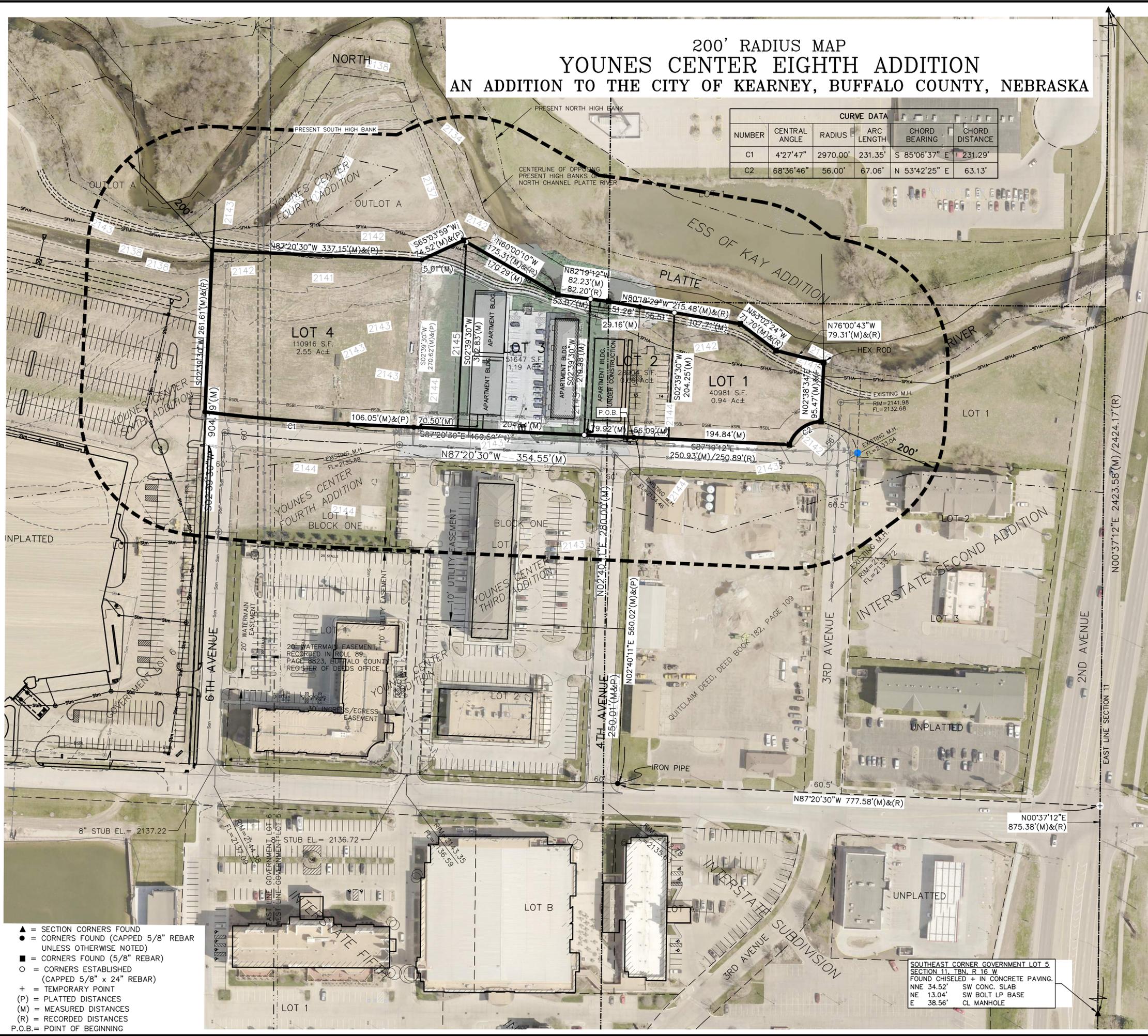
G:\Projects\130\130-P\130-P200 to P299\130-P\130-P220-035 Civil-Dwg\Design\Survey\Design\Younes Center Eighth Add\Younes Center Eighth Addition - Plat.dwg
PLOTTED: 8/9/2022 8:35 AM
SAVED: 8/5/2022 10:17 AM
BY: Byron D. Maxson

200' RADIUS MAP YOUNES CENTER EIGHTH ADDITION AN ADDITION TO THE CITY OF KEARNEY, BUFFALO COUNTY, NEBRASKA

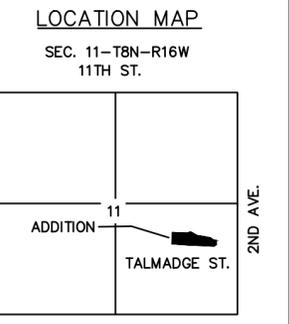
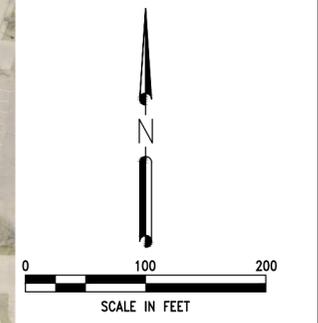
CURVE DATA					
NUMBER	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
C1	4°27'47"	2970.00'	231.35'	S 85°06'37" E	231.29'
C2	68°36'46"	56.00'	67.06'	N 53°42'25" E	63.13'

NORTHEAST CORNER SOUTHEAST QUARTER SECTION 11, T 8 N, R 16 W
FOUND SURVEY MARKER AND I.D. WASHER IN PAVEMENT
S 23.67' CHISELED "+" IN TOP CL CONC. HEADWALL
N 63.65' CHISELED "+" IN TOP NE COR CONC. HEADWALL
SE 40.15' NAIL IN POWER POLE
NW 67.94' PUNCHED "+" IN E RIM INLET MANHOLE

SAILED: 8/9/2022 8:38 AM
 PLOTTED: 8/9/2022 8:43 AM
 C:\Projects\130\130-P\130-P200 to P299\130-P220-035\Civil-Dwg\Design Drawings\Survey Design\Younes Center Eighth Add-PRELIMINARY - Plat.dwg
 CRAIG A. BENNETT



DEVELOPMENT SERVICES
 FILED
 AUGUST 09 2022
 CITY OF KEARNEY
 PLANNING-ZONING DIVISION



NOT TO SCALE
PRELIMINARY PLAT

- ▲ = SECTION CORNERS FOUND
- = CORNERS FOUND (CAPPED 5/8" REBAR UNLESS OTHERWISE NOTED)
- = CORNERS FOUND (5/8" REBAR)
- = CORNERS ESTABLISHED (CAPPED 5/8" x 24" REBAR)
- + = TEMPORARY POINT
- (P) = PLATTED DISTANCES
- (M) = MEASURED DISTANCES
- (R) = RECORDED DISTANCES
- P.O.B. = POINT OF BEGINNING

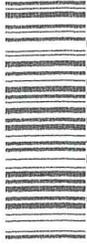
SOUTHEAST CORNER GOVERNMENT LOT 5 SECTION 11, T8N, R 16 W
FOUND CHISELED + IN CONCRETE PAVING.
NNE 34.52' SW CONC. SLAB
NE 13.04' SW BOLT LP BASE
E 38.56' CL MANHOLE

Miller & Associates
Consulting Engineers, P.C.

1111 CENTRAL AVENUE
KEARNEY, NE 68847-6833
Tel: 308-234-6456
Fax: 308-234-1146
www.miller-engineers.com

PARTY CHIEF: CHAD DIXON	REVISION-DATE & REASON
DRAWN BY: BYRON MAXSON	
JOB NUMBER: 130-p220-035	

BUFFALO CO.-KEARNEY-YOUNES CENTER EIGHTH ADD.



DocId:8143442
TX:4103479

2022-04532

KELLIE JOHN
BUFFALO COUNTY REGISTER OF DEEDS
KEARNEY, NEBRASKA
RECORDED ON: 07/29/2022 09:15:42 AM
CERTIFIED COPY
REC FEE: 1.50
PAGES: 2
PD: 1.50
ESCROW:
CK: 65271 MILLER & ASSOCIATES

CERTIFIED

SPACE ABOVE RESERVED FOR REGISTER OF DEEDS OFFICE RECORDING INFORMATION

REC'D: Byron

RETURN TO: Miller & Associates
1111 Central Avenue
Kearney, NE 68847

TITLE OF DOCUMENT: Certified Copy of Warranty Deed

CERTIFIED COPY OF INSTRUMENT: 2015-07314

STATE OF NEBRASKA

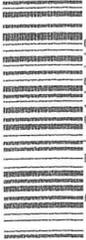
County of Buffalo SS
I, the undersigned, Register of Deeds of the above named County and State, do hereby certify, that the forgoing is a true and correct copy of the records of my office as recorded in Inst. 2015-07314

Witness my hand and official seal this
29th day of July 2022
By Buffalo County Register of Deeds

Kellie John, Deputy
Kellie John, Register of Deeds

THIS IS A CERTIFIED COPY ONLY IF RAISED REGISTER OF DEEDS SEAL IS AFFIXED ON EACH PAGE





DocId:8143443
TX:4103479

2022-04533

KELLIE JOHN

BUFFALO COUNTY REGISTER OF DEEDS
KEARNEY, NEBRASKA
RECORDED ON: 07/29/2022 09:15:43 AM
CERTIFIED COPY
REC FEE: 1.50
PAGES: 2
PD: 1.50
ESCROW:
CK: 65271 MILLER & ASSOCIATES

CERTIFIED

SPACE ABOVE RESERVED FOR REGISTER OF DEEDS OFFICE RECORDING INFORMATION

REC'D: Byron

RETURN TO: Miller & Associates
1111 Central Avenue
Kearney, NE 68847

TITLE OF DOCUMENT: Certified Copy of Warranty Deed

CERTIFIED COPY OF INSTRUMENT: 2022-03836

STATE OF NEBRASKA

County of Buffalo SS

I, the undersigned, Register of Deeds of the above named County and State, do hereby certify, that the forgoing is a true and correct copy of the records of my office as recorded in Inst. 2022-03836

Witness my hand and official seal this 29th day of July 2022

By Buffalo County Register of Deeds

Kellie John
Kellie John, Register of Deeds

THIS IS A CERTIFIED COPY ONLY IF RAISED REGISTER OF DEEDS SEAL IS AFFIXED ON EACH PAGE



CERTIFIED

2022-03836

KELLIE JOHN
BUFFALO COUNTY REGISTER OF DEEDS
KEARNEY, NEBRASKA
RECORDED ON: 06/27/2022 10:14:02 AM
DEED WARRANTY
REC FEE: 10.00
PAGES: 1
PD: 10.00 ESCROW:
CK: ACH SIMPLIFILE
REC'D:SIMPLIFILE
SUB:BRUNER FRANK SCHUMACHER LLC

NEBRASKA DOCUMENTARY STAMP TAX
DOC TAX:
EXEMPTION: 5B
RECORDED ON: 06/27/2022
AUTHORIZED BY: AMS

Return to:
Bruner Frank Schumacher Husak Simpson, L.L.C.
P.O. Box 2230
Kearney, NE 68848-2230
308.455.1046

WARRANTY DEED

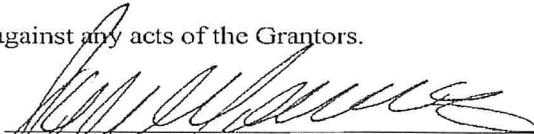
Paul J. Younes and Linda Younes, husband and wife, **GRANTOR**, in consideration of One Dollar (\$1.00) and other good and valuable consideration received from **GRANTEE**, Peanut Butter & Jelly, L.L.C., a Nebraska limited liability company, convey to Grantee the following described real estate (as defined in Neb. Rev. Stat. 76-201):

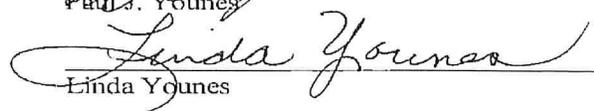
Lot Two (2), Block Two (2), Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

Grantors covenants with Grantee that Grantors:

- (1) Are lawfully seised of such real estate and that it is free from encumbrances, except for easements, restrictions, reservations, exceptions, water right agreements, water service agreement, right of ways and covenants of record;
- (2) Have legal power and lawful authority to convey the same; and
- (3) Warrant and will defend title to the real estate against any acts of the Grantors.

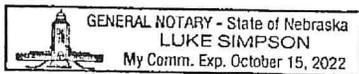
Executed: June 23, 2022.

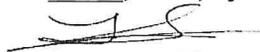

Paul J. Younes


Linda Younes

STATE OF NEBRASKA, COUNTY OF BUFFALO) ss

The foregoing instrument was acknowledged before me on June 23, 2022, by Paul J. Younes.

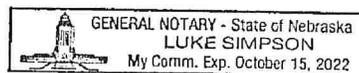




Notary Public

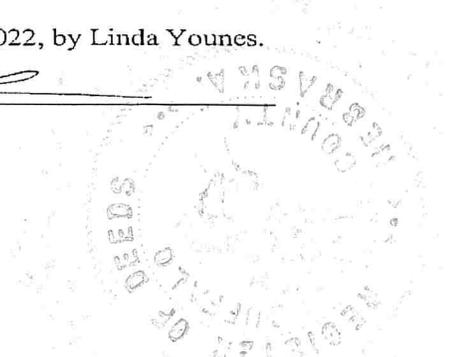
STATE OF NEBRASKA, COUNTY OF BUFFALO) ss

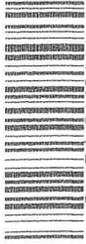
The foregoing instrument was acknowledged before me on June 23, 2022, by Linda Younes.





Notary Public





DocId:8143444
TX:4103479

2022-04534

KELLIE JOHN

BUFFALO COUNTY REGISTER OF DEEDS
KEARNEY, NEBRASKA

RECORDED ON: 07/29/2022 09:15:44 AM

CERTIFIED COPY

REC FEE: 3.00

PAGES: 3

PD: 3.00

ESCROW:

CK: 65271 MILLER & ASSOCIATES

CERTIFIED

SPACE ABOVE RESERVED FOR REGISTER OF DEEDS OFFICE RECORDING INFORMATION

REC'D: Byron

RETURN TO: Miller & Associates
1111 Central Avenue
Kearney, NE 68847

TITLE OF DOCUMENT: Certified Copy of Personal Representative's Deed

CERTIFIED COPY OF INSTRUMENT: 2009-7433

STATE OF NEBRASKA

County of Buffalo SS

I, the undersigned, Register of Deeds of the above named County and State, do hereby certify, that the forgoing is a true and correct copy of the records of my office as recorded in Inst. 2009-7433

Witness my hand and official seal this
29th day of July 2022

By Buffalo County Register of Deeds

Kellie John Schleusener, Deputy
Kellie John, Register of Deeds

THIS IS A CERTIFIED COPY ONLY IF RAISED REGISTER OF DEEDS SEAL IS AFFIXED ON EACH PAGE



CERTIFIED

B
NUM PAGES 2
DOC TAX 168.75 PD _____ CHG RET _____
FEES 10.50 PD _____ CHG RET _____
TOTAL _____
CK NUM _____ BY _____
REC'D _____ BY _____
RETURN BARNEY
BOX 548
KEARNEY, NE 68848

Computer J
Cards J
Compared W
Scanned I

Inst: 2009 - 7433

RECORDED
BUFFALO COUNTY, NE /
2009 OCT 16 PM 4:31

NEBRASKA DOCUMENTARY
STAMP TAX
Date 10-16-2009
\$ 168.75 By JKS

Kellie John
REGISTER OF DEEDS
REGISTRAR'S NOTE: Requested
by Barney's to record
ONLY against rural
property, not subdivision

PERSONAL REPRESENTATIVE'S DEED

DENISE M. WHITNEY, PERSONAL REPRESENTATIVE OF THE ESTATE OF
ROBERT J. WHITNEY, Deceased, Grantor, under the authority of the County Court of
Buffalo County, Nebraska, pursuant to Nebraska Probate Code §30-2476 (23), in
consideration of Ten Dollars (\$10.00) received from Grantee, conveys to PAUL YOUNES,
the following described real estate (as defined in Neb. Rev. Stat. 76-201):

An undivided one-half interest in the real property described in Exhibit "A"
attached hereto and incorporated by reference.

subject to easements and restrictions of record.

Grantor covenants with Grantee that Grantor has legal power and lawful authority
to convey the same.

EXECUTED this 5th day of October, 2009.

Denise Whitney
DENISE M. WHITNEY
Personal Representative of the
Estate of Robert W. Whitney

STATE OF COLORADO)
COUNTY OF Moffat) ss:

The foregoing instrument was acknowledged before me on the 5th day of
October, 2009, by DENISE M. WHITNEY, Personal Representative
of the Estate of Robert W. Whitney, Deceased.

TERESA SMITH
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires May 26, 2010

Teresa Smith
Notary Public



C-6540

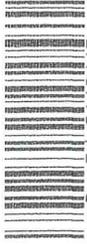
CERTIFIED

Undivided half (1/2) interest in

Part of the Southeast 1/4 of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, described as follows: Beginning at a point which is 810 feet North and 800 feet West of the Southeast corner of said Section 11; thence North parallel with the East line of said Section 200 feet; thence West parallel with the South line of said Section 11, 300 feet; thence South 200 feet; thence East 300 feet to the place of beginning, being a part of Government Lot 5 in said Section 11, **EXCEPTING THEREFROM** a portion of a public road known as Talmadge Street being more particularly described as follows: Referring to the Southwest Corner of a tract of land described on Warranty Deed filed on Microfilm Roll 86, Page 729, in the Office of the Buffalo County Register of Deeds, recorded on February 4, 1986, said point being identified by a 1/2" Iron Pipe on a survey dated October 11, 1971, by Thomas L. Jordan, Nebraska Registered Land Surveyor No. 178, appearing of record in the Office of the Buffalo County Surveyor; thence northerly on the West line of said tract of land described on Warranty Deed filed on Microfilm Roll 86, Page 729, a distance of 78.01 feet to the ACTUAL PLACE OF BEGINNING, said point being on the South line of Talmadge Street, and said point being monumented by a 5/8" Rod as shown on a survey dated February 12, 1987, by Wayne A. Humphrey, Nebraska Registered Land Surveyor No. 224, appearing of record in the survey record repository of the State of Nebraska at Index No. 125-756 and received by such repository on September 25, 1987 (said Wayne A. Humphrey survey being hereafter referred to as "the W.A. Humphrey Survey"); thence continuing northerly leaving the South line of said Talmadge Street and on the West line of said tract of land described on Microfilm Roll 86, Page 729 a distance of 66.04 feet to a point on the North line of said Talmadge Street, said point being monumented by a 5/8" Rod as shown on the W.A. Humphrey Survey; thence easterly leaving the West line of said tract described on Microfilm Roll 86, Page 729, and on the North line of said Talmadge Street, a distance of 299.98 feet to a point on the East line of said tract of land described on Microfilm Roll 86, Page 729, said point being monumented by a 5/8" Rod as shown on the W.A. Humphrey Survey; thence southerly leaving the North line of said Talmadge Street, and on the East line of said tract of land described on Microfilm Roll 86, Page 729, a distance of 66.04 feet to a point on the South line of said Talmadge Street, said point being monumented by a 5/8" Rod as shown on the W.A. Humphrey Survey; thence westerly on the South line of said Talmadge Street and leaving the East line of said tract of land described on Microfilm Roll 86, Page 729 a distance of 299.98 feet to the place of beginning.

Exhibit "A"





DocId:8143445
TX:4103479

2022-04535

KELLIE JOHN

BUFFALO COUNTY REGISTER OF DEEDS
KEARNEY, NEBRASKA
RECORDED ON: 07/29/2022 09:15:45 AM

CERTIFIED COPY

REC FEE: 3.00

PAGES: 3

PD: 3.00

ESCROW:

CK: 65271 MILLER & ASSOCIATES

CERTIFIED

SPACE ABOVE RESERVED FOR REGISTER OF DEEDS OFFICE RECORDING INFORMATION

REC'D: Byron

RETURN TO: Miller & Associates
1111 Central Avenue
Kearney, NE 68847

TITLE OF DOCUMENT: Certified Copy of Warranty Deed

CERTIFIED COPY OF INSTRUMENT: 2012-7674

STATE OF NEBRASKA

County of Buffalo SS

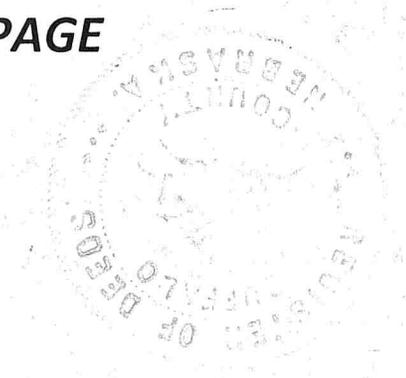
I, the undersigned, Register of Deeds of the above named County and State, do hereby certify, that the forgoing is a true and correct copy of the records of my office as recorded in Inst. 2012-7674

Witness my hand and official seal this 29th day of July 2022

By Buffalo County Register of Deeds

Kellie John
Kellie John, Register of Deeds

THIS IS A CERTIFIED COPY ONLY IF RAISED REGISTER OF DEEDS SEAL IS AFFIXED ON EACH PAGE



NUM PAGES 2
 DOC TAX Exempt 5B PD CHG RET
 FEES 10.50 PD X CHG RET 50¢
 TOTAL 11.00
 CK NUM 9467 BY Butler Voigt & Stewart
 REC'D _____ BY Stewart
 RETURN BUTLER VOIGT & Stewart
BOX 1184
KEARNEY, NE 68848

Computer MM
 Cards MM
 Compared JIS
 Scanned MM

Inst. 2012 - 7674

RECORDED
 BUFFALO COUNTY, NE
 2012 OCT -9 A 8:50 /
Kellie John
 REGISTER OF DEEDS

NEBRASKA DOCUMENTARY
 STAMP TAX
 Date 10-9-2012
 \$ Exempt 5B by NR

CERTIFIED

BUTLER VOIGT & STEWART, P.C.
 P.O. BOX 1184
 KEARNEY, NEBRASKA 68848-1184

WARRANTY DEED

MJ DEVELOPMENTS, L.L.C., A Nebraska Limited Liability Company, herein called the Grantor whether one or more, in consideration of the distribution of assets from a family limited liability company to the members of the limited liability company, received from Grantee, does grant, bargain, sell, convey and confirm unto PAUL YOUNES and LINDA YOUNES, Husband and Wife, as joint tenants with rights of survivorship, herein called the Grantee whether one or more, the following described real property in Buffalo County, Nebraska:

See Attached Exhibit "A"

To have and to hold the above described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the Grantee and to Grantee's heirs and assigns forever.

And the Grantor does hereby covenant with the Grantee and with Grantee's heirs and assigns that Grantor is lawfully seized of said premises; that they are free from encumbrances except easements and restrictive covenants of record; that Grantor has good right and lawful authority to convey the same; and that Grantor warrants and will defend the title to said premises against the lawful claims of all persons whomsoever.

DATED this 5th day of October, 2012.

MJ DEVELOPMENTS, L.L.C., A Nebraska Limited Liability Company

By:

Paul Younes

 PAUL YOUNES, President

STATE OF NEBRASKA)
) ss
 COUNTY OF BUFFALO)

On this 5th day of October, 2012, before me, the undersigned Notary Public, duly commissioned and qualified for and in said county, personally came PAUL YOUNES, President of MJ DEVELOPMENTS, L.L.C., A Nebraska Limited Liability Company, to me known to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed.

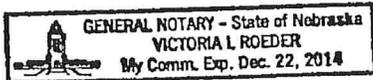
Witness my hand and Notarial Seal the day and year last above written.



12/22/2014
 My Commission Expires:

Victoria L. Roeder

 Notary Public



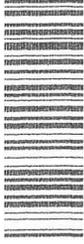
425 W. Talmadge Street - Kearney

2

CERTIFIED

A tract of land being part of Government Lot 5, part of Government Lot 6, part of Government Lot 9 and part of accretions all located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast corner of Government Lot 5, said corner also being the Southeast corner of Section 11 and assuming the East line of said Section 11 and the East line of Government Lot 5 as bearing NORTH and all bearings contained herein are relative thereto; thence NORTH on the East line of Government Lot 5 and the East line of Section 11 a distance of 1431.6 feet; thence WEST a distance of 800.0 feet to a point being 1.05 feet East of an existing corner fence post and 250.0 feet South of the existing South High Bank of the North Channel of the Platte River; thence S 55° 13' 43" E a distance of 50.21 feet to THE ACTUAL PLACE OF BEGINNING, said place of beginning being the Northwest corner of a tract of land deeded to the State of Nebraska, said point also being the southwesterly corner of 1st Street, a street in the City of Kearney, Buffalo County, Nebraska; thence S 02° 01' 36" W and on the West line of said tract of land deeded to the State of Nebraska, a distance of 500.0 feet to the Southwest corner of said tract of land deeded to the State of Nebraska, said point also being on the North right-of-way of Talmadge Street; thence N 87° 57' W and on the North line of said Talmadge Street a distance of 22.7 feet; thence leaving the North line of said Talmadge Street N 00° 04' 30" E a distance of 77.3 feet; thence S 87° 59' 06" W a distance of 300.0 feet; thence S 00° 04' 30" W a distance of 55.95 feet to a point on the North line of said Talmadge Street; thence N 87° 57' W and on the North line of said Talmadge Street a distance of 901.78 feet; thence leaving the North of said Talmadge Street, NORTH parallel with the East line of said Section 11 and the East line of Government Lot 5 of said section a distance of 388.85 feet; thence continuing NORTH parallel with the East line of said Section 11 and the East line of Government Lot 5 of said section a distance of 550.0 feet to a point on the existing South High Bank of the North Channel of the Platte River; thence downstream on and along the aforesaid existing South High Bank of the North Channel of the Platte River, N 73° 29' 31" E a distance of 50.22 feet; thence N 16° 09' 55" E a distance of 161.81 feet; thence N 18° 33' 05" W a distance of 163.85 feet; thence N 78° 44' 11" E a distance of 67.57 feet; thence S 37° 28' 45" E a distance of 338.06 feet; thence S 12° 13' 37" E a distance of 89.16 feet; thence S 61° 14' 19" E a distance of 166.76 feet; thence N 77° 55' 30" E a distance of 49.35 feet; thence N 48° 31' 01" E a distance of 211.69 feet; thence N 33° 38' 12" E a distance of 127.38 feet; thence S 83° 24' 56" E a distance of 111.48 feet; thence S 21° 24' 02" E a distance of 272.7 feet; thence S 60° 37' 39" E a distance of 175.3 feet; thence S 82° 30' 09" E a distance of 82.2 feet to a point, said point being 800.0 feet WEST as measured at right angles from the East line of said Section 11 and the East line of Government Lot 5 of said Section 11; thence continuing downstream on and along the aforesaid existing South High Bank of the North Channel of the Platte River, S 80° 56' 39" E a distance of 215.48 feet; thence continuing on and along the aforesaid existing South High Bank of the North Channel of the Platte River, S 53° 41' 46" E a distance of 71.70 feet; thence continuing on and along the aforesaid existing South High Bank of the North Channel of the Platte River, S 76° 39' 18" E a distance of 79.35 feet to the Northwest corner of vacated Third Avenue, an avenue in the City of Kearney, Buffalo County, Nebraska; thence leaving the South High Bank of the North Channel of the Platte River, S 02° 03' 30" W and on the West line of said vacated Third Avenue, a distance of 95.46 feet to a point being the southwesterly corner of said vacated Third Avenue, said point also being the northeasterly corner of a tract of land conveyed to the City of Kearney, as described on Quit Claim Deed filed on Microfilm Roll 93, Page 14753-14754, Recorded August 24, 1993, in the Office of the Buffalo County Register of Deeds, said point also being 39.74 feet northerly from the intersection of the West line of Third Avenue and the North line of First Street, a street in the City of Kearney, Buffalo County, Nebraska; thence on a 56.0 foot radius curve concave southeasterly an arc distance of approximately 67.10 feet to a point on the North line of said First Street, said point being 49.11 feet westerly from the intersection of the West line of said Third Avenue and the North line of said First Street, and said point also being the southwesterly corner of said tract of land conveyed to the City of Kearney; thence N 87° 55' 18" W and on the North line of said First Street, a distance of 250.89 feet to the Northwest corner of said First Street; thence S 02° 07' 53" W and on the West line of said First Street, a distance of 60.0 feet to the place of beginning.





DocId:8143446
TX:4103479

2022-04536

KELLIE JOHN
BUFFALO COUNTY REGISTER OF DEEDS
KEARNEY, NEBRASKA
RECORDED ON: 07/29/2022 09:15:46 AM
CERTIFIED COPY
REC FEE: 3.00
PAGES: 3
PD: 3.00
ESCROW:
CK: 65271 MILLER & ASSOCIATES

CERTIFIED

SPACE ABOVE RESERVED FOR REGISTER OF DEEDS OFFICE RECORDING INFORMATION

REC'D: Byron

RETURN TO: Miller & Associates
1111 Central Avenue
Kearney, NE 68847

TITLE OF DOCUMENT: Certified Copy of Warranty Deed

CERTIFIED COPY OF INSTRUMENT: 2009-7432

STATE OF NEBRASKA

County of Buffalo SS

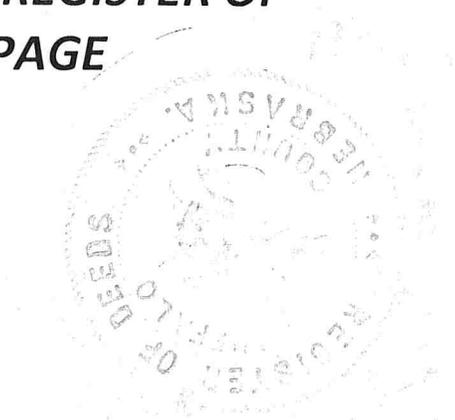
I, the undersigned, Register of Deeds of the above named County and State, do hereby certify, that the forgoing is a true and correct copy of the records of my office as recorded in Inst. 2009-7432

Witness my hand and official seal this 29th day of July 2022

By Buffalo County Register of Deeds

Kellie John
Kellie John, Register of Deeds

THIS IS A CERTIFIED COPY ONLY IF RAISED REGISTER OF DEEDS SEAL IS AFFIXED ON EACH PAGE



B

NUM PAGES 2
 DOC TAX \$168.75 PD _____ CHG X RET _____
 FEES 10.50 PD _____ CHG X RET _____
 TOTAL _____
 CK NUM _____ BY _____
 _____ BY _____
 REC'D _____
 RETURN BARNEY
BOX 548
KEARNEY, NE 68848

Computer J
 Cards J
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 Scanned T

Inst 2009 - 7432
 RECORDED
 BUFFALO COUNTY, NE /
 2009 OCT 16 PM 4:30
 Kellie John
 REGISTER OF DEEDS

NEBRASKA DOCUMENTARY
 STAMP TAX
 Date 10-16-2009
\$168.75 By TKS

CERTIFIED

WARRANTY DEED

REGISTRAR'S NOTE: Requested
 by Barney's to record ONLY
 against rural property not
 subdivision.

BARBARA A. PETERSON, a single person, herein called the grantor whether one or more, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, received from grantee, does grant, bargain, sell, convey and confirm unto PAUL YOUNES, herein called the grantee whether one or more, the following described real property in Buffalo County, Nebraska:

An undivided one-half interest in the real property described in Exhibit "A" attached hereto and incorporated by reference.

To have and to hold the above described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the grantee and to grantee's heirs and assigns forever.

And the grantor does hereby covenant with the grantee and with grantee's heirs and assigns that grantor is lawfully seized of said premises; that they are free from encumbrances except easements and restrictive covenants of record; that grantor has good right and lawful authority to convey the same; and that grantor warrants and will defend the title to said premises against the lawful claims of all persons whomsoever.

DATED this 2nd day of October, 2009.

Barbara A. Peterson
 BARBARA A. PETERSON

STATE OF Nebraska)
) ss
 COUNTY OF Lancaster)

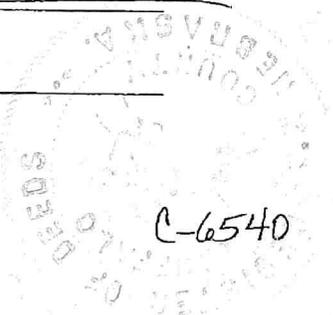
On this 2nd day of October, 2009, before me, the undersigned Notary Public, duly commissioned and qualified for and in said county, personally came BARBARA A. PETERSON, to me known to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be her voluntary act and deed.

Witness my hand and Notarial Seal the day and year last above written.

GENERAL NOTARY - State of Nebraska
 ROBERT A. PANZER
 My Comm. Exp. May 25, 2012

[Signature]
 Notary Public

My Commission Expires: May 25, 2012



CERTIFIED

Undivided half (1/2) interest in
 Part of the Southeast 1/4 of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, described as follows: Beginning at a point which is 810 feet North and 800 feet West of the Southeast corner of said Section 11; thence North parallel with the East line of said Section 200 feet; thence West parallel with the South line of said Section 11, 300 feet; thence South 200 feet; thence East 300 feet to the place of beginning, being a part of Government Lot 5 in said Section 11, EXCEPTING THEREFROM a portion of a public road known as Talmadge Street being more particularly described as follows: Referring to the Southwest Corner of a tract of land described on Warranty Deed filed on Microfilm Roll 86, Page 729, in the Office of the Buffalo County Register of Deeds, recorded on February 4, 1986, said point being identified by a 1/2" Iron Pipe on a survey dated October 11, 1971, by Thomas L. Jordan, Nebraska Registered Land Surveyor No. 178, appearing of record in the Office of the Buffalo County Surveyor; thence northerly on the West line of said tract of land described on Warranty Deed filed on Microfilm Roll 86, Page 729, a distance of 78.01 feet to the ACTUAL PLACE OF BEGINNING, said point being on the South line of Talmadge Street, and said point being monumented by a 5/8" Rod as shown on a survey dated February 12, 1987, by Wayne A. Humphrey, Nebraska Registered Land Surveyor No. 224, appearing of record in the survey record repository of the State of Nebraska at Index No. 125-756 and received by such repository on September 25, 1987 (said Wayne A. Humphrey survey being hereafter referred to as "the W.A. Humphrey Survey"); thence continuing northerly leaving the South line of said Talmadge Street and on the West line of said tract of land described on Microfilm Roll 86, Page 729 a distance of 66.04 feet to a point on the North line of said Talmadge Street, said point being monumented by a 5/8" Rod as shown on the W.A. Humphrey Survey; thence easterly leaving the West line of said tract described on Microfilm Roll 86, Page 729, and on the North line of said Talmadge Street, a distance of 299.98 feet to a point on the East line of said tract of land described on Microfilm Roll 86, Page 729, said point being monumented by a 5/8" Rod as shown on the W.A. Humphrey Survey; thence southerly leaving the North line of said Talmadge Street, and on the East line of said tract of land described on Microfilm Roll 86, Page 729, a distance of 66.04 feet to a point on the South line of said Talmadge Street, said point being monumented by a 5/8" Rod as shown on the W.A. Humphrey Survey; thence westerly on the South line of said Talmadge Street and leaving the East line of said tract of land described on Microfilm Roll 86, Page 729 a distance of 299.98 feet to the place of beginning.

Exhibit "A"



Ian Taylor from Great Plains Communication introduced himself to the Board as a representative of the tenants. He stated that they are investing vast amounts of infrastructure into Kearney. They have multiple employees currently living in Kearney, and they plan to hire more. He shared that they are in a tough situation after purchasing U.S.A. Communications. They are currently in their building at 920 E 56th Street. They are also leasing a building south of Ravenna for storage. It is not really conducive for them to do business. If they have to go get materials currently it takes round trip about 45 minutes. Their production would be vastly improved by one central location.

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

McGinnis's motion was based on the City's finding of facts.

Moved by McGinnis and seconded by Yaw that the application submitted by CBRE Advisory & Transaction Services for D & M Cowpoke, Inc. for a Revised Planned District Development Plan Approval for the proposed redevelopment of the existing commercial site on property zoned District C-2/PD, Community Commercial District and described as Lot 1, Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (7310 2nd Avenue) be submitted to City Council with a recommendation for approval as presented with the revised planned development plan deviations and increases in standards as provided in Staff memo.

Roll call resulted as follows: Aye: Dart, Dakan, Feusner, Pandorf, Cochran, Rickard, Yaw, McGinnis. Abstain: None. Absent: Malone. Nay: None. Motion carried.

REZONING NO. 2022-12 – YOUNES CENTER EIGHTH ADDITION - WITHDRAWN

Application submitted by Miller & Associates for Peanut Butter & Jelly, LLC, a Nebraska Limited Liability Company and Paul Younes and Linda Younes to rezone from District C-2/PD, Community Commercial/Planned Development Overlay District and District C-2, Community Commercial District to District C-2, Community Commercial District for property described as the West Tract of land being a part of Lot 1, Block Two, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (between 4th Avenue and 6th Avenue, North of 3rd Street).

This item was withdrawn from the agenda by request of the applicant.

PARTIAL SUBDIVISION VACATION NO. 2015-05 – YOUNES CENTER THIRD ADDITION

Application submitted by Miller & Associates for Peanut Butter & Jelly, LLC, a Nebraska Limited Liability Company and Paul Younes and Linda Younes, to vacate Lot 1 and Lot 2, Block Two, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (311, 407, & 409 W 3rd Street).

Craig Bennett presented this item to the Planning Commission.

He explained the intention of this project is to clean up some lot lines so that they line up with the current apartment building and future apartment buildings. The area being discussed contains a total of 5.34 acres that is currently platted and within the City's corporate limits. He stated infrastructure is adjacent to the site. The site contains the hike/bike trail and existing buildings with an additional one under construction. Mr. Bennet stated these are for workforce housing for the Younes campus. He noted a previous lot had a minor subdivision done on it, therefore they need to replat.

He explained the current zoning and reasoning for withdrawing the rezone request which included requirements for the apartments, but in the future, they will likely bring forth a rezone request for the area. He explained the area is served by existing utilities and that 3rd Street is already paved. He continued to explain the existing storm water detention exists for the site and future development will use nearby stormwater infrastructure and detention within the lot.

Mr. Bennett presented the minor subdivision that he referred to previously. He noted due to future development they are requesting to reconfigure the lot lines to better align with existing development.

Mr. Bennett presented the 200-foot radius map followed by the preliminary plat and final plat. He indicated they would be replatting the vacated property into four lots. The lot to the east will more than likely have apartments built on it but unsure what will be developed on the vacant lot to the west.

Member McGinnis asked if the apartments are going to be used for workforce housing indefinitely, or if it is a temporary use.

Mr. Bennett responded the owner is currently using the apartments for workforce housing and he does not see it changing anytime soon due to how beneficial it has been to that campus.

City Planner stated the Staff's finding of facts are the lots are compliant with the zoning district site development regulations. The subdivision layout is compatible with surrounding land uses. The development is consistent with the 2016 Comprehensive Plan as referenced. Staff recommended approval of the subdivision vacations, preliminary plat, and final plat all as presented.

Feusner's motion was based on the City's finding of fact.

Moved by Feusner and seconded by Rickard that the application submitted by Miller & Associates for Peanut Butter & Jelly, LLC, a Nebraska Limited Liability Company and Paul Younes and Linda Younes, to vacate Lot 1 and Lot 2, Block Two, Younes Center

Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (311, 407, & 409 W 3rd Street) be submitted to City Council with a recommendation for approval.

Roll call resulted as follows: Aye: Dakan, Feusner, Pandorf, Cochran, Rickard, Yaw, McGinnis, Dart. Abstain: None. Absent: Malone. Nay: None. Motion carried.

PARTIAL SUBDIVISION VACATION NO. 2015-09 – YOUNES CENTER FOURTH ADDITION

Application submitted by Miller & Associates for Peanut Butter & Jelly, LLC, a Nebraska Limited Liability Company and Paul Younes and Linda Younes, to vacate Lot 1, Block Two, Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (521 W 3rd Street).

This item was discussed during the subdivision vacation item no. 2015-05.

Feusner's motion was based on the City's finding of fact.

Moved by Feusner and seconded by Rickard that the submitted by Miller & Associates for Peanut Butter & Jelly, LLC, a Nebraska Limited Liability Company and Paul Younes and Linda Younes, to vacate Lot 1, Block Two, Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (521 W 3rd Street) be submitted to City Council with a recommendation for approval.

Roll call resulted as follows: Aye: Dakan, Feusner, Pandorf, Cochran, Rickard, Yaw, McGinnis, Dart. Abstain: None. Absent: Malone. Nay: None. Motion carried.

PRELIMINARY PLAT NO. 2022-10 – YOUNES CENTER EIGHTH ADDITION

Application submitted by Miller & Associates for Peanut Butter & Jelly, LLC, a Nebraska Limited Liability Company and Paul Younes and Linda Younes, for the Preliminary Plat for Younes Center Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1 and Lot 2, Block Two, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated) and Lot 1, Block Two, Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), being part of Government Lot 9, and accretions to Government Lots 5, 6, and 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (between 3rd Avenue and 6th Avenue, North of 3rd Street). ***FINAL ACTION***

Chairman Dart opened the public hearing.

This item was discussed during the subdivision vacation item no. 2015-05.

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

Feusner's motion was based on the City's finding of fact.

Moved by Feusner and seconded by Rickard that the application submitted by Miller & Associates for Peanut Butter & Jelly , LLC, a Nebraska Limited Liability Company and Paul Younes and Linda Younes, for the Preliminary Plat for Younes Center Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1 and Lot 2, Block Two, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated) and Lot 1, Block Two, Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), being part of Government Lot 9, and accretions to Government Lots 5, 6, and 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (between 3rd Avenue and 6th Avenue, North of 3rd Street) be approved.

Roll call resulted as follows: Aye: Feusner, Pandorf, Cochran, Rickard, Yaw, McGinnis, Dart, Dakan. Abstain: None. Absent: Malone. Nay: None. Motion carried.

FINAL PLAT NO. 2022-10 – YOUNES CENTER EIGHTH ADDITION

Application submitted by Miller & Associates for Peanut Butter & Jelly , LLC, a Nebraska Limited Liability Company and Paul Younes and Linda Younes, for the Final Plat for Younes Center Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1 and Lot 2, Block Two, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated) and Lot 1, Block Two, Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated), being part of Government Lot 9, and accretions to Government Lots 5, 6, and 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (between 3rd Avenue and 6th Avenue, North of 3rd Street).

Chairman Dart opened the public hearing.

This item was discussed during the subdivision vacation item no. 2015-05.

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

Feusner's motion was based on the City's finding of fact.

Moved by Feusner and seconded by Rickard that the application submitted by Miller & Associates for Peanut Butter & Jelly , LLC, a Nebraska Limited Liability Company and Paul Younes and Linda Younes, for the Final Plat for Younes Center Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as Lot 1 and Lot 2, Block Two, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated) and Lot 1, Block Two, Younes Center Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska (to be vacated),

being part of Government Lot 9, and accretions to Government Lots 5, 6, and 9, Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (between 3rd Avenue and 6th Avenue, North of 3rd Street) be submitted to City Council with a recommendation for approval.

Roll call resulted as follows: Aye: Pandorf, Cochran, Rickard, Yaw, McGinnis, Dart, Dakan, Feusner. Abstain: None. Absent: Malone. Nay: None. Motion carried.

ELECTION OF OFFICERS

Moved by McGinnis and seconded by Yaw that Stan Dart be elected as Chairman of the Planning Commission.

Roll call resulted as follows: Aye: Cochran, Rickard, Yaw, McGinnis, Dakan, Feusner, Pandorf. Abstain: Dart. Absent: Malone. Nay: None. Motion carried.

Moved by Yaw and seconded by Cochran that Richard McGinnis be elected as Vice-Chairman of the Planning Commission.

Roll call resulted as follows: Aye: Rickard, Yaw, Dart, Dakan, Feusner, Pandorf, Cochran. Abstain: McGinnis. Absent: Malone. Nay: None. Motion carried.

REPORTS

City Planner clarified why she stepped out of the meeting after the voting finished for agenda item no. 10 to confirm the next steps for the revised development plan with the developers. No additional information was discussed.

City Planner also announced the Nebraska Planning and Zoning Association Conference is happening from September 14th through 16th and it will be held at the new Younes Center North. She noted the Planning Commission meeting is also during that week then provided details on how the Commissioners could register and attend the conference.

ADJOURNMENT

Moved by McGinnis seconded by Feusner that the meeting be adjourned.

Roll call resulted as follows: Aye: Yaw, McGinnis, Dart, Dakan, Feusner, Pandorf, Cochran, Rickard. Abstain: None. Absent: Malone. Nay: None. Motion carried.

Melia Smith

Melia Smith
Recording Secretary



COUNCIL AGENDA MEMO

ITEM NO. III - #2

FROM: *Brenda Jensen, Assistant City Manager*

MEETING: *September 13, 2022*

SUBJECT: *Revised Planned Development Plan for Property Located at 7310 2nd Avenue*

PRESENTER: *Paul Lafave, CBRE & Mitch Humphrey, Buffalo Surveying Corp.*

Discussion:

The applicant, Paul Lafave of CBRE Advisory & Transaction Services, is requesting a recommendation of approval for a Revised Planned Development Plan for the property located at 7310 2nd Avenue. The site is the former location of the retail store Cowpoke Mercantile and they propose to redevelop the site for future commercial development.

Planned District Development Plan

The applicant is requesting a recommendation of approval for a Revised Planned District Development Plan (PD Plan) to redevelop the site for future businesses. When initially platted and rezoned (November 2007), the site required a PD Plan because it is more than four acres which requires a PD Plan per the requirements of the Unified Land Development Ordinance (ULDO).

In February 2008, an initial PD Plan was approved. Following the approval of the PD Plan in 2008, no development occurred as the project proved financially challenging. The property owner, in June 2012, submitted a Revised PD Plan containing elements to help reduce the costs of completing the project. The Revised PD Plan was approved with the following stipulations and deviations:

- Since no City services were available to the site, the initial plans stipulated a septic leach field but the new PD Plan required a septic holding tank be installed;
- Owner agreed to pave approximately 200 linear feet of frontage along 74th Street and a temporary cul-de-sac with the understanding that 10 years, post the issuance of the Certificate of Occupancy or when future development occurs (whichever happened first), the remainder of 74th Street would be paved;
- Easements were required along the south side of 74th Street and the west side of 2nd Avenue for the future installation of sanitary sewer and water lines;
- All parking, drive lanes, accesses, and maneuvering areas to be paved. Twenty-five parking spaces were required, and 26 were provided;
- Public sidewalks were not required to be installed at the time of construction of the buildings but to be installed 10 years post the issuance of the Certificate of Occupancy or when future development occurs (whichever happened first);
- Fourteen street trees were proposed with no underground irrigation being required at the time of permitting but to be installed at the time public sidewalks were required; and
- Solid waste dumpster be screened from view with wooden or masonry enclosure.

The existing Cowpoke site and buildings were issued a Certificate of Occupancy in May 2013. The site has been vacant for a couple of years as the Cowpoke Mercantile retail store closed in early 2020.

ITEM NO. III - #2

The applicant has provided a Revised PD Plan, which indicates the following elements: the existing building sites and parking area, the area they have defined for outdoor storage as an accessory use, landscaping and screening intentions, stormwater detention, and the areas proposed in a future development phase for a new building, parking area, and area intended for installation of a septic system.

The requests for deviations from code are as follows:

- **Delay paving the remainder of 74th Street.** The applicant requests to delay paving the remainder of 74th Street frontage until additional development occurs to the north or west. Since an additional outdoor storage area is new to the site, Staff acknowledge the need for the remaining unpaved 74th Street be improved. In lieu of paving the remainder of 74th Street, the applicant will improve the unpaved portion (approximately 355-feet) of 74th Street with an all-weather roadway surface ending in a cul-de-sac. This improved surface will provide secondary access points to the site for emergency services. A new Development Agreement will be executed to stipulate requirements for paving the remainder of 74th Street as is typical with these types of requests.
- **Outdoor storage area to remain unpaved.** This request is to not require the outdoor storage area to be paved and instead to utilize a crushed rock surface. The applicant will provide the minimum requirement of the code to screen the outdoor storage area along the north, east, south, and west sides connecting to the existing building structures. The screening will be an opaque fence with a minimum height of 6-feet.
- **Delay construction of public sidewalks along 74th Street and 2nd Avenue.** The applicant requests to delay the construction of sidewalks along 74th Street and 2nd Avenue until additional development in the area warrants their necessity. The area has remained undeveloped except for this site which has no nearby sidewalk connectivity. The City will reserve the right to stipulate the ability to require when installation of the public sidewalks is needed.
- **Delay the planting of additional planned street trees along 74th Street.** The site has an existing 5 trees and is required to have 11 trees (1 per 50 linear feet of street frontage). As indicated in the landscape plan, an additional 14 trees are planned along 74th Street. As the landscape plan does not indicate which trees are “additional” or “required”, Staff concludes the remaining unpaved portion of 74th Street will be utilized in such a manner that requires the minimum number of trees be planted. The landscape plan demonstrates the ability to provide the minimum required, 11 trees. The applicant will need to plant 6 trees to meet code requirements. Delaying the planting of additional trees (additional trees above the minimum requirements of code) is agreeable to Staff; however, the “additional” trees can not be considered an “increase in standards”.

Since the applicant requests deviations from code, they have proposed “increases in minimum standards” to offset the deviation requests. The following are the proposed “increases in minimum standards”:

- Along 2nd Avenue, 8 street trees are required per code, 2 currently exist. The applicant proposes to provide an additional 16 trees, for a total of 18 trees along the 2nd Avenue street frontage – an increase of 8 trees above the minimum requirement.
- Additional screening of the outdoor storage area by providing additional trees, 11 in total. These will be planted along the outdoor storage area adjacent to the east and southeast side. The proposed opaque 6-foot minimum fence meets the minimum requirement for screening of the outdoor storage area. The provided 11 trees will enhance the screening along 2nd Avenue.

ITEM NO. III - #2

- Located within the existing and proposed parking area, 5 additional trees have been proposed to add to the overall general landscaping of the site.
- Additional parking stalls are provided for the development. As the use types have changed at the site, the amount of required off-street parking changed. The proposed new uses require 31 stalls to be provided. The existing parking on site has 29 stalls. Four (4) new parking stalls were indicated within the outdoor storage area which assists with meeting the minimum stalls needed per code while providing an additional 2 stalls. While they have also shown the proposed parking area in front of the proposed future commercial building, it is undetermined when or if the building will be built and the parking be installed. Staff concludes the proposed parking, as presented in the phase 2 development, cannot be counted towards the “increase in standards” request as it does not meet the intention of the Planned Development Overlay District.

Staff concludes that the requested deviations and provided “increase in standards”, detailed above, meet the intentions of the ULDO PD Plan overlay purpose. The applicant intends to provide additional screening along 2nd Avenue with additional street trees above the minimum requirements of ULDO. The landscape plan also indicates that the applicant will install and provide underground irrigation not installed in previous site development. Existing landscaping will remain and additional landscaping (trees) will be placed through the site to provide overall enhancement. An additional two parking stalls will be provided above the minimum requirements of code. While they are not paving the remaining portion of 74th Street, road improvements are being made to ensure emergency services can serve the development. As proposed changes deviate from the existing Development Agreement, a new Development Agreement will be required. Staff has concluded that the proposed Revised PD Plan for the redevelopment of this site, even with the requested deviations, demonstrates the ability to meet the “City’s overall development objectives” and conformance to the Comprehensive Plan.

The Planning Commission discussed the applicant’s request for deviations. The applicant clarified their request to delay planting of any trees along 74th Street until the street was completed. Staff noted the site is required to be brought into compliance which would require the minimum number of trees be planted, and any additional trees could be delayed. The Planning Commission concurred with Staff and recommended approval of the Revised Planned Development Plan as presented in the Staff memo by unanimous vote on August 19, 2022.

Comprehensive Plan Related Reference

‘Provide effective city services and flexible solution-based development regulations that will allow for stable, high quality housing, and business growth.’ (Community Goals 3., Page 217).

‘Provide opportunities for community development in an orderly and efficient manner so that entrepreneurs can build businesses that respond to consumer demand.’ (LU 1, Land Use Policy, Page 219).

‘Maintain fair and flexible zoning and land use regulations so that future commercial development activities can continue in Central Business District, 2nd Avenue, Highway 30 corridor, and Cherry Avenue corridor.’ (LU AS 3, Land Use Action Strategies, Page 219).

‘Continue to encourage compatible adjacent land uses during the planning and implementation of development activities’ (LU3, Land Use Policies, Page 219).

ITEM NO. III - #2

Staff's finding of facts:

- The Revised PD Plan has requested deviations from code but provided “increases in minimum standards” of additional landscaping within the site, increased amount of street trees along 2nd Avenue, and provided additional parking stalls which meet the intention and purpose statement of the Planned Development Overlay District.
- The site is being developed to meet the minimum requirements of the Unified Land Development Ordinance for outdoor storage areas and underground irrigation for landscaping.
- The Revised PD Plan demonstrates the ability of existing and proposed development, even with requested deviations, to meet the purpose of the C-2 zoning district.
- Staff concluded that the request to include additional trees along 74th Street and additional parking as provided in the proposed phase 2 development not be considered as “increases in standards” as it does not meet the intention and purpose of the Planned Development Overlay District.
- A new Development Agreement will be required stipulating the deviation requests and “increases in standards” as well as the conditions for paving the remainder of 74th Street and installation of the sidewalks.
- The Revised PD Plan is consistent with the 2016 Comprehensive Plan as referenced.

Fiscal Note:

The City is not aware of any undue financial obligations affecting the City that may be associated with this project.

Recommended Action:

The Planning Commission and Staff recommend approval of the Revised Planned Development Plan with the following:

Revised Planned Development Plan Deviations:

- Delay paving the remainder of 74th Street.
- Outdoor storage area is to be unpaved, and a crushed rock surface be installed.
- Delay construction of public sidewalks along 74th Street and 2nd Avenue.
- Delay the planting of additional planned street trees along 74th Street.

Increase in Standards:

- Increase in the minimum required street trees along 2nd Avenue. A total of 8 trees are required, and an increase of 8 trees will be provided.
- Additional screening provided adjacent to the outdoor storage area along the east and southeast side to include 11 trees.
- Additional trees to a total of 5 will be added to the site to increase the overall general landscaping of the site.
- Additional parking is provided on site – an additional 2 parking stalls are provided above the required 31 parking stalls.

RESOLUTION NO. 2022-175

WHEREAS, CBRE Advisory & Transaction Services for D & M Cowpoke, Inc. has applied for Revised Planned District Development Plan Approval for the proposed redevelopment of the existing commercial site on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (7310 2nd Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of CBRE Advisory & Transaction Services for D & M Cowpoke, Inc. for Revised Planned District Development Plan Approval for the proposed redevelopment of the existing commercial site on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as Lot 1, Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (7310 2nd Avenue) be approved subject to the following deviations:

1. Delay paving the remainder of 74th Street.
2. Outdoor storage area is to be unpaved, and a crushed rock surface be installed.
3. Delay construction of public sidewalks along 74th Street and 2nd Avenue.
4. Delay the planting of additional planned street trees along 74th Street.

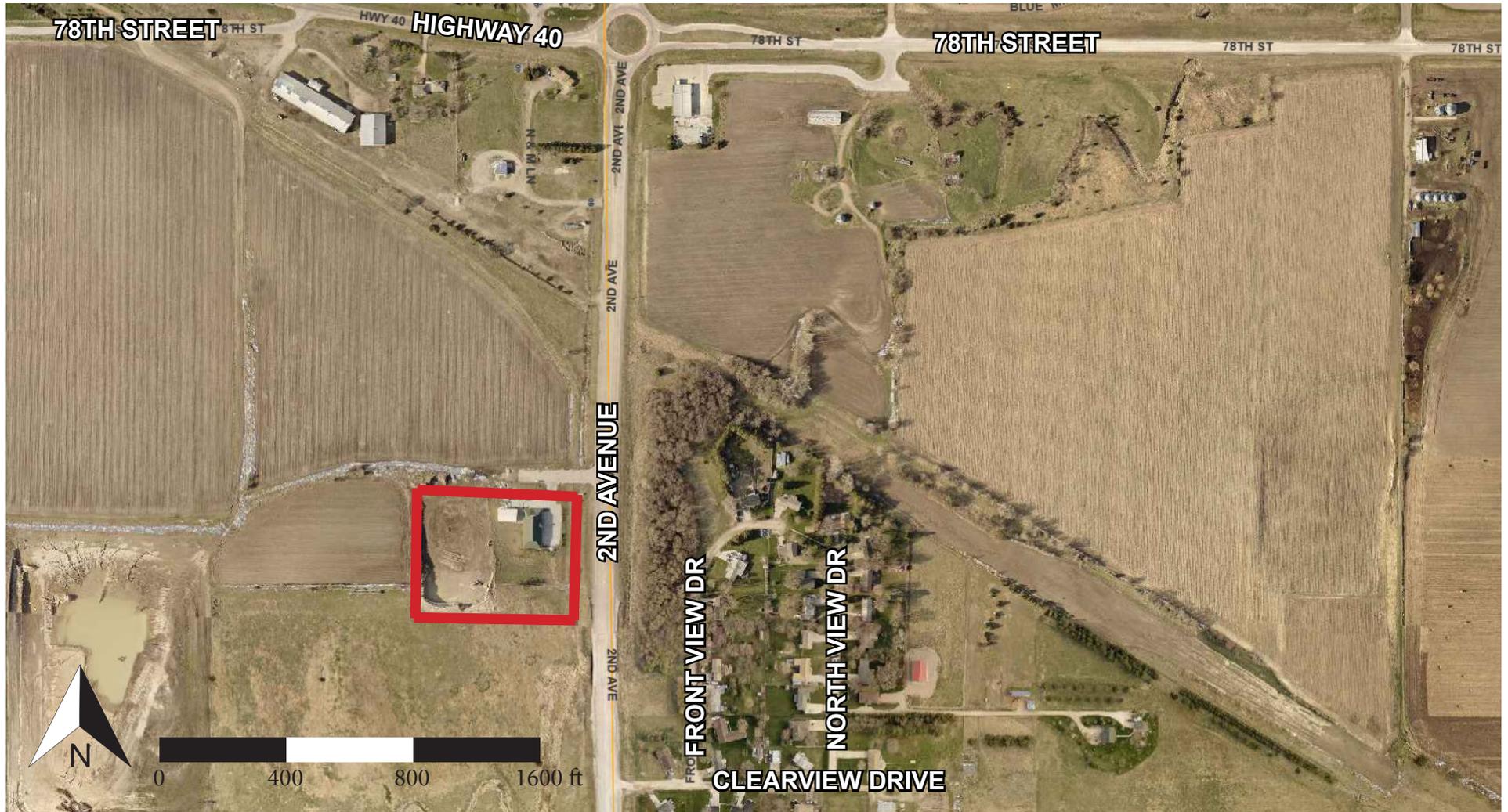
PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

**PEGGY EYNETICH
DEPUTY CITY CLERK**

Reference Map for Revised PD Plan No. 2007-13 Elken Subdivision





For Office Use Only

File Number:	<u>2007-13</u>
Folder Number:	<u>4</u>
Date Filed:	<u>07/29/2022</u>
Fee:	<u>\$550.00</u>
Receipt No.:	<u>2022-00085275</u>
Revised 10-2017	Resubmitted on <u>08/09/2022</u>

REVISED PLANNED DISTRICT DEVELOPMENT PLAN APPROVAL APPLICATION

Property Zoned: C-2/PD DRT Meeting held: 06-23-2022
 Applicant's Name: CBRE Advisory & Transaction Services
 Applicant's Address: 11213 Davenport Street #300, Omaha, NE 68154
 Phone No.: _____ E-Mail: Paul.Lafave@cbre.com
 Owner's Name: D & M Cowpoke, Inc.
 Owner's Address: 14045 YDC Road, Kearney, NE 68845
 Phone No. _____ E-Mail: _____
 Project description: Revised development of the existing commercial site.
 Legal Description **Please e-mail a word document of the legal description:** See attached sheet for legal description
 General Location/Address of property to be developed: 7310 2nd Avenue, Kearney, NE 68847
 Area of property (square feet and/or acres): 5.00 acres

Submittal Requirements

- Certified copy of last deed of record must be attached. (Obtain from Register of Deeds Office).
- Three sets of full size plans (minimum scale: 1" = 100').
- One set of reduced plans (8 1/2" x 11").

Building and Parking Information

a. Total site area (a)	<u>217,800</u> sq. ft.
b. Number of buildings	<u>2</u>
c. Building coverage (c)	<u>14,982</u> sq. ft.
d. Building coverage (c ÷ a)	<u>6.9</u> %
e. Building height	<u>25, 22</u> ft.
f. Total floor area including basement	<u>14,982</u>
g. Paved Area (h)	<u>117,586</u>
h. Total Impervious Coverage (c+h ÷ a)	<u>60.1</u> %
i. Number of parking stalls provided	<u>59</u>
j. Number of parking stalls required	<u>36</u>
k. Front yard setback	<u>25</u> ft.
l. Side yard setback	<u>0</u> ft.
m. Street side yard setback	<u>25</u> ft.
n. Rear yard setback	<u>15</u> ft.

Multi-Family Residential Uses Only

Number of Buildings _____
 Units per Building _____
 No. of Efficiencies _____
 No. of 1 Bedrooms _____
 No. of 2 Bedrooms _____
 No. of 3 Bedrooms _____
 Density – units per lot area _____

Landscaping Information

- o. Required depth of landscape provided adjacent to all streets Yes No
- p. Length of street frontage (a) 933.29 ft.
- q. 4' sidewalk along street Yes No
- r. Quantity of street trees (a ÷ 50) 19
- s. 5% interior parking lot landscape Yes No
- t. Irrigation provided Yes No
- u. Bufferyard required Yes No

PLANNED DISTRICT CHECKLIST

Development Plan Package (All plans shall be drawn to scale)

A complete plan package including all the elements listed below shall be submitted to provide a complete representation of the development project.

200-Foot Radius Map

- All improvements, streets, drives, parking areas, land uses and zoning within 200 feet of the boundary of the site.

Site Plan.

- Major environmental site features/concerns such as tree masses, drainage ways, 100-year floodplains, floodways, wetlands, steep slopes, and problematic soils
- Footprint of all proposed buildings including square footage, number of stories and finish floor elevation.
- All property lines with dimensions and all building setback lines
- Internal and external transportation and circulation systems including location and dimensions of existing and proposed streets, alleys, driveways, curb cuts, parking lots, parking spaces including ADA handicap spaces, and pedestrian and bicycle paths.
- Location of existing and proposed utilities including, sanitary sewers, manholes, storm water facilities, municipal water, gas and electrical distribution systems and all associated easements of record or proposed easements
- Location and design of proposed site lighting. Sharp cut-off fixtures only.
- Location of all trash enclosures and loading docks

Building Elevations.

- Exterior architectural building elevations and floor plans, including height, building materials, and other information necessary to describe the project and use of the building
- 35% of any street facing façade must be masonry including brick, split-face block, stone, or faux stone except M-1 or M-2 zones.
- All roof top mechanical equipment shall be screened from view at ground level from adjacent public streets.

Landscape Plan. (May be combined with site plan if all information is legible)

- Required depth of landscape is required adjacent to each street with a canopy tree for each fifty (50) lineal feet of street frontage located on the subject property.
- All parking lots exceeding 6,000 square feet in area shall provide 5% interior parking lot curbed landscape islands with at least one canopy tree.
- The plan shall identify plants in a plant schedule by their common and scientific names including quantities, size, and spacing. All plant material must meet City of Kearney minimum size standards.
- A note on the Landscape Plan shall state that all areas not paved or in planting beds shall be seeded or sodded with turf grass including parking lot islands and shall be watered by an automatic underground sprinkler system.
- When applicable, required buffer yards shall be depicted on landscape plan.
- Screening shall be shown for trash enclosures and loading docks.

Site Grading and Drainage Plan.

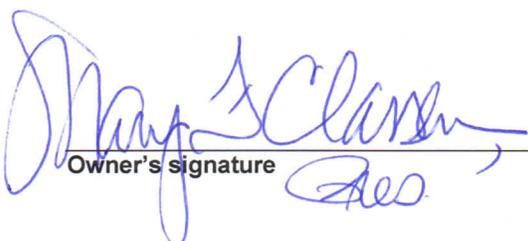
- Shall demonstrate site grading and drainage by showing existing contours at 2-foot intervals and proposed grading at 2-foot intervals with spot elevations at critical locations.
- Shall show location and approximate size and depth of stormwater detention facilities based on Public Works Plan.

Erosion and Sediment Control Plan. (May be combined with Site Grading and Drainage Plan if all information is legible)

- Shall demonstrate erosion control and sediment control in compliance with NPDES requirements.

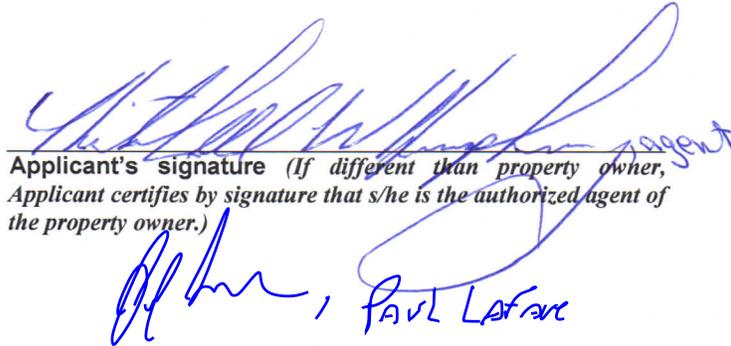
Other.

- If applicable, a proposed development schedule including a phasing plan and area calculations for each phase.
- If applicable, a complete list of deviations or variances from the zoning code that are proposed for the project.



Owner's signature

07-28-2022
Date

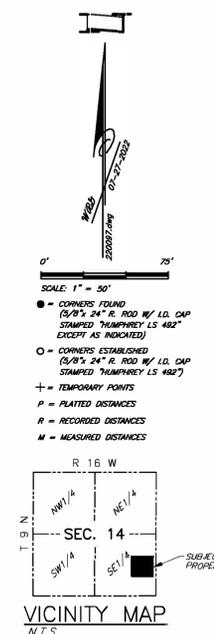
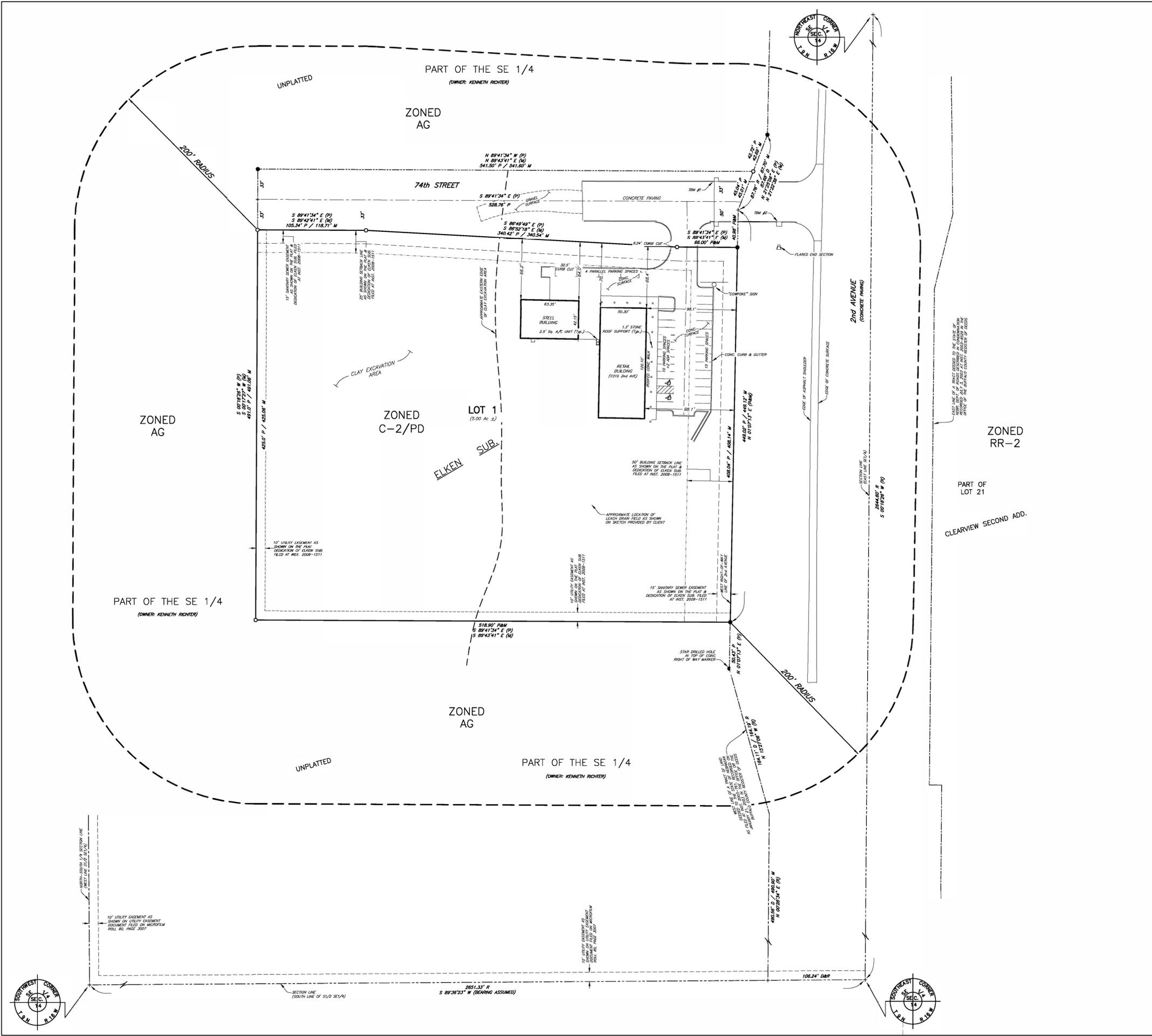


Applicant's signature (If different than property owner, Applicant certifies by signature that s/he is the authorized agent of the property owner.)
Paul Lafare

200 FOOT RADIUS MAP

LEGAL DESCRIPTION

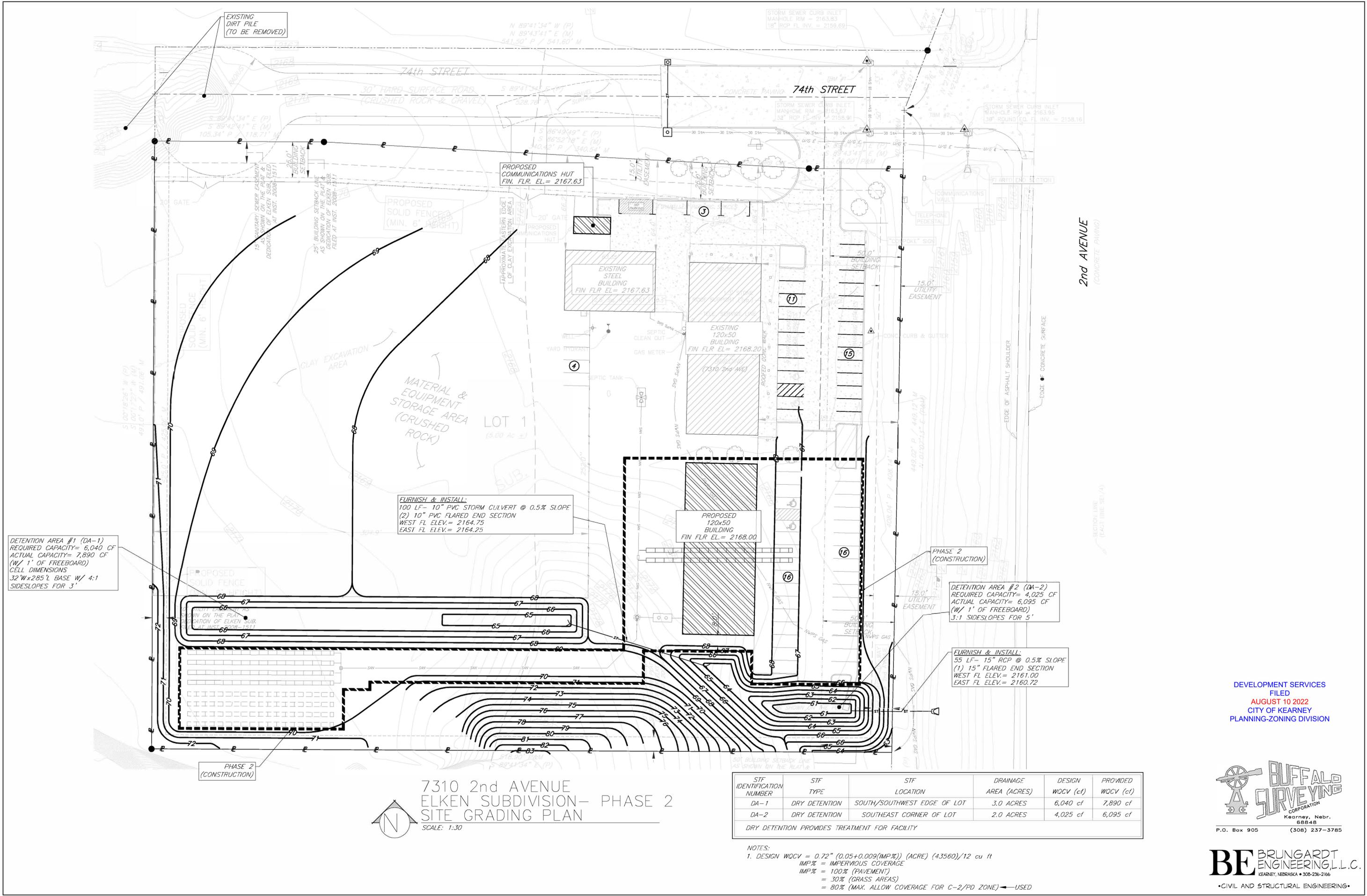
Lot One (1), Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of Section Fourteen (14), Township Nine (9) North, Range Sixteen (16) West of the Sixth P. M., Buffalo County, Nebraska.



SCALE: 1" = 50'
 ● = CORNERS FOUND (6" x 6" x 24" R. ROD W/ I.D. CAP STAMPED "HUMPHREY L.S. 492" EXCEPT AS INDICATED)
 ○ = CORNERS ESTABLISHED (6" x 6" x 24" R. ROD W/ I.D. CAP STAMPED "HUMPHREY L.S. 492")
 + = TEMPORARY POINTS
 P = PLATTED DISTANCES
 R = RECORDED DISTANCES
 M = MEASURED DISTANCES

DEVELOPMENT SERVICES
 FILED
 AUGUST 09 2022
 CITY OF KEARNEY
 PLANNING-ZONING DIVISION





DETENTION AREA #1 (DA-1)
 REQUIRED CAPACITY= 6,040 CF
 ACTUAL CAPACITY= 7,890 CF
 (W/ 1' OF FREEBOARD)
 CELL DIMENSIONS
 32'Wx285'L BASE W/ 4:1
 SIDESLOPES FOR 3'

FURNISH & INSTALL:
 100 LF- 10" PVC STORM CULVERT @ 0.5% SLOPE
 (2) 10" PVC FLARED END SECTION
 WEST FL ELEV.= 2164.75
 EAST FL ELEV.= 2164.25

DETENTION AREA #2 (DA-2)
 REQUIRED CAPACITY= 4,025 CF
 ACTUAL CAPACITY= 6,095 CF
 (W/ 1' OF FREEBOARD)
 3:1 SIDESLOPES FOR 5'

FURNISH & INSTALL:
 55 LF- 15" RCP @ 0.5% SLOPE
 (1) 15" FLARED END SECTION
 WEST FL ELEV.= 2161.00
 EAST FL ELEV.= 2160.72

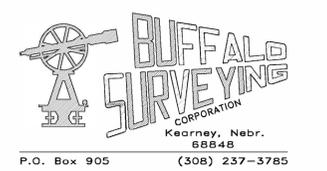
7310 2nd AVENUE
 ELKEN SUBDIVISION- PHASE 2
 SITE GRADING PLAN
 SCALE: 1:30

STF IDENTIFICATION NUMBER	STF TYPE	STF LOCATION	DRAINAGE AREA (ACRES)	DESIGN WQCV (cf)	PROVIDED WQCV (cf)
DA-1	DRY DETENTION	SOUTH/SOUTHWEST EDGE OF LOT	3.0 ACRES	6,040 cf	7,890 cf
DA-2	DRY DETENTION	SOUTHEAST CORNER OF LOT	2.0 ACRES	4,025 cf	6,095 cf

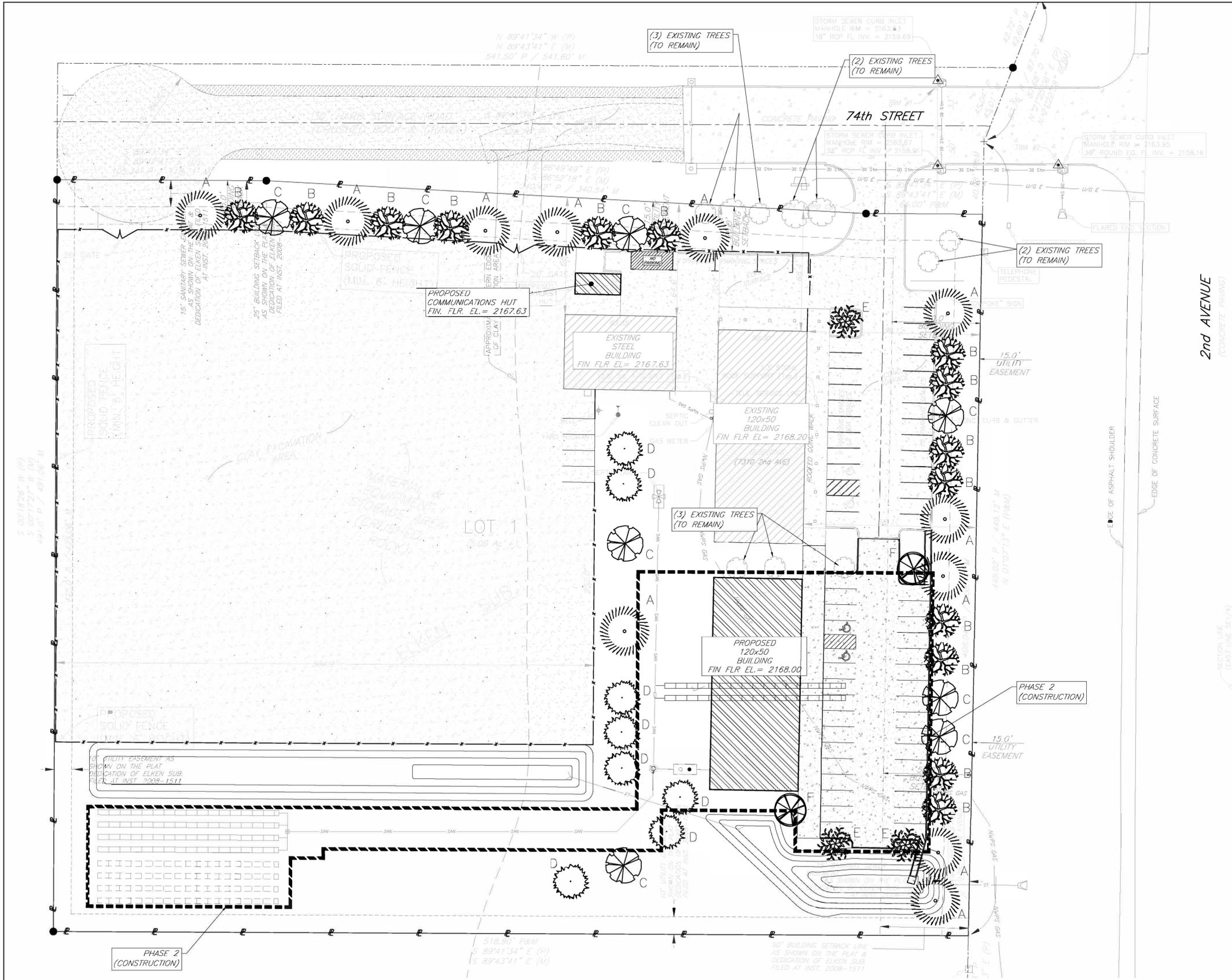
DRY DETENTION PROVIDES TREATMENT FOR FACILITY

NOTES:
 1. DESIGN WQCV = 0.72" (0.05+0.009(IMP%)) (ACRE) (43560)/12 cu ft
 IMP% = IMPERVIOUS COVERAGE
 IMP% = 100% (PAVEMENT)
 = 30% (GRASS AREAS)
 = 80% (MAX. ALLOW COVERAGE FOR C-2/PD ZONE) ←- DED

DEVELOPMENT SERVICES
 FILED
 AUGUST 10 2022
 CITY OF KEARNEY
 PLANNING-ZONING DIVISION



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7310 2nd AVENUE
ELKEN SUBDIVISION - PHASE 2
LANDSCAPE PLAN
SCALE: 1:30

LANDSCAPING SCHEDULE (TREES) (ALONG 2ND AVENUE)

MARK	SYMBOL	DESCRIPTION	QUANTITY	HEIGHT FULL SIZE	WIDTH FULL SIZE
A		RED OAK	5	60'	50'
B		LITTLE LEAF LINDEN	8	40'	30'
C		AUTUMN BLAZE MAPLE	3	45'	40'

*NOTE: THERE ARE CURRENTLY (2) TWO CANOPY TREES ON SITE THAT SHALL REMAIN ALONG 2ND AVE. REQUIRED NO. OF TREES ALONG 2ND AVE. = 8

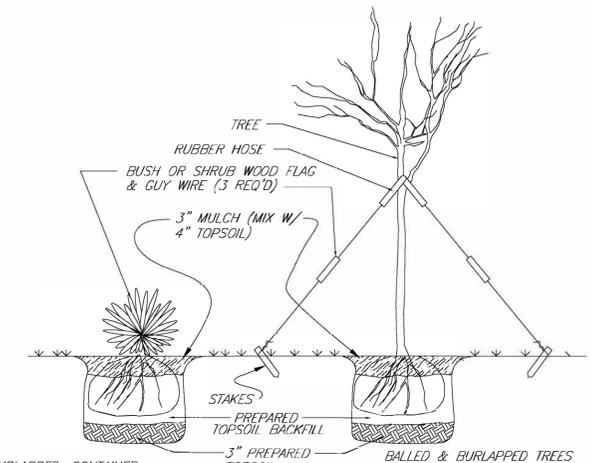
LANDSCAPING SCHEDULE (TREES) (ALONG 74TH STREET)

MARK	SYMBOL	DESCRIPTION	QUANTITY	HEIGHT FULL SIZE	WIDTH FULL SIZE
A		RED OAK	5	60'	50'
B		LITTLE LEAF LINDEN	6	40'	30'
C		AUTUMN BLAZE MAPLE	3	45'	40'

*NOTE: THERE ARE CURRENTLY (5) FIVE CANOPY TREES ON SITE THAT SHALL REMAIN ALONG 74TH STREET REQUIRED NO. OF TREES ALONG 74TH STREET = 11

LANDSCAPING SCHEDULE (TREES) (PARKING LOT/BEHIND BLDG)

MARK	SYMBOL	DESCRIPTION	QUANTITY	HEIGHT FULL SIZE	WIDTH FULL SIZE
A		RED OAK	1	60'	50'
C		AUTUMN BLAZE MAPLE	2	45'	40'
D		BLUE SPRUCE	8	75'	20'
E		INDIAN MAGIC CRAB	3	20'	20'
F		PURPLE PRINCE FLOWERING CRAB	2	18'	18'



BALLED & BURLAPPED, CONTAINER, POTTED, OR BARE ROOT BUSHES OR SHRUBS

PLANTING DETAILS

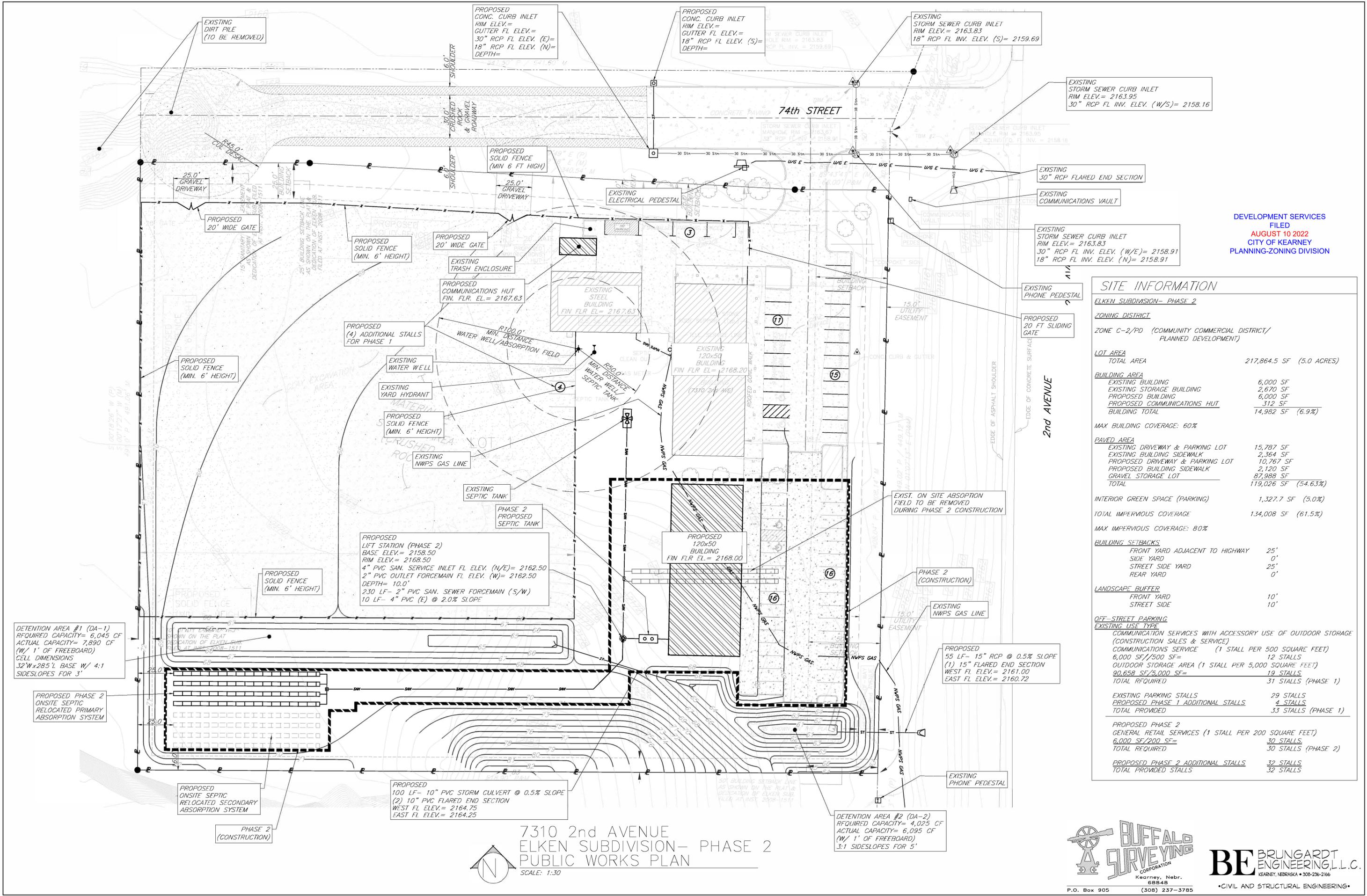
NOTE: DECIDUOUS CANOPY TREES SHALL BE TWO INCHES (2") MINIMUM CALIPER.
 ORNAMENTAL TREES SHALL BE ONE AND ONE HALF (1-1/2") MINIMUM CALIPER.
 EVERGREEN TREES SHALL BE MINIMUM HEIGHT OF 5 TO 6 FEET AS MEASURED FROM THE TOP OF THE ROOT BALL OR CONTAINER TO THE TOP OF THE TREE.
 ALL LANDSCAPING SHOULD BE IRRIGATED W/ UNDERGROUND SPRINKLER SYSTEM.
 TRASH ENCLOSURE PERIMETERS SHALL BE PLANTED WITH SHRUBS ON TWO (2) SIDES.
 ALL REQUIRED LANDSCAPE MATERIALS, BOTH LIVING AND NON-LIVING SHALL BE IN PLACE PRIOR TO THE TIME OF ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, WEATHER PERMITTING. IN PERIODS OF ADVERSE WEATHER CONDITIONS, A TEMPORARY CERTIFICATE OF OCCUPANCY MAY BE ISSUED.
 AT THE FINAL INSPECTION ALL NEW AND EXISTING TURF GRASS AREAS ARE EXPECTED TO HAVE AT LEAST SEVENTY PERCENT (70%) GRASS COVERAGE. TURF GRASS IS REQUIRED TO EXTEND FROM THE STREET EDGE TO A LINE TEN FEET (10') FROM PROPERTY LINE. SEED OR SOD IS ACCEPTABLE AS LONG AS A GOOD STAND OF GRASS IS ESTABLISHED. EXISTING GRASS STAND MAY BE APPROVED IF EXISTING TURF GRASS HAS A GOOD STAND AND THE EXISTING TYPE OF GRASS IS AN ACCEPTABLE TURF GRASS.
 UPON INSTALLATION OF REQUIRED LANDSCAPE MATERIALS, THE LANDOWNER AGREES TO PROMOTE VIGOROUS GROWTH OF THE REQUIRED PLANTS BY PERFORMING CONTINUOUS AND PROPERLY TIMED MAINTENANCE. THE MAINTENANCE RESPONSIBILITY CONSISTS OF WATERING, WEEDING, FERTILIZING, CONTROLLING DISEASES AND INSECTS, PRUNING, REMOVING STAKES AND WIRES USED TO SECURE THE PLANT WHEN PLANTING AND REMOVING AND REPLACING UNHEALTHY, DAMAGED AND/OR DEAD PLANTS. THE REPLACEMENT PLANT MUST BE THE SAME SPECIES, SIZE, AND IN THE SAME LOCATION AS SHOWN ON THE APPROVED LANDSCAPE PLAN AND PLANTED DURING THE NEXT APPROPRIATE PLANTING SEASON.
 SUBSTITUTE PLANTS MAY BE PERMITTED BY SUBMITTING A REQUEST TO THE CITY PLANNER.

DEVELOPMENT SERVICES
FILED
AUGUST 10 2022
CITY OF KEARNEY
PLANNING-ZONING DIVISION



P.O. Box 905 (308) 237-3785

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 CITY OF KEARNEY
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SITE INFORMATION	
ELKEN SUBDIVISION - PHASE 2	
ZONING DISTRICT	
ZONE C-2/PD (COMMUNITY COMMERCIAL DISTRICT/ PLANNED DEVELOPMENT)	
LOT AREA	
TOTAL AREA	217,864.5 SF (5.0 ACRES)
BUILDING AREA	
EXISTING BUILDING	6,000 SF
EXISTING STORAGE BUILDING	2,670 SF
PROPOSED BUILDING	6,000 SF
PROPOSED COMMUNICATIONS HUT	312 SF
BUILDING TOTAL	14,982 SF (6.9%)
MAX BUILDING COVERAGE: 60%	
PAVED AREA	
EXISTING DRIVEWAY & PARKING LOT	15,787 SF
EXISTING BUILDING SIDEWALK	2,364 SF
PROPOSED DRIVEWAY & PARKING LOT	10,767 SF
PROPOSED BUILDING SIDEWALK	2,120 SF
GRAVEL STORAGE LOT	87,988 SF
TOTAL	119,026 SF (54.63%)
INTERIOR GREEN SPACE (PARKING)	
	1,327.7 SF (5.0%)
TOTAL IMPERVIOUS COVERAGE	
	134,008 SF (61.5%)
MAX IMPERVIOUS COVERAGE: 80%	
BUILDING SETBACKS	
FRONT YARD ADJACENT TO HIGHWAY	25'
SIDE YARD	0'
STREET SIDE YARD	25'
REAR YARD	0'
LANDSCAPE BUFFER	
FRONT YARD	10'
STREET SIDE	10'
OFF-STREET PARKING	
EXISTING USE TYPE	
COMMUNICATION SERVICES WITH ACCESSORY USE OF OUTDOOR STORAGE (CONSTRUCTION SALES & SERVICE)	
COMMUNICATIONS SERVICE (1 STALL PER 500 SQUARE FEET)	12 STALLS
OUTDOOR STORAGE AREA (1 STALL PER 5,000 SQUARE FEET)	19 STALLS
TOTAL REQUIRED	31 STALLS (PHASE 1)
EXISTING PARKING STALLS	
EXISTING PARKING STALLS	29 STALLS
PROPOSED PHASE 1 ADDITIONAL STALLS	4 STALLS
TOTAL PROVIDED	33 STALLS (PHASE 1)
PROPOSED PHASE 2	
GENERAL RETAIL SERVICES (1 STALL PER 200 SQUARE FEET)	
6,000 SF/200 SF=	30 STALLS
TOTAL REQUIRED	30 STALLS (PHASE 2)
PROPOSED PHASE 2 ADDITIONAL STALLS	
	32 STALLS
TOTAL PROVIDED STALLS	32 STALLS

7310 2nd AVENUE
 ELKEN SUBDIVISION - PHASE 2
 PUBLIC WORKS PLAN
 SCALE: 1:30



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 68848

Attachment to the Revised Development Plan Application

Lot 1, Elken Subdivision

Project: Lot 1, Elken Subdivision, Pt. SE1/4 of Sect. 14, T9N, R16 W, Buffalo County.
Site Address: 7310 2nd Avenue
Date July 28, 2022, Rev: August 9, 2022

Note: The subject property is presently zoned District C-2/PD, Community Commercial District / Planned Development.

Proposed use type: Communication Services with accessory use of Outdoor Storage (Construction Sales and Service) for the existing structures. The proposed second building will be of a compatible commercial use type.

Requested Deviations: Lot 1, Elken Subdivision; Revised Development Plan.

1. The required concrete paving of the balance of 74th Street from the existing west terminus point of the existing pavement to be delayed until such time the adjacent land to the North or West is developed requiring access to 74th Street. The unpaved portion of 74th Street (355'+/-) will be constructed as an all-weather roadway surface consisting of crushed rock or crushed concrete subgrade with graveled top dressing. A temporary cul-de-sac turnaround will be constructed at the West end of the existing platted 74th Street for vehicular and emergency uses.
2. The required paving of the material/equipment storage yard is instead requested to consist of a top dressing of crushed rock or crushed concrete surface.
3. The required 4' wide sidewalk construction along 2nd Avenue and 74th Street is requested to be delayed until additional development occurs in the area necessitating the construction of the sidewalk.
4. The planting of the additional planned trees along 74th Street is requested to be delayed until the paving for 74th Street is completed in the future.

Enhancements provided to the site will include:

1. Additional landscaping trees will be planted along 2nd Avenue and 74th Street. The screening for the material/equipment storage yard will consist of a minimum 6' tall solid fence encompassing the yard, with additional trees planted for screening from 2nd Avenue and 74th Street.
2. A combination of evergreen and deciduous trees will be planted to the West and Southwest of the commercial buildings (East and Southeast of the material/equipment storage yard) providing additional screening of the material/equipment storage yard from 2nd Avenue. The additional screening will consist of 8 evergreen trees and 3 deciduous trees. Totaling 11 trees planted in that area.
3. The code requires 1 tree for every 50' of street frontage be planted along a street frontages. 8 trees are required along the frontage of 2nd Avenue. The landscaping plan reflects 2 existing trees (east of the existing driveway to the parking lot), with 16 additional trees to be planted along the frontage of 2nd Avenue. The total quantity of trees along 2nd Avenue will be 18 consisting of various types of ornamental trees and canopy trees. 11 trees are required along the frontage of 74th Street. The landscaping plan reflects 5 existing trees along 74th Street (just west of the existing driveway to the parking lot), with 14 additional trees to be planted. The total quantity of trees along 74th Street will be 19 trees consisting of deciduous trees. The trees along the 2nd Avenue frontage and those to the East and Southeast of the material/equipment storage yard will be planted with the initial phase of the project upon the completion of the site grading and fence installation as seasonal weather conditions permit.
4. Additional parking stalls are provided for the site according to the projected use types of the commercial buildings. Refer to the parking counts on the plans provided.

Note: Construction of the second commercial building, parking lot and relocation of the septic absorption areas is anticipated in the next 3 to 5 years, dependent upon market conditions. See the phasing plan line shown on the plans provided.

Note: The second commercial building will be similar in looks and construction as the existing commercial building and meet site development regulations at the time of building permit. Refer to the photographs provided reflecting the building elevation views.

Note: The site is presently outside of the City of Kearney's service area for public water and sanitary sewer connection. Connection to public water lines and sanitary sewer will be required when those services become available to the site.

Building Elevation Photographs Commercial Building

FRONT VIEW



REAR VIEW



Building Elevation Photographs

Commercial Building

LEFT SIDE VIEW



RIGHT SIDE VIEW (74th Street Side)



Building Elevation Photographs Steel Building

FRONT VIEW



REAR VIEW



Building Elevation Photographs Steel Building

LEFT SIDE VIEW



RIGHT SIDE VIEW (74th Street Side)



DocId: 143393
TX: 410341

2022-04501
KELLIE JOHN
BUFFALO COUNTY REGISTER OF DEEDS
KEARNEY, NEBRASKA
RECORDED ON: 07/27/2022 12:12:02 PM
CERTIFIED COPY
REC FEE: 1.50
PAGES: 2
PD: 1.50
ESCROW:
CK: 3527 BUFFALO SURVEYING CORP

CERTIFIED

SPACE ABOVE RESERVED FOR REGISTER OF DEEDS OFFICE RECORDING INFORMATION

REC'D: Mitch Humphrey

RETURN TO: Buffalo Surveying Corporation
PO Box 905
Kearney, NE 68848

TITLE OF DOCUMENT: Certified Copy of Trustee's Deed

CERTIFIED COPY OF INSTRUMENT: 2008-5433

STATE OF NEBRASKA
County of Buffalo SS
I, the undersigned, Register of Deeds of the above
named County and State, do hereby certify, that the
forgoing is a true and correct copy of the records of my office
as recorded in Inst. 2008-5433

Witness my hand and official seal this
27th day of July 2022
By Buffalo County Register of Deeds

Kellie John

Kellie John, Register of Deeds

THIS IS A CERTIFIED COPY ONLY IF RAISED REGISTER OF DEEDS SEAL IS AFFIXED ON EACH PAGE



NUM PAGES 1
DOC TAX 393.75 PD X CHG ___ RET ___
FEES 5.50 PD X CHG ___ RET ___
TOTAL 399.25
CK NUM 10117 BY Elite
BY _____

TRACT INDEX _____
COMPUTER _____
COMPARED _____
Cover

Inst. 2008 - 5433

RECORDED
BUFFALO COUNTY, NE
2008 JL 18 PM 4:14

Kellie John
REGISTER OF DEEDS

NEBRASKA DOCUMENTARY
STAMP TAX
Date: 7-18-2008
\$ 393.75 By TKS

REC'D _____
RETURN Elite Title
P O Box 2527
Kearney, NE 68847-2527

(Above space for recorder's use)

CERTIFIED

TRUSTEE'S DEED

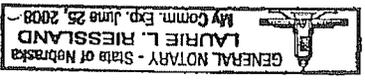
KENNETH E. RICHTER and ELAINE E. RICHTER, CO-TRUSTEES, hereinafter collectively called "Grantors," in consideration of the sum of \$175,000.00 received from D & M COWPOKE, INC., a Nebraska corporation, hereinafter called "Grantee," convey to Grantee the following described real estate (as defined in Neb. Rev. Stat. Section 76-201):

Lot One (1), in Elken Subdivision in Buffalo County, Nebraska,
subject to easements of record and use, and reservations, covenants, and restrictions of record.

Grantors covenant with Grantee that Grantors:

- (1) are lawfully seised of such real estate and that it is free from encumbrances;
- (2) have legal power and lawful authority to convey the same; and
- (3) warrant and will defend title to the real estate against any acts of the Grantors.

Executed this 24th day of May, 2008.



Kenneth E. Richter
KENNETH E. RICHTER, CO-TRUSTEE
Elaine E. Richter, Co-Trustee
ELAINE E. RICHTER, CO-TRUSTEE

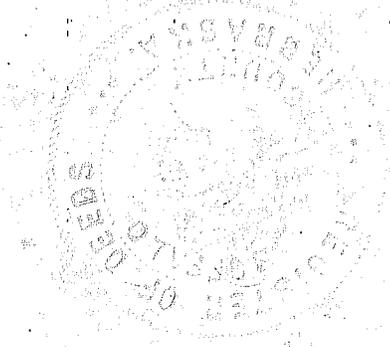
STATE OF NEBRASKA)
) SS:
COUNTY OF BUFFALO)

The foregoing instrument was acknowledged before me this 24th day of May, 2008, by KENNETH E. RICHTER and ELAINE E. RICHTER, CO-TRUSTEES.

Laurie L. Riessland
Notary Public

My commission expires:
6-25-08

309-2071



FINAL PLAT NO. 2022-09 – SORENSEN PARK FIFTH ADDITION

Application submitted by Buffalo Surveying Corp. for CFT NV Developments, LLC, for the Final Plat for Sorensen Park Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with said tract of land being Lot 1, Sorensen Park Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with said Lot 1, Sorensen Park Second Addition, to be vacated (4910 and 4920 3rd Avenue).

Chairman Dart opened the public hearing.

This item was discussed during the subdivision vacation item no. 1997-05.

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

Moved by McGinnis and seconded by Feusner that the application submitted by Buffalo Surveying Corp. for CFT NV Developments, LLC, for the Final Plat for Sorensen Park Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with said tract of land being Lot 1, Sorensen Park Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with said Lot 1, Sorensen Park Second Addition, to be vacated (4910 and 4920 3rd Avenue) be submitted to City Council with a recommendation for approval.

Roll call resulted as follows: Aye: McGinnis, Dart, Dakan, Feusner, Pandorf, Cochran, Rickard, Yaw. Abstain: None. Absent: Malone. Nay: None. Motion carried.

REVISED PLANNED DEVELOPMENT PLAN NO. 2007-13 – ELKEN SUBDIVISION

Application submitted by CBRE Advisory & Transaction Services for D & M Cowpoke, Inc. for a Revised Planned District Development Plan Approval for the proposed redevelopment of the existing commercial site on property zoned District C-2/PD, Community Commercial District and described as Lot 1, Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (7310 2nd Avenue).

Chairman Dart opened the public hearing.

Mitch Humphrey presented this item to the Planning Commission.

He stated CBRE Advisory & Transaction Services is working on purchasing this property from D & M Cowpoke, Inc. to lease to a tenant. Mr. Humphrey gave a brief history of the development of the subdivision which included when the original PD was created in 2008 and revised in 2012. He continued to describe the site noting the existing buildings,

parking areas, and particulars about the second development agreement such as the planting of trees and to what extent 74th Street was paved with the inclusion of a cul-de-sac. Mr. Humphrey noted the owners in agreement with the City paved approximately 275 feet and dedicate space for future sanitary sewer connections.

Mr. Humphrey shared there is an agreement in place with a dirt contractor to take down the hill behind the building. He then discussed the development agreement noting that due to anticipated uses, it would require modification; however, some items from the original agreement will be carried over to the new agreement such as the request to delay installation of sidewalks and details to bring the site to meet today's standards.

He noted the site is a commercial development and stated the surrounding land uses of residential to the north and east; Dawson Public Power located northeast of the site along the bypass; and a vacant pasture to the east. Mr. Humphrey stated the property's layout could accommodate future commercial development. Mr. Humphrey presented photos of the current site noting how it is well maintained with various landscaping and greenspace features and is served by a well and septic system. Storm water is accounted for and drains off of this site into the storm sewer inlets to the east that leads to the State's drainage ditch.

Mr. Humphrey presented the site plan and noted they are trying to phase the project by gaining development plan approval for a site that includes the existing buildings and plans for future development to the south. The area to the west of the buildings will be used as a material storage yard for the regional communications company with the existing building to be used as office space. He described the outdoor storage area will be enclosed with a 6-foot tall privacy fence and requests the surface be covered in crushed rock or limestone. There will be two access points onto the site with one being a large gate for vehicular traffic where a turnaround would be, and then another one behind the large building. A communications hut will be placed on the north side of the existing building.

The site plan Mr. Humphrey presented also provided information regarding potential ability to provide further storm water detention. Proposed is a drainage cell located outside the fenced area because of the size of the yard and the requirements for the potential user. It will also assist with drainage from the parking areas and eventually lead to the State's drainage ditch. Mr. Humphrey stated that they have enhanced the site with additional parking stalls based upon what they think the second building will be. It will potentially be a use that is compatible with what they are planning to put in the first building. It will not require a large amount of parking.

Chairman Dart asked if it could be a restaurant.

Mr. Humphrey replied it could not be a restaurant because there is not enough parking available.

Chairman Dart asked if Mr. Humphrey is aware of the deviations being requested and the items the City would like taken into consideration.

Mr. Humphrey stated he was aware and outlined the deviations they were requesting and noted improvements the future owners were making. He noted they requested to delay paving the extension of 74th Street with curb and gutter and will instead extend the gravel rock surface of the road to meet or exceed what would be required for access to this site. In addition, they would have a turnaround large enough to accommodate a fire truck or emergency vehicle. He also acknowledged their request to delay such paving with the condition that it would not occur until development of the properties to the north or west.

He stated they are also requesting not to plant additional trees along 74th Street because there is a 15-foot wide easement for a sanitary sewer line and due to this future development believe the trees could be in jeopardy of getting damaged or destroyed. He also stated the reason for delaying the planting of trees along 74th Street is because they could be harmed by chemical drift from adjacent fields. Mr. Humphrey further stated that he does not think the additional trees along 74th Street would make a significant difference as far as the visibility or view from 2nd Avenue.

Mr. Humphrey stated they are requesting to leave the outdoor storage area unpaved and delay the construction of sidewalks. He explained sidewalks are not needed at this time as there is no adjacent connectivity. Lastly, Mr. Humphrey explained additional enhancements to the site such as taking down the hill and additional trees they will be planting along 2nd Avenue above what is required.

Chairman Dart asked if all of the items that have been recommended regarding the deviations are agreeable.

Mr. Humphrey replied all of them are agreeable except the requirement for planting trees along 74th Street. Six trees need to be planted along 74th Street in addition to what is there currently in order for the site to meet code. He does not believe the trees will survive well there.

Chairman Dart asked if they are okay with all of the tree requirements along 2nd Avenue.

Mr. Humphrey stated that they are okay with everything proposed along 2nd Avenue.

Member McGinnis asked how many more trees they are required to plant.

City Planner stated the site requires eleven street trees along 74th Street and there are currently five there now. She then explained the City is requesting the site be brought up to code at base minimum by planting six more trees along that street frontage. Street trees do not have to be planted linearly across a street frontage, they can also be grouped. Any trees they want to provide additionally is per their discretion. However, the City cannot include those as an increase in standards because they are not planting them at the time of development.

Mr. Humphrey agreed with the City Planner's statement the additional trees cannot be counted toward an increase in standards. However, they would not like to plant all of the trees they are proposing along 74th Street at this point in time.

City Planner replied they are not requesting the developer plant all of the trees proposed along 74th Street, they are requesting that the developer plant the six trees needed to bring the site up to code.

Mr. Humphrey noted there is not a place to put the six trees unless they are willing to run the risk of the trees being damaged when 74th Street is extended.

Member Yaw asked if the owner would have to replace them if they got damaged.

Mr. Humphrey replied that is correct. They are just trying to be prudent with the owner's money and look at it from a practical standpoint. Because the proposed location of the trees is a considerable distance away from the highway, they do not think the addition of the trees will enhance anything at this point in time. In the future if there is a development to the north and 74th Street is required to be extended, then they would agree to put the trees in because it makes sense to do so at that time.

Member Yaw asked if the current agreement in place would require 74th Street to be extended and the sidewalks to be put in by May of next year.

Mr. Humphrey replied that is correct.

Member McGinnis asked if the new buildings that were presented are speck buildings.

Mr. Humphrey stated that speck buildings would be a good way to describe what they have presented. He stated that they showed the potential new buildings on the plan because they wanted to gain approval for a future development should that happen. They do not believe that development would happen in the next three to five years, but they wanted to get it approved right now so that they do not have to come back through at a later date and revise the development plan. They are going to do a certain amount of grading on the site to accommodate for the second building and parking lot. Grading the land right now will make it easier to build on in the future.

Member McGinnis asked the City Planner if they were to approve this, what types of businesses could go there that in her opinion would not be compatible.

City Planner stated they have defined per code in the use types chart what they allow within the C-2 zoning district. She agrees with Mr. Humphrey that depending on the business type, some businesses might not be able to see this as a suitable site to use. Some of the allowed uses in the C-2 district would be restricted in their ability to meet site development regulations due to the limitations in parking and site development. The property owners can also put any restrictions onto the property that they want which could

also limit the marketability of the area. What they are getting approved today is a site plan that allows for the potential development of an additional building and parking lot. The development will still have to meet all code requirements for the C-2 zoning district.

Member Dakan asked if the new building could be an additional storage building for the proposed business.

City Planner replied it could be if that is a use type that is allowed within the C-2 zoning district, but they would have to make sure it meets all the site development regulations including things such as parking. They could not change it into an outdoor storage area unless they came back before planning commission to revise the PD plan because that is not what they have indicated.

Member Yaw asked if they can only build the proposed building and anything that deviates from that would have to come back through.

City Planner replied that is correct.

City Planner stated the requests for deviations from code are as follows:

- Delay paving the remainder of 74th Street. The applicant requests to delay paving the remainder of 74th Street frontage until additional development occurs to the north or west. Since an additional outdoor storage area is new to the site, Staff acknowledge the need for the remaining unpaved 74th Street be improved. In lieu of paving the remainder of 74th Street, the applicant will improve the unpaved portion (approximately 355-feet) of 74th Street with an all-weather roadway surface ending in a cul-de-sac. This improved surface will provide secondary access points to the site for emergency services. A new Development Agreement will be executed to stipulate requirements for paving the remainder of 74th Street as is typical with these types of requests.
- Outdoor storage area to remain unpaved. This request is to not require the outdoor storage area to be paved and instead to utilize a crushed rock surface. The applicant will provide the minimum requirement of the code to screen the outdoor storage area along the north, west, south, and east sides connecting to the existing building structures. The screening will be an opaque fence with a minimum height of 6-feet.
- Delay construction of public sidewalks along 74th Street and 2nd Avenue. The applicant requests to delay the construction of sidewalks along 74th Street and 2nd Avenue until additional development in the area warrants their necessity. The area has remained undeveloped except for this site which has no nearby sidewalk connectivity. The City will reserve the right to stipulate the ability to require when installation of the public sidewalks is needed.
- Delay the planting of additional planned street trees along 74th Street. The site has an existing 5 trees and is required to have 11 trees (1 per 50 linear feet of street frontage). As indicated in the landscaping plan, an additional 14 trees are planned along 74th Street. As the landscape plan does not indicate which trees are “additional” or “required”, Staff concludes the remaining unpaved portion of

74th Street will be utilized in such a manner that requires the minimum number of trees be planted. The landscape plan demonstrates the ability to provide the minimum required, 11 trees. The applicant will need to plant 6 trees to meet code requirements. Delaying the planting of additional trees (additional trees above the minimum requirements of code) is agreeable to Staff; however, the “additional” trees cannot be considered an “increase in standards”.

City Planner stated that the site was zoned C-2/PD originally because per code, any site containing four or more acres requires a PD. During the initial development of the site they requested deviations, and they are continuing to ask for deviations. The City now requires an increase in standards per their PD requirements.

City Planner stated Staff’s finding of facts are the revised PD plan has requested deviations from code, but provided increases in minimum standards. The following are the proposed “increases in minimum standards”:

- Along 2nd Avenue, 8 street trees are required per code, 2 currently exist. The applicant proposes to provide an additional 16 trees, which provides a total of 18 trees along the 2nd Avenue street frontage – an increase of 8 trees above the minimum requirement.
- Additional screening of the outdoor storage area by providing additional trees, 11 in total. These will be planted along the outdoor storage area adjacent to the east and southeast side. The proposed opaque 6-foot minimum fence meets the minimum requirement for screening of the outdoor storage area. The provided 11 trees will create additional screening along 2nd Avenue.
- Located within the existing and proposed parking area, 5 additional trees have been proposed to add to the overall general landscaping of the site.
- Additional parking stalls are provided for the development. As the use types have changed at the site, the amount of required off-street parking changed. The proposed new uses require 31 stalls to be provided. The existing parking on site has 29 stalls. Four (4) new parking stalls were indicated within the outdoor storage area which assists with meeting the minimum stalls needed per code while providing an additional 2 stalls. While they have also shown the proposed parking area in front of the proposed future commercial building, it is undetermined when or if the building will be built and the parking be installed. Staff concludes the proposed parking, as presented in the phase 2 development, cannot be counted towards the “increase in standards” request as it does not meet the intention of the Planned Development Overlay District.

This site is being developed to meet the minimum requirements of the Unified Land Development Ordinance for outdoor storage areas and under ground irrigation for landscaping. The revised PD plan demonstrates the ability of existing and proposed development, even with requested deviations, to meet the purpose of the C-2 zoning district. Staff concluded that the request to include additional street trees along 74th Street, additional parking, and proposed phase two development not be considered as increases in standards as they do not meet the intention and purpose of PD overlay district. A new development agreement will be required stipulating the deviation requests and increases

in standards, as well as the conditions for paving the remainder of 74th Street and the installation of sidewalks. The revised PD plan is consistent with 2016 Comprehensive Plan as referenced. Staff recommends approval of the revised PD plan with the deviations and increases in standards as provided in Staff memo

Member Yaw asked if ownership is changing.

City Planner responded it is their understanding that ownership is changing and it will be tied to the development agreement. She stated that 14 years ago when the PD was first created, it would have been feasible that 10 years from then there would be more development in the area, but nothing further has developed.

City Planner stated they have the option to approve the deviations and increases in standards as they are presented, or they can make a motion to recommend approval with the requested additional clarification on the last deviation requesting to delay the planting of the minimum requirement of street trees along 74th Street and acknowledge the increases in standards.

Member Yaw stated the one difference with this project is they do not have a year requirement, they have a development requirement. He asked if that is something that has changed because we do not know how many years will go by before there is any need for it.

City Planner confirmed this and stated they are going to further develop the extension of 74th Street to a surface that will better accommodate the site, especially for their outdoor storage area. Since they have seen no development to the north, west, or south, Staff felt they could potentially put in the development agreement that if necessary the City can require the street go in. This is something they would negotiate with the property owners. The same goes for sidewalks as well. The City has the ability to speed that along even if no development is occurring in the area.

Kenneth Richter, the original Lot 1, Elken Subdivision developer introduced himself to the Board.

Member Yaw asked if there is a way for City Staff to find out if there are any other Development Plans with a timeline of 10 years.

City Planner replied that she could do some research and find out.

Paul Lefave with CBRE introduced himself to the Board and explained he is the commercial real estate agent working to put this project together. He does not represent the seller but works with Great Plains Communications across Nebraska and the Midwest on their expansions. He is working with the ownership group that will hopefully own this property and lease it to Great Plains Communications. They are extensively building in Kearney to provide better service to citizens and businesses. They are also building in regional Nebraska, so this location would be a hub for them and their employees.

Ian Taylor from Great Plains Communication introduced himself to the Board as a representative of the tenants. He stated that they are investing vast amounts of infrastructure into Kearney. They have multiple employees currently living in Kearney, and they plan to hire more. He shared that they are in a tough situation after purchasing U.S.A. Communications. They are currently in their building at 920 E 56th Street. They are also leasing a building south of Ravenna for storage. It is not really conducive for them to do business. If they have to go get materials currently it takes round trip about 45 minutes. Their production would be vastly improved by one central location.

There was no one present in opposition to this hearing.

Chairman Dart closed the hearing.

McGinnis's motion was based on the City's finding of facts.

Moved by McGinnis and seconded by Yaw that the application submitted by CBRE Advisory & Transaction Services for D & M Cowpoke, Inc. for a Revised Planned District Development Plan Approval for the proposed redevelopment of the existing commercial site on property zoned District C-2/PD, Community Commercial District and described as Lot 1, Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (7310 2nd Avenue) be submitted to City Council with a recommendation for approval as presented with the revised planned development plan deviations and increases in standards as provided in Staff memo.

Roll call resulted as follows: Aye: Dart, Dakan, Feusner, Pandorf, Cochran, Rickard, Yaw, McGinnis. Abstain: None. Absent: Malone. Nay: None. Motion carried.

REZONING NO. 2022-12 – YOUNES CENTER EIGHTH ADDITION - WITHDRAWN

Application submitted by Miller & Associates for Peanut Butter & Jelly, LLC, a Nebraska Limited Liability Company and Paul Younes and Linda Younes to rezone from District C-2/PD, Community Commercial/Planned Development Overlay District and District C-2, Community Commercial District to District C-2, Community Commercial District for property described as the West Tract of land being a part of Lot 1, Block Two, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (between 4th Avenue and 6th Avenue, North of 3rd Street).

This item was withdrawn from the agenda by request of the applicant.

PARTIAL SUBDIVISION VACATION NO. 2015-05 – YOUNES CENTER THIRD ADDITION

Application submitted by Miller & Associates for Peanut Butter & Jelly, LLC, a Nebraska Limited Liability Company and Paul Younes and Linda Younes, to vacate Lot 1 and Lot 2, Block Two, Younes Center Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska (311, 407, & 409 W 3rd Street).



COUNCIL AGENDA MEMO

ITEM NO. III - #3 & 4

FROM: *Peggy Eynetich, Deputy City Clerk*

MEETING: *September 13, 2022*

SUBJECT: *Development of Freedom Hill Estates located at 4140 30th Avenue*

NO PRESENTER

The City received notification from the applicant, Buffalo Surveying Corp. for Jared and Mona Axmann, requesting to postpone until September 27, 2022 the public hearing pertaining to the rezoning from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) and for the Final Plat and Subdivision Agreement for Freedom Hill Estates (4140 30th Avenue).

Therefore, a motion will be needed to postpone the public hearings pertaining to the rezoning and Final Plat and Subdivision Agreement for Freedom Hill Estates until September 27, 2022.

Buffalo Surveying Corporation

Mitchell W. Humphrey
President

Mailing Address: PO Box 905 - Kearney, NE 68848-0905
Physical Address: 5308 Parklane Drive, Suite 3 (Parklane Professional Building)

September 2, 2022

Delivery Via Digital Transmittal

City of Kearney
Lauren Brandt, City Clerk
P.O. Box 1080
Kearney, NE 68848-1080

RE: Freedom Hill Estates, a subdivision being part of the Southeast Quarter (SE1/4) of Section Twenty-eight (28), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska.
(Jared E. Axmann and Mona A. Axmann)

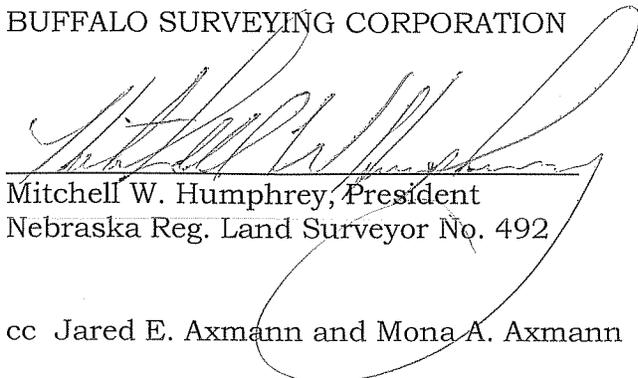
Dear Lauren:

At the request of Mr. and Mrs. Axmann, I am formally requesting all items pertaining to the referenced project (recommended for approval by the Planning Commission on August 19, 2022) and scheduled for hearing before the City Council on September 13, 2022 be postponed from consideration until the next scheduled meeting 2 weeks thereafter.

Please contact me should you have any questions or concerns.

Thank You, Sincerely,

BUFFALO SURVEYING CORPORATION



Mitchell W. Humphrey, President
Nebraska Reg. Land Surveyor No. 492

cc Jared E. Axmann and Mona A. Axmann

E-mail address: Mitch@BuffaloSurveying.com
Phone (308) 237-3785 - Fax (308) 236-7800



COUNCIL AGENDA MEMO

ITEM NO. III - #5

FROM: *Peggy Eynetich, Deputy City Clerk*

MEETING: *September 13, 2022*

SUBJECT: *Withdrawal of Applications for the Development of Sorensen Park Fifth Addition*

NO PRESENTER

On August 29, 2022 the City Clerk's office received notification from the applicant, Buffalo Surveying Corp. for CFT NV Developments, LLC, requesting to withdraw the applications for the public hearings to vacate Lot 1, Sorensen Park Second Addition and the Final Plat for Sorensen Park Fifth Addition, for property located at 4910 and 4920 3rd Avenue.

Therefore, these hearings are withdrawn and no action is needed.

Buffalo Surveying Corporation

Mitchell W. Humphrey
President

Mailing Address: PO Box 905 - Kearney, NE 68848-0905
Physical Address: 5308 Parklane Drive, Suite 3 (Parklane Professional Building)

August 29, 2022

Delivery Via Digital Transmittal

City of Kearney
Lauren Brandt, City Clerk
P.O. Box 1080
Kearney, NE 68848-80

RE: Proposed final plat of Sorensen Park Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska. (Vacation of Subdivision and Final Plat) (4910 and 4920 3rd Avenue, Kearney, NE)

Dear Lauren:

At the request of CFT NV Developments, LLC (property owner), I am formally requesting all items pertaining to the referenced project and recommended for approval by the Planning Commission on August 19, 2022 be "withdrawn" from consideration by the City Council.

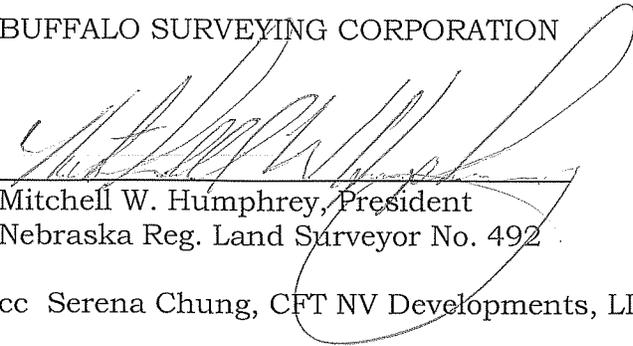
It appears this project will be brought forward and presented to the City in the future.

Please contact me should you have any questions or concerns.

Thank You, I Remain,

Sincerely yours,

BUFFALO SURVEYING CORPORATION



Mitchell W. Humphrey, President
Nebraska Reg. Land Surveyor No. 492

cc Serena Chung, CFT NV Developments, LLC

E-mail address: Mitch@BuffaloSurveying.com
Phone (308) 237-3785 - Fax (308) 236-7800



COUNCIL AGENDA MEMO

ITEM NO. III - #6

FROM: *Andy Harter, Director of Public Works*

MEETING: *September 13, 2022*

SUBJECT: *One and Six Year Street Improvement Plan*

PRESENTER: *Michael Morgan, City Manager*
Andy Harter, Director of Public Works

Discussion:

As you will recall, the Nebraska Department of Transportation (NDOT) required each county and municipality to develop and previously file with the Board of Public Roads Classifications and Standards a long-range, six-year plan of highway, road and street improvements based on priority of needs and calculated to contribute to the orderly development of an integrated statewide system of highways, roads, and streets.

However, effective March 8, 2019, LB82 became law and changed many of the NDOT reporting requirements. As a result of these changes, the City of Kearney is now required to submit a form known as "County or Municipal Annual Certification of Program Compliance" which can be signed by the Mayor. The Nebraska Board of Public Roads Classifications and Standards (NBCS) recommends that the adoption of a municipality's One and Six-Year Plans occur at the time of the finalization of the budget, but no later than September 30th of each year.

City Council has received the proposed plan and, in accordance with Section 39-2119 of the Nebraska Revised Statutes, must conduct a public hearing for soliciting input from the Council and citizens. At the August 23, 2022 City Council meeting, I presented the projects for this year's One and Six Year Plans. Attached is the proposed 2022 One and Six Year Plan for your review.

Fiscal Note:

Funds and/or bonding necessary to pay for the construction of the One Year Transportation Infrastructure Capital Improvement Program Forecast have been included in the 2022-2023 year's budget.

Recommended Action:

Staff also recommends conducting the public hearing and adopting the One and Six Year Street Improvement Plan.

RESOLUTION NO. 2022-178

WHEREAS, the City of Kearney, Nebraska is required by Section 39-2119 of the Nebraska Revised Statutes to adopt a One and Six Year Street Improvement Program.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, at a Public Hearing held at approximately 5:30 p.m. on September 13, 2022 in the Kearney City Council Chambers that the One Year City Street Plan for fiscal year ending September 30, 2023 and the Six Year City Street Plan ending September 30, 2029, are hereby adopted as listed on the Summary of One Year Plan and the Summary of Six Year Plan, marked as Exhibit "A" attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

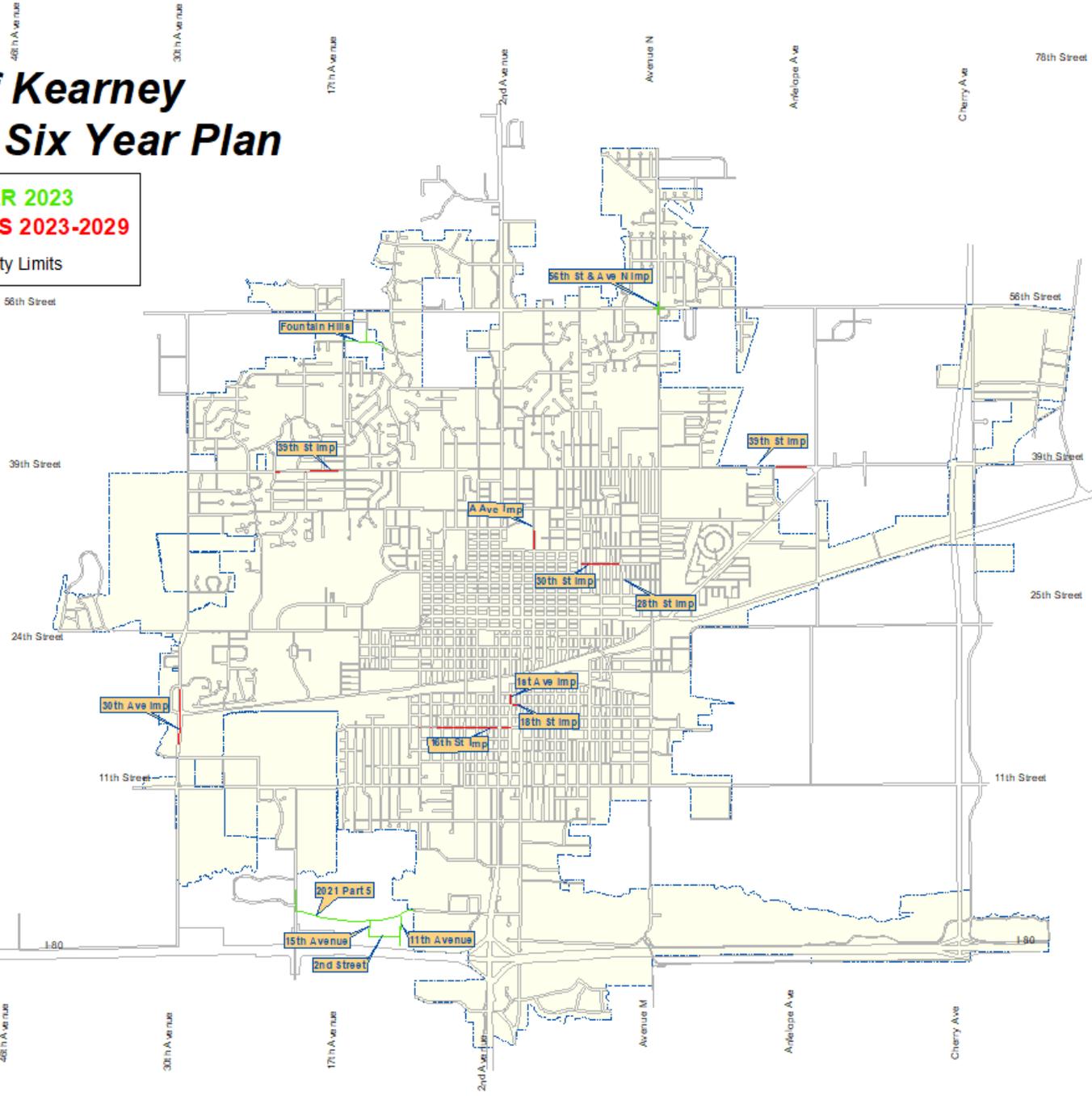
ATTEST:

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

**PEGGY EYNETICH
DEPUTY CITY CLERK**

City of Kearney One & Six Year Plan

— 1 YEAR 2023
— YEARS 2023-2029
 City Limits



City of Kearney PW
 August 2022

SUMMARY OF ONE YEAR PLAN

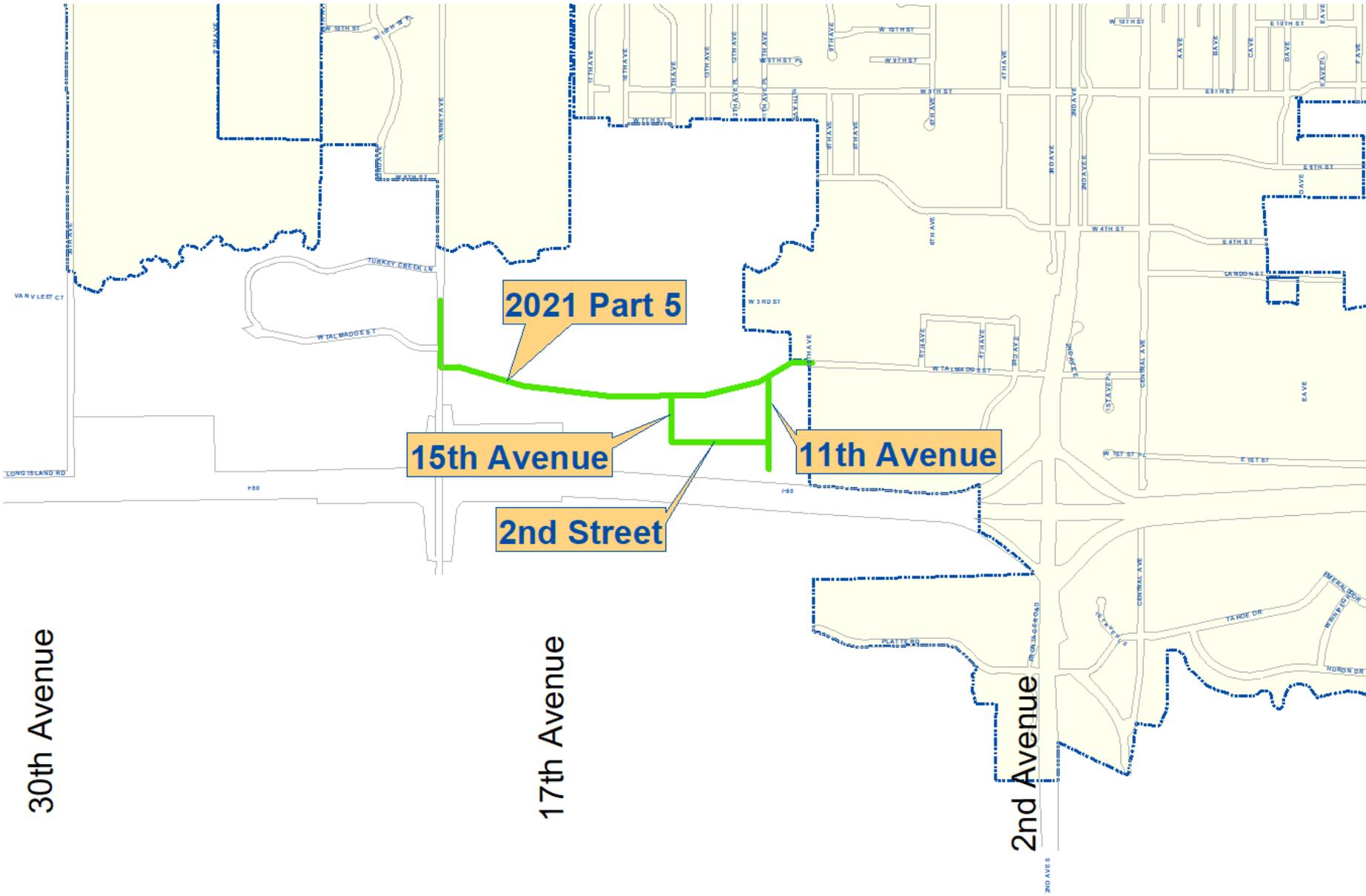
2023

As of

08/23/22

Project Name	Location	Type	Est. Total Cost
2021 Part 5	Talmadge Street and Yanney Avenue	City	\$ 2,600,000.00
2nd Street	300' west of 11th Avenue to 15th Avenue	City	\$ 950,000.00
15th Avenue	Talmadge Street to 2nd Street	City	\$ 350,000.00
56th St Improvements	56th Street & Avenue N Turning Lanes	City	\$ 1,100,000.00
28th St Improvements	28th Street, from Avenue I to Avenue L, 800'	City	\$ 797,000.00
Fountain Hills	54th Street, 11th Avenue to 17th Avenue	Developer	\$ 861,000.00
Fountain Hills	15th Avenue, 575' south of 56th Street to 54th Street	Developer	\$ 265,000.00
2nd Street	11th Avenue to 300' west of 11th Avenue	Developer	\$ 270,000.00
11th Avenue	Talmadge Street to 1st Street	Developer	\$ 680,000.00
		TOTAL	\$ 7,873,000.00

30th Avenue



2021 Part 5

15th Avenue

2nd Street

11th Avenue

2nd Avenue

17th Avenue

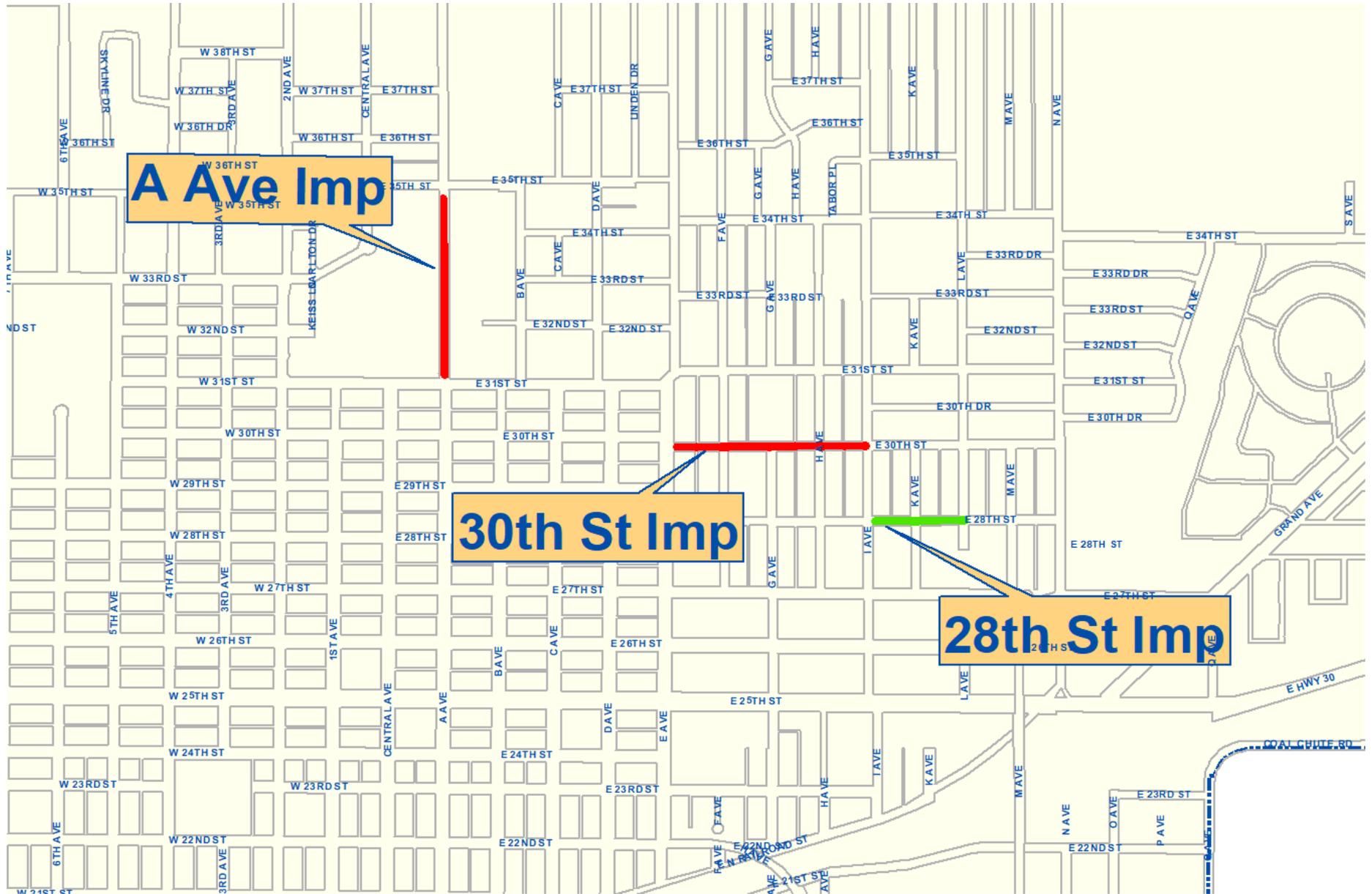
56th St & Ave N Imp



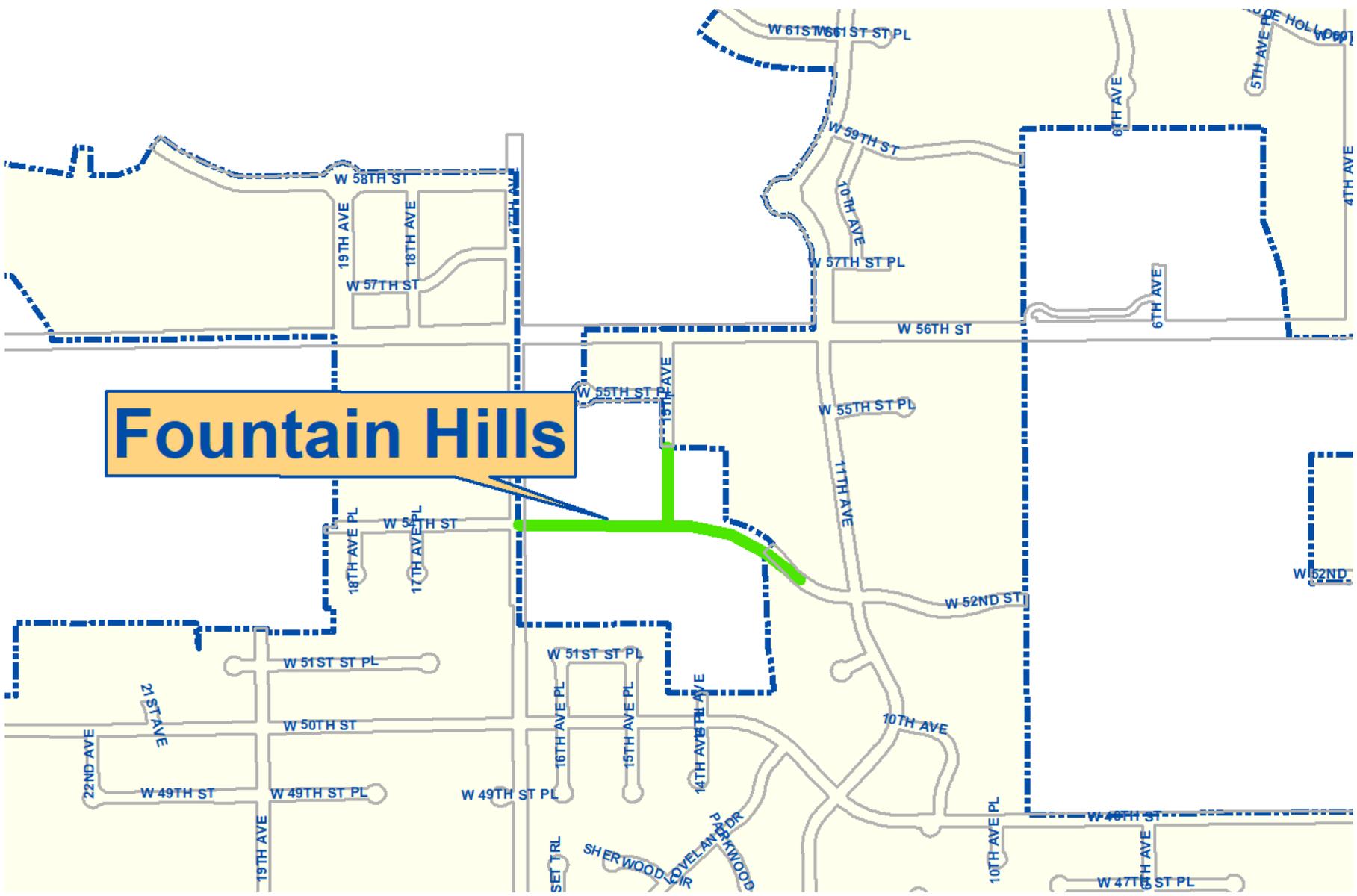
A Ave Imp

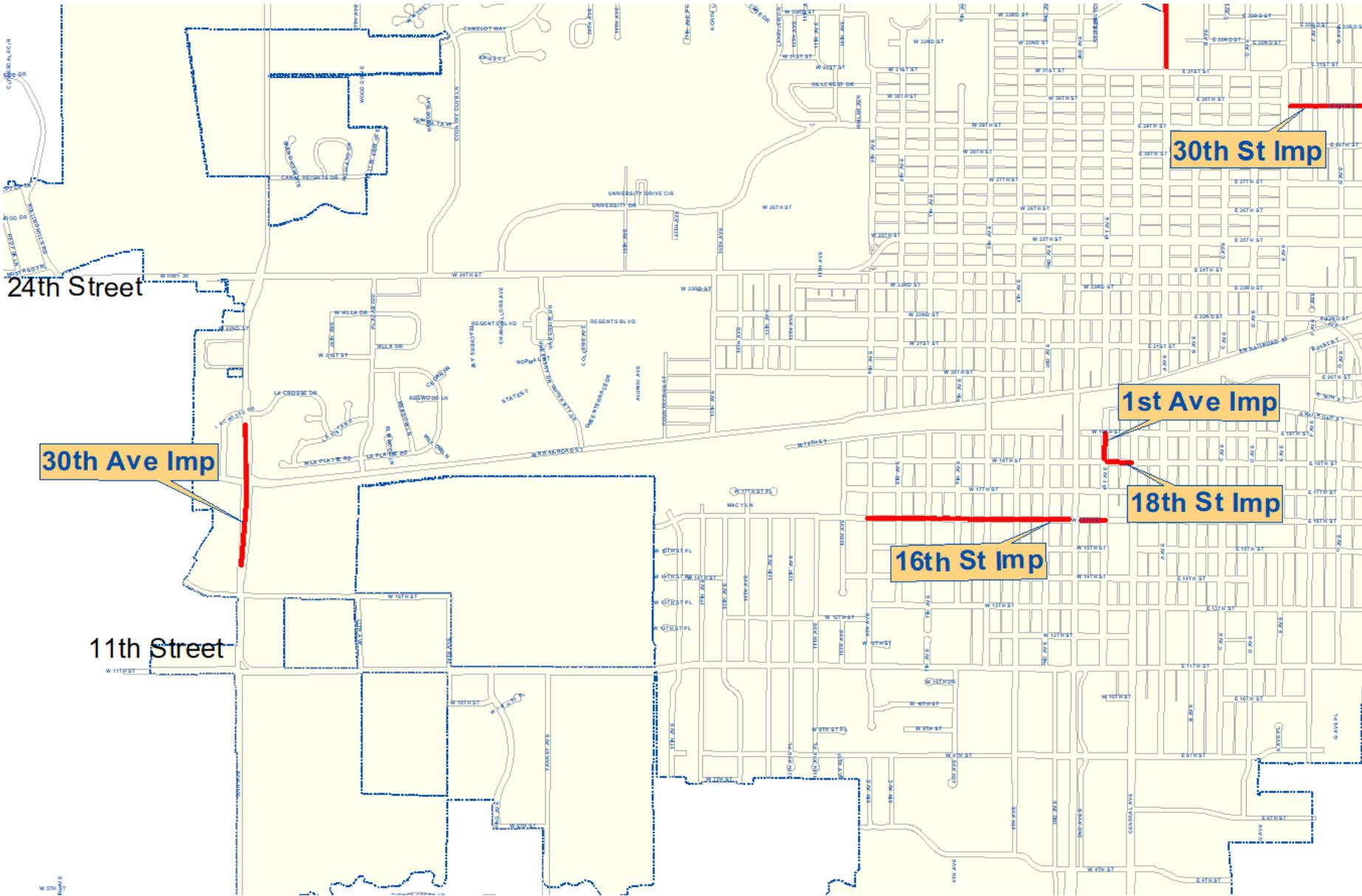
30th St Imp

28th St Imp



Fountain Hills





24th Street

30th Ave Imp

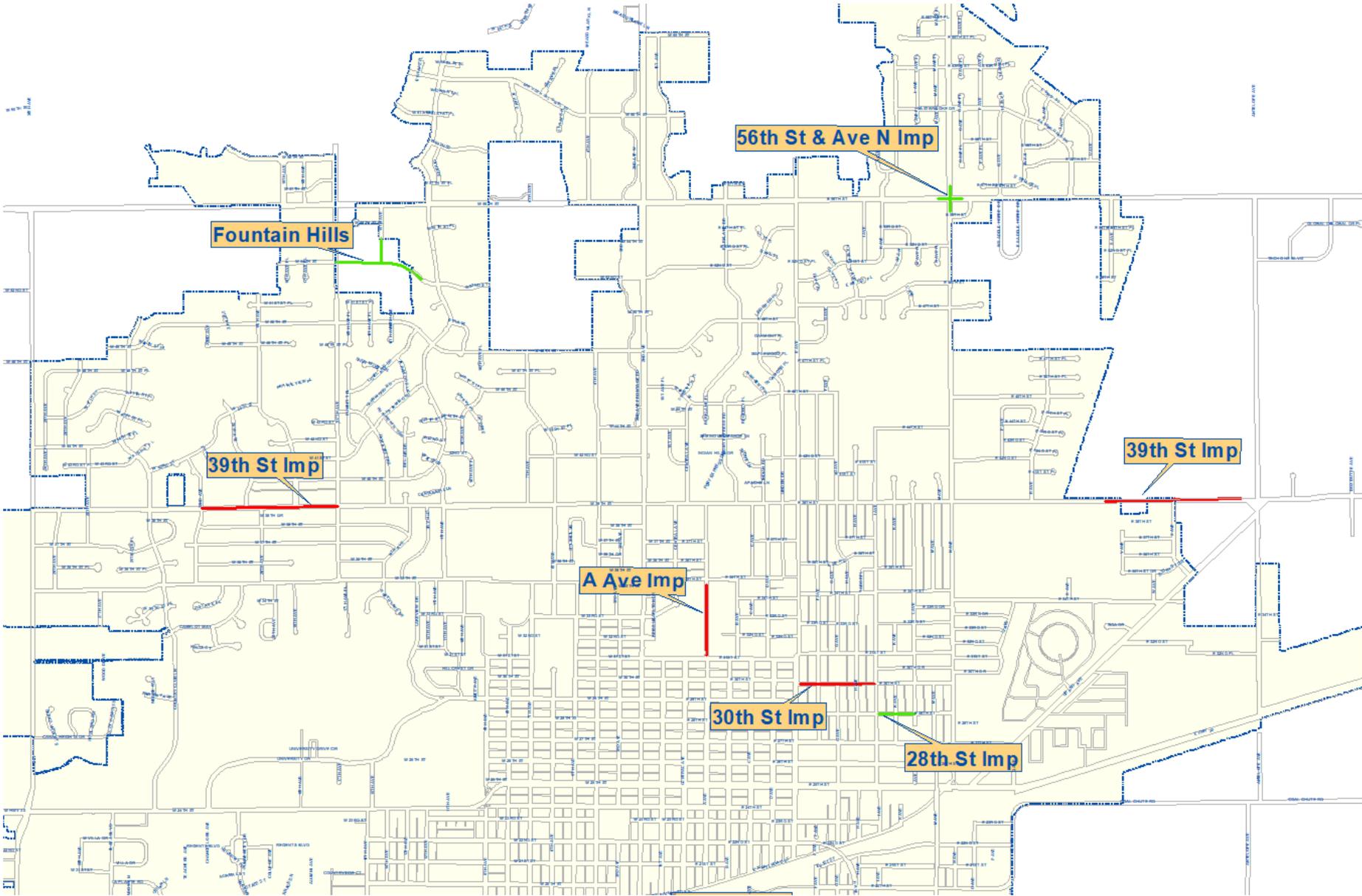
11th Street

30th St Imp

1st Ave Imp

18th St Imp

16th St Imp



Fountain Hills

56th St & Ave N Imp

39th St Imp

39th St Imp

A Ave Imp

30th St Imp

28th St Imp

SUMMARY OF SIX YEAR PLAN

2023-2029

As of

08/23/22

Project Name	Location	Type	Est. Total Cost
18th St Imp	18th Street from Central Avenue to 1st Avenue - Storm	City	\$ 1,164,000.00
1st Ave Imp	1st Avenue from 18th Street to South Railroad Street - Storm	City	\$ 2,300,000.00
30th Ave Imp	30th Avenue Bridge Expansion	City	\$ 2,100,000.00
39th St Imp	39th Street, from 17th Avenue to 22nd Avenue	City	\$ 2,200,000.00
A Ave Imp	Avenue A, from 31st Street to 35th Street, 1280'	City	\$ 1,320,000.00
39th Street Imp	39th Street, from 500' west of R Avenue to X Avenue, 2000'	City	\$ 2,000,000.00
16th St Imp	16th Street, from 5th Avenue to 9th Avenue, 1500'	City	\$ 1,340,000.00
16th St Imp	16th Street, from 1st Avenue to 5th Avenue, 1500'	City	\$ 1,400,000.00
30th St Imp	30th Street, from Avenue E to Avenue I, 1330'	City	\$ 1,380,000.00
TOTAL			\$15,204,000.00

*Kearney, Nebraska
August 23, 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 August 23, 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, Tami James Moore and Jonathan Nikkila. Absent: Bruce Lear. Michael Tye, City Attorney; Kayla James, Director of Finance; Brenda Jensen, Assistant City Manager; Peggy Eynetich, Deputy City Clerk; Tony Jelinek, Director of Utilities; Scott Hayden, Director of Recreational Services; Shawna Erbsen, Director of Administrative Services; Andy Harter, Director of Public Works; Luke Dutcher, Assistant Director of Public Works; Bryan Waugh, Chief of Police and various members of the Kearney Police Department, were also present. Members of the media present included: Mike Konz with the 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 and Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS/ RECOGNITION

OATH OF OFFICE TO POLICE OFFICERS LANE CACEK AND ROBERT LARSEN

Chief Bryan Waugh introduced Officers Lane Cacek and Robert Larsen who were hired in April of 2022. Both attended the Nebraska Law Enforcement Training Center (NLETC) and recently graduated after 15 weeks. Officer Cacek is from Nebraska and is a UNK graduate with a degree in Criminal Justice; he was also an intern with the Nebraska State Patrol. Chief Waugh noted Officer Cacek received the firearms proficiency award at the

NLETC. Officer Larson is originally from Oregon and served in the Marine Corps on active duty until 2019 and is currently a member of the Nebraska National Guard.

PRESENTATION OF LIFE SAVING AWARDS TO KEARNEY POLICE DEPARTMENT OFFICERS JON ALSTROM AND JARED GERDES

Chief Waugh explained the Life Saving Award officially recognizes an exceptional act while in the line of duty with disregard for their own personal safety resulting in the saving of a human life by employees of the Kearney Police Department (KPD). KPD Officers who are selected for this award receive an accommodation that can be worn on their uniform.

Chief Waugh recognized Officer Jared Gerdes, for his heroic actions on June 6, 2022 when responding to a medical call at the MONA parking lot. A construction accident in the parking lot had resulted in the severing of a worker's leg. Officer Gerdes' calm demeanor and quick thinking allowed him to use his recent tactical medical training to apply a tourniquet to stop the bleeding before emergency personnel arrived on the scene.

Chief Waugh also presented Officer Gerdes and Officer Jon Alstrom with the Lifesaving award due to their heroic actions that also occurred on June 6, 2022. Officers Alstrom and Gerdes responded to a rescue call for an unresponsive 75-year old female. Both officers used their life saving training to preform CPR and Officer Gerdes administered a life saving shock with an AED. The revived patient was transported to Good Samaritan Hospital.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

PUBLIC HEARING ON PROPOSED ISSUANCE OF A MULTIFAMILY MORTGAGE REVENUE NOTE BY THE KEARNEY HOUSING AGENCY

Mayor Clouse opened the public hearing and stated now is the time and place set for the public hearing to be conducted pursuant to Section 147(f) of the Internal Revenue Code of 1986 with respect to the financing by the Kearney Housing Agency (hereinafter referred to as the "Agency") of its Multifamily Housing Revenue Notes (Prairie View Apartments Project) Series 2022A in an initial principal amount not exceeding \$8,900,000 issued in one more series (hereinafter referred to as the "Bonds"). Specifically, the Agency is considering the issuance of the Bonds on behalf of Prairie View Apartments LLC (the "Applicant"). The proceeds of the Bonds will be used by the Applicant for the purpose of financing or refinancing a portion of the costs of acquisition, rehabilitation, construction and equipping of a multifamily housing project known as Prairie View Apartments located at 211 East 8th Street in the City of Kearney, Nebraska 68847 containing approximately 97 housing units (the "Project").

Mayor Clouse asked, "Is there anyone present who wishes to comment with respect to the issuance of the Agency's Bonds? Members of the public are invited to comment with respect to the Applicant, the proposed Project, or the issuance by the Agency of the Bonds. Is there anyone present who wishes to comment with respect to the Project or the issuance of the Agency's Bonds to provide financing for the Project?"

After hearing no comments, Mayor Clouse stated, "Let the minutes of this hearing reflect that no one has appeared at this hearing to comment on the Applicant, the Project, or the issuance of the Bonds to provide financing for the Project, and no written comments have been received prior to this hearing."

He concluded by stating, "The Public Hearing with respect to the Applicant, the Project, and the issuance of the Bonds to provide financing for the Project is now concluded."

PROPOSED ACQUISITION FOR A PERMANENT 66.00-FEET RIGHT-OF-WAY AND UTILITY EASEMENT

Public Hearings 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent 66.00-Foot Right-of-Way and Utility Easement granted by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee for a strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (dedicated for Permanent Right-of-Way & Utility Easement purposes) and consider Resolution No. 2022-159.

Anton Jelinek, Director of Utilities presented this matter to the Council. Mr. Jelinek stated the easements are needed for future development and to provide ingress and egress to the area.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2022-159 approving the proposed acquisition for a Permanent 66.00-Foot Right-of-Way and Utility Easement granted by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee for a strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (dedicated for Permanent Right of Way & Utility Easement purposes). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2022-159

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has

authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Right-of-Way and Utility Easement voted in favor to proceed with the acquisition; and

WHEREAS, Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee, have granted to the City of Kearney, Nebraska a Permanent Right-of-Way and Utility Easement as follows:

PERMANENT 66.00-FEET RIGHT-OF-WAY & UTILITY EASEMENT

A strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Right of Way & Utility Easement purposes. Said 66.00 feet wide Permanent Right of Way & Utility Easement to be 33.00 feet on each side of following described centerline: Commencing at the Northwest Corner of the Northwest Quarter of Section 26; thence S 00°19'13" W on the West line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 1006.90 feet; thence S 89°40'44" E a distance of 778.97 feet; thence N 00°21'43" E a distance of 33.00 feet to the POINT OF BEGINNING; thence continuing N 00°21'43" E a distance of 371.42 feet to the Point of Termination on the centerline of 15th Avenue as dedicated in Fountain Hills Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska. The side lines of said 66.00 feet wide Permanent Right of Way & Utility Easement to be lengthened or shortened to form a continuous strip. Said 66.00 feet wide Permanent Right of Way & Utility Easement contains 0.51 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Right-of-Way and Utility Easement granted by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

PROPOSED ACQUISITION FOR A PERMANENT 66.00-FEET WIDE RIGHT-OF-WAY AND UTILITY EASEMENT

Public Hearings 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent 66.00-Foot Wide Right-of-Way and Utility Easement granted by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of GRAND WEST, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee for a strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, (dedicated for Permanent Right- of-Way & Utility Easement purposes) and consider Resolution No. 2022-160.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2022-160 approving the proposed acquisition for a Permanent 66.00-Foot Wide Right-of-Way and Utility Easement granted by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of GRAND WEST, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee for a strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, (dedicated for Permanent Right of Way & Utility Easement purposes. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2022-160

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Right-of-Way and Utility Easement voted in favor to proceed with the acquisition; and

WHEREAS, Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee, have granted to the City of Kearney, Nebraska a Permanent Right-of-Way and Utility Easement as follows:

PERMANENT 66.00-FEET RIGHT-OF-WAY & UTILITY EASEMENT

A strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Right of Way & Utility Easement purposes. Said 66.00 feet wide Permanent Right of Way & Utility Easement to be 33.00 feet on each side of following described centerline: Commencing at the Northwest Corner of the Northwest Quarter of Section 26; thence S 00°19'13" W on the West line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 1006.90 feet; thence S 89°40'44" E a distance of 33.00 feet to the POINT OF BEGINNING on the East line of 17th Avenue. thence continuing S 89°40'44" E a distance of 922.66 feet; thence Southeasterly on a tangent curve to the Right having a central angle of 43°24'27", a radius of 500.00 feet, an arc length of 378.80 feet, and a chord bearing of S 67°58'31" E a distance of 369.81 feet to the Point of Termination on the centerline of 52nd Street as

dedicated in Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Said 66.00 feet wide Permanent Right of Way & Utility Easement contains 1.97 acres, more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Right-of-Way and Utility Easement granted by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee, to the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easement, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

PROPOSED ACQUISITION FOR A PERMANENT 20.00-FEET WIDE TRAIL RIGHT-OF-WAY EASEMENT

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent 20.00-Foot Wide Trail Right-of-Way Easement granted by Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation for a tract of land being part of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska (dedicated for Permanent Easement purposes) and consider Resolution No. 2022-161.

Scott Hayden, Director of Recreational Services presented this matter to the Council. A slight easement adjustment is needed for trail construction purposes to connect the trail from 42nd Street to 39th Street. Council Member Jonathan Nikkila questioned what the long-term plan is for the trail connection? Mr. Hayden explained the trail connection will provide access to existing trails and to a future park being developed in cooperation with the Lighthouse Point Homeowners Association.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Buschkoetter to close the hearing and adopt Resolution No. 2022-161 approving the proposed acquisition for a Permanent 20.00-Foot Wide Trail Right-of-Way Easement granted by Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation for a tract of land being part of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska (dedicated for Permanent Easement purposes. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2022-161

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent Trail Right-of-Way Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Jason Herrmann, Chairman of Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation has granted to the City of Kearney, Nebraska a Permanent Trail Right-of-Way Easement as follows:

PERMANENT TRAIL RIGHT-OF-WAY EASEMENT

A 20.00-foot wide Permanent Easement for Trail purposes being part of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Permanent Easement purposes. Said 20.00 foot wide Permanent Easement to be 10.00 feet on each side of the following described centerline: Commencing at the Southwest corner of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°47'02" E on the South line of said Lot 4, and all bearings contained herein are relative thereto, a distance of 180.69 feet to the POINT OF BEGINNING; thence continuing N 54°39'25" E a distance of 20.45 feet; thence on a tangent curve to the Left having a central angle of 54°12'51", a radius of 50.00 feet, an arc length of 47.31 feet, and a chord bearing of N 27°33'00" E a distance of 45.57 feet; thence N 00°26'34" E a distance of 110.70 feet; thence on a tangent curve to the Left having a central angle of 17°17'12", a radius of 100.00 feet, an arc length of 30.17 feet, and a chord bearing of N 08°12'02" W a distance of 30.06 feet; thence N 16°50'38" W a distance of 12.41 feet; thence on a tangent curve to the Right having a central angle of 50°39'53", a radius of 75.00 feet, an arc length of 66.32 feet, and a chord bearing of N 08°29'19" E a distance of 64.18 feet; thence N 33°49'15" E a distance of 10.89 feet; thence on a tangent curve to the Left having a central angle of 33°22'41", a radius of 100.00 feet, an arc length of 58.26 feet, and a chord bearing of N 17°07'55" E a distance of 57.44 feet; thence N 00°26'34" E a distance of 72.98 feet; thence on a tangent curve to the Left having a central angle of 06°30'06", a radius of 200.00 feet, an arc length of 22.70 feet, and a chord bearing of N 02°48'29" W a distance of 22.68 feet; thence N 06°03'32" W a distance of 32.85 feet; thence on a tangent curve to the Right having a central angle of 18°50'57", a radius of 100.00 feet, an arc length of 32.90 feet, and a chord bearing of N 03°21'57" E a distance of 32.75 feet; thence N 12°47'25" E a distance of 14.95 feet; thence on a tangent curve to the Left having a central angle of 12°20'51", a radius of 200.00 feet, an arc length of 43.10 feet, and a chord bearing of N 06°37'00" E a distance of 43.02 feet; thence N 00°26'34" E a distance of 101.87 feet; thence on a tangent curve to the Left having a central angle of 17°27'35", a radius of 100.00 feet, an arc length of 30.47 feet, and a chord bearing of N 08°17'13" W a distance of 30.36 feet; thence N 17°01'01" W a distance of 7.14 feet to the Point of Termination on the North line of said Lot 4, Block 8 of said Lighthouse Point. The side lines of said 20.00 feet wide Permanent Easement to be lengthened or shortened to form a continuous strip. Said 20.00 feet Permanent Easement contains 0.33 acres, more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Trail Right-of-Way Easement granted by Jason Herrmann, Chairman of Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation to the City of Kearney be and are hereby approved and accepted.

BE IT FURTHER RESOLVED that recognizing that, after the date of this Resolution, circumstances may arise necessitating minor changes, additions or deletions to the specific legal description of the said Easements, the Mayor is hereby authorized to make such minor changes, additions or deletions to the legal description as the Mayor deems reasonable or necessary.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 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 Subsection 1 through 17 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

- 1. Approve Minutes of Regular Meeting held August 9, 2022.
- 2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental
 - CO Capital Outlay
 - DS Debt Service

5G Store \$1,103.99 co; Acushnet \$4,086.35 smcs; Ag Land ATV \$1,867.05 smcs; Alert All \$1,865.00 smcs; All Makes Auto \$1,360.05 smcs; All Temp Refrigeration \$1,800.00 smcs; Allavionics \$1,999.95 co; Allianz Travel \$52.00 smcs; Ally B \$400.00 smcs; Amax Contracting \$304.00 co; Amax Contracting \$1,488.00 co; Amazon \$24,672.08 smcs,co; American Airlines \$546.21 smcs; American Assn. Notaries \$29.90 smcs; American Button \$256.53 smcs; American Fence \$146.88 smcs; American Legion \$25.90 smcs; American Library Assn. \$298.00 smcs; American Planning \$100.00 smcs; American Red Cross \$636.00 smcs; Anderson, T \$260.97 smcs; Anetik \$25.00 smcs; Animoto \$264.00 smcs; Apple Market \$20.82 smcs; Apple.com \$107.91 smcs; APW Distributing \$109.00 smcs; Aramark Uniform \$555.98 smcs; Archery Education \$69.00 smcs; Asian Garden \$22.21 smcs; Ask Supply \$3,199.38 smcs; ATT \$1,121.12 smcs; Aurora Coop \$504.00 smcs; Aussie Hydraulics \$25.28 smcs; Authorize,net \$10.00 smcs; Auto Value \$167.10 smcs; AV Fuel \$98,226.66 smcs; Avenue F Storage \$104.00 smcs; Avis Rent-A-Car \$76.53 smcs; B&H Photo \$4,968.21 smcs,co; Baird Holm \$1,342.50 smcs; Baker & Taylor \$6,347.95 smcs; Ballard \$113.98 smcs; Bartholomew,A \$25.00 smcs; Battery Junction \$105.68 smcs; Benben,A \$59.37 smcs; Blackburn Manufacturing \$387.96 smcs;

Blackstone Library \$1,994.93 smcs; BlueCross BlueShield \$12,995.90 smcs; Books Galore \$6,047.98 smcs; Bosselman \$1,438.90 smcs; BossFuels \$60,628.94 smcs; BP \$69.07 smcs; Brand Mgmt. \$881.97 smcs; Brite \$2,928.00 smcs; Broadfoot's \$202.50 smcs; Brown Construction \$223,452.35 co; BSN Sports \$818.11 smcs; Buffalo Co. Court \$416.97 ps; Buffalo Co. Redi-Mix \$6,794.00 co; Buffalo Co. Sheriff \$722.80 smcs; Buffalo Outdoor Power \$1,508.65 smcs; Builders \$1,346.55 smcs,co; Burger King \$11.56 smcs; Burglund,D \$56.09 smcs; Cal/Amp \$781.55 smcs; Candlewood Suites \$153.37 smcs; Canva \$12.95 smcs; Carquest \$55.74 smcs; Cash Wa \$4,581.42 smcs; CB Store \$84.85 smcs; Cellebrite \$289.00 smcs; Cenex \$69.35 smcs; Central Hydraulic \$317.64 ps; Central NE Bobcat \$1,184.30 smcs,co; Central NE Rehab \$200.00 smcs; Chemsearch \$347.00 smcs; Chesterman \$2,055.52 smcs; Cintas \$231.52 smcs; CIT Int'l \$450.00 smcs; City Glass \$129.95 smcs; City of KY \$31,017.73 smcs, ps; CNA Surety \$160.00 smcs; CNRA Parking \$10.00 smcs; Comm. Action Partnerhsip \$1,257.50 smcs; Community Partners \$2,500.00 smcs; Compute North \$152,477.44 smcs; Consolidated Mgmt. \$1,272.73 smcs; Constantcontact.com \$45.00 smcs,co; Construction Rental \$2,270.54 co; Control Yours \$100.00 smcs; Copycat \$38.00 smcs; Core & Main \$88.56 smcs; Cottonmill Enterprises \$2,550.00 smcs; Countie,M \$23.04 smcs; Court Reserve \$101.45 smcs; Crane River Theater \$939.00 smcs; Cricut \$1.89 smcs; Critical Hire \$100.00 smcs; Crouch Recreation \$12,198.00 co; Culligan \$297.00 smcs; Cummins \$1,925.41 smcs; Cutter & Buck \$1,144.60 smcs; Dan's Plumbing \$2,160.24 smcs; Dawson Public Power \$49,792.56 smcs; Daylight Donuts \$53.96 smcs; Del City \$238.30 smcs; Dell \$3,528.53 smcs,co; Deterding's \$8,108.98 smcs; Dingle,C \$5.43 smcs; Dish \$358.23 smcs; Dollar General \$183.19 smcs,co; Domino's \$64.73 smcs; Duncan Theis Const. \$61,504.20 smcs; Dunkin Donuts \$62.64 smcs; Eagle Distributing \$2,226.40 smcs; Eakes \$2,540.69 smcs; Earl May \$78.53 smcs; Easy Picker Golf \$217.00 smcs; Echo Electric \$130.54 smcs; Ecolab \$112.36 smcs; Eileen's Cookies \$96.00 smcs; Elder,E \$204.00 smcs; Elliott Equipment \$6,976.92 smcs; Embassy Suites \$117.30 smcs; Emblem Authority \$705.00 smcs; Emlab \$934.00 smcs; Enterprise \$178.84 co; Epic Sports \$274.07 smcs; ESRI \$2,250.00 smcs; Expedia \$161.80 smcs; Eyemed \$1,590.99 smcs; EZ Turf \$368.05 smcs; Facebook \$32.78 smcs; Fairbanks Scales \$7,458.47 smcs; Fairfield Inn \$383.86 smcs; Family Fresh \$31.66 smcs; Fastenal \$484.75 smcs; FBI Retail \$342.93 smcs; Fedex \$100.46 smcs; Fiddelke \$4,774.35 smcs; Find It Parts \$824.40 smcs; Fire Safety Education \$513.95 smcs; First National Bank \$50.00 smcs; Flashlight Dealer \$18.30 smcs; Flightaware \$1,000.00 smcs; Flint Hills Fire \$498.76 smcs; Frontier \$7,390.23 smcs; Fun Express \$72.92 smcs; Gale \$634.38 smcs; Galeton \$320.83 smcs; Gall's \$821.11 smcs; Garrett Tires \$9,433.03 smcs; Gaylord Rockies Resort \$3,772.74 smcs; GD Concrete \$24,424.50 co; Gerdes,J \$204.00 smcs; Giordanos \$29.63 smcs; Global Industrial \$254.60 smcs; Good Evans \$103.99 smcs; Gough,M \$644.30 smcs; GPM Pump \$2,925.26 smcs; Graczyk Lawn \$1,532.04 smcs; Graf,L \$3.98 smcs; Graham Tire \$1,075.83 smcs; Grainger \$1,326.10 smcs,co; Grand Koukota \$96.05 smcs; Great Plains Comm. \$821.91 smcs; Greenpartsstore.com \$97.93 smcs; Harbor Freight Tools \$464.22 smcs; Harley Davidson \$1,299.14 smcs; Haussler,D \$43.19 smcs; Hawkins,J \$47.85 smcs; Heartland Motor Sports \$133.90 smcs; Heiman Fire \$832.52 smcs; Hellmuth,B \$113.97 smcs; Hobby-Lobby \$109.68 smcs; Holiday Inn Express \$810.42 smcs; Holmes Plumbing \$2,408.94 smcs,co; Home Depot \$3,617.89 smcs,co; Hometown Leasing \$159.08 smcs; Hub Int'l \$6,598.08 smcs; Huhman,S \$58.12 smcs; Hunter Industries \$109.00 smcs; Husker Irrigation \$1,060.76 smcs; Hy-Vee \$813.39 smcs; IAI \$515.00 smcs; ID Security Online \$545.00 smcs; Iflight Planner \$149.99 smcs;

Inland Truck Parts \$239.44 smcs; Interstate Batteries \$781.00 smcs; Invoicehome.com \$5.00 smcs; IRS \$192,033.98 ps; Island Sprinkler \$3,370.49 smcs; Island Supply \$126.00 smcs; ITR Eastpoint Tolls \$10.00 smcs; Jack Lederman \$998.67 smcs; Jackson Services \$379.58 smcs; Jacobs,T \$68.85 smcs; JCB Delivery \$531.00 smcs; Jerry Davidson Plumbing \$130.00 smcs; Jimenez,S \$10.73 smcs; Johnson Brothers \$2,618.57 smcs; Johnstone Supply \$1,022.20 smcs,co; Kanopy \$916.00 smcs; KY Ace \$259.77 smcs,co; KY Animal Shelter \$11,350.60 smcs; KY Concrete \$17,450.78 co; KY Crete & Block \$1,112.56 smsc,co; KY Literacy Council \$1,500.00 smcs; KY Winlectric \$9,873.03 smcs,co; KY Winnelson \$3,555.24 smcs; Kelly Supply \$1,114.14 smcs; Konica Minolta \$713.72 smcs; Kowalski, Stephanie \$4.78 smcs; Krutsinger,Z \$75.00 smcs; Kum & Go \$119.11 smcs; Landmark Implement \$2,023.89 smcs; LCL Truck Equipment \$10,990.00 co; League NE Municipalities \$110.00 smcs; Lee NE Media \$3,455.14 smcs; Lerner \$143.96 smcs; Lincoln Phone Parking \$1.18 smcs; Little USA \$9.68 smcs; Logan Contractors \$116.80 smcs; Logo Brands \$399.42 smcs; Love's \$65.54 smcs; Lulzbot \$364.54 smcs; Lundeen-Isaacson \$2,874.48 ps; Macqueen Equipment \$16,929.09 smcs; Makit Products \$244.90 smcs; Marathon Petro \$95.58 smcs; Marios Restaurant \$10.70 smcs; Marlatt Machine \$968.20 co; Marshall,I \$100.00 smcs; Marshall,T \$62.00 smcs; Masek Golf Car \$661.37 smcs; Masters True Value \$570.74 smcs,co; Matai \$500.00 smcs; Matheson \$265.34 smcs; McCartney, Erin Trustee \$227.00 ps; McCurry,R \$5.45 smcs; McDonald's \$7.54 smcs; Mefferd,E \$592.00 smcs; Menards \$11,071.96 smcs,co; Merrill Company \$985.90 smcs; Microfilm Imaging \$8,320.00 co; Midland Contracting \$10,986.36 co; Midland Scientific \$276.32 smcs; Midwest Breathing \$385.03 smcs; Midwest Connect \$159.00 smcs; Miller & Associates \$642.88 co; Miller Signs \$1,780.00 smcs; Mirror Image \$10.00 smcs; Mission Square \$7,566.20 ps; Mobile Pro Shop \$51.88 smcs; Monoprice \$213.99 smcs; Moonlight Embroidery \$2,440.00 smcs; MPLC.org \$275.97 smcs; Municipal Supply \$20,648.92 smcs; Naval Surface Warfare \$2,100.00 smcs; NCH Software \$41.42 co; NDEQ \$40.00 smcs; NE Child Support \$1,764.50 ps; NE Dept. Revenue \$51,112.67 smcs; NE Generator \$4,413.69 smcs; NE Golf Assn. \$207.00 smcs; NE Machinery \$250.54 smcs; NE Safety & Fire \$135.00 smcs; NE Salt & Grain \$12,730.55 smcs; NE Truck Center \$3,691.57 smcs; NE Turf Assn. \$80.00 smcs; Nebraskaland Distributing \$1,115.00 smcs; Network Solutions \$9.97 smcs; NI NDA Device \$60.50 smcs; NI State Payport \$107.61 smcs; Nick's Farm Store \$493.73 smcs; Nies,D \$2.64 smcs; Northern Safety \$71.04 smcs; Northwestern Energy \$3,451.90 smcs; Northwoods Humidors \$254.99 smcs; Norton,N \$15.35 smcs; Novus \$45.00 smcs; NRG Media \$422.00 smcs; Nutrien Ag \$3,349.79 smcs; OCLC \$816.57 smcs; Officemax \$2,000.13 smcs; Ohio Turnpike \$19.00 smcs; Olsson \$975.00 co; One Call Concepts \$738.68 smcs; Onlinecomponents.com \$193.27 smcs; O'Reilly Auto \$2,060.07 smcs; Orscheln \$1,082.35 smcs; Outdoor Recreation \$2,951.00 co; Palmer,L \$22.02 smcs; Panera \$156.34 smcs; Paper Tiger Shredding \$50.00 smcs; Payflex \$540.00 smcs; Paypal \$334.73 smcs; Pedraza,M \$23.04 smcs; Peerless Machine \$19,257.00 smcs; Penworthy \$518.92 smcs; Pep Co. \$574.68 smcs; Peppmuller,J \$38.38 smcs; Petsmart \$315.86 smcs; Phillips 66 \$69.17 smcs; Piada-13 \$32.70 smcs; Pickleball Central \$179.63 smcs; Pitney Bowes \$576.99 smcs; Platinum Awards \$99.27 smcs; Platte Valley Auto Mart \$715.80 smcs; Platte Valley Comm. \$877.21 smcs; Pool Supply \$455.32 smcs; Pool,M \$36.21 smcs; Poolweb.com \$85.24 smcs; Posguys.com \$216.00 co; Prairie Meadows Hotel \$433.44 smcs; Presto-X \$439.12 smcs; ProQuest \$480.15 smcs; PSI Services \$525.00 smcs; Qdoba \$62.87 smcs; Quill \$611.25 smcs; Radwell Int'l \$373.90 smcs; Rasmussen Mechanical \$1,114.40 smcs; RDG \$23,808.09 co; Ready Mixed

Concrete \$13,507.35 co; Reams \$2,316.65 smcs; Redbox \$7.98 smcs; Redman's Shoes \$244.99 smcs; Reed,T \$12.64 smcs; Register FAA \$25.00 smcs; Reinke's \$279.53 smcs; Rentokil \$537.60 smcs; Republic Nat'l Distributing \$684.82 smcs; Rinder Printing \$937.08 smcs; Rogue Training \$2,000.00 smcs; Rose,D \$62.50 smcs; Roundhouse Bunker \$297.70 smcs; Rowe,L \$673.50 smcs; Sahling Kenworth \$57.85 smcs; Sam's Club \$170.25 smcs; Sandhill Plastics \$169.96 smcs; Sanitation Products \$2,522.43 smcs; Saylor Screenprinting \$40.00 smcs; Schwan's Home \$4,399.20 smcs; See Clear Cleaning \$1,300.00 smcs; Sensit Technologies \$599.69 smcs; Sequel Bookshop \$400.00 smcs; Session Support \$320.00 smcs; Shell Oil \$45.05 smcs; Sherwin William \$6,116.32 smcs; Shredding Solutions \$50.03 smcs; Sign Center \$130.29 smcs; Siteone Landscape \$54.67 smcs; Smartsign \$295.32 smcs; Sonic \$34.14 smcs; Southern Glazer's \$2,613.00 smcs; Speck,S \$36.76 smcs; Spectrum \$1,085.22 smcs; Steinbrink's \$2,904.01 smcs; Steinbrook,S \$673.50 smcs; Stutsman \$2,196.00 smcs; Sunoco \$108.33 smcs; Surplus Center \$195.90 smcs; Swearingen, Cameron \$20.81 smcs; Sykes,L \$14.83 smcs; Target \$666.63 smcs,co; Tennis Warehouse \$41.95 smcs; Tifosi Optics \$451.24 smcs; Titan Machinery \$444.00 smcs; TK Elevator \$496.60 smcs; Tractor-Supply \$1,129.36 smcs; Transunion \$110.40 smcs; Trausch Dynamics \$1,120.83 smcs; Traveler's \$638.50 smcs; Tri City Concrete \$7,904.00 co; Tri Co Glass \$31.00 co; Triple I Solutions \$790.00 smcs; Turner Body Shop \$100.00 smcs; UASidekick \$169.52 smcs; Uber \$99.58 smcs; Uline \$149.19 smcs; Union Bank & Trust \$93,323.02 ps; Unique \$302.90 smcs; UPS \$150.60 smcs; US Airmotive \$383.85 co; USPS \$273.36 smcs; Van Diest \$1,673.75 smcs; Veto Pro Pac \$144.99 smcs; Village Services \$287.23 smcs; Volaire Aviation \$4,000.00 smcs; VVS \$61.22 smcs; Walgreens \$27.71 smcs; Wal-Mart \$5,552.37 smcs,co; Watkins,S \$5.30 smcs; Webstaurant Store \$307.55 smcs; Wee-Cycle \$20.00 smcs; Wells,K \$100.00 smcs; Wengler,K \$50.00 smcs; Wilcac Life Ins. \$10.00 ps; Wilkins ADP \$982.80 co; Wilson Sporting Goods \$2,146.10 co; Wonder Ride \$299.00 co; World Book \$3,547.00 smcs; WPCI \$798.00 ps; WS Darley Co. \$1,747.82 smcs; WT Cox Information \$237.36 smcs; Yeti \$3,249.00 smcs; Young,M \$351.00 smcs; YouTube TV \$116.02 smcs; Zero Waste USA \$1,157.88 smcs; Zoro Tools \$204.46 smcs; Payroll Ending 08/13/2022 - \$609,372.61. 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 September 13, 2022 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2022-162 approving the final allocation of levy authority in the amount of \$146,450 for the Community Redevelopment Authority of the City of Kearney for fiscal year 2022-2023 and the final allocation of levy authority in the amount of \$57,266 for Offstreet Parking District No. 1 for fiscal year 2022-2023.

RESOLUTION NO. 2022-162

WHEREAS, Neb. Rev. Stat. Section 77-3443.03, (R.R.S. 1943), as amended), requires Community Redevelopment Authorities and Offstreet Parking Districts to submit a preliminary request for levy allocation, on or before August 1, to the City Council; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney submitted to the City, on July 12, 2022, a preliminary request for levy allocation in the

amount of \$146,450.00; and

WHEREAS, the Downtown Improvement Board, on behalf of Offstreet Parking District No. 1, submitted to the City, on July 13, 2022, a preliminary request for levy allocation in the amount of \$57,266.00; and

WHEREAS, Neb. Rev. Stat. Section 77-3443.04, as amended, requires the City Council to adopt, by September 1, a resolution (by a majority vote of members present) which determines a final allocation of levy authority to the Community Redevelopment Authority and Offstreet Parking District No. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), as amended, that a final allocation of levy authority of \$146,450.00 is hereby approved for the Community Redevelopment Authority of the City of Kearney for 2022 and a final allocation of levy authority of \$57,266.00 is hereby approved for Offstreet Parking District No. 1 for 2022.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), that the City Clerk is ordered to forward a copy of this resolution to the chairperson of the Community Redevelopment Authority of the City of Kearney and the chairperson of the Downtown Improvement Board.

BE IT FURTHER RESOLVED that all ordinances and resolutions or parts if ordinances and resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect September 1, 2022, and shall be published in pamphlet form.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

5. Approve the agreement between the City of Kearney and the Kearney Area Animal Shelter for continued care of animals that are impounded by the City, setting forth the Shelter's obligations with reference to caring for these animals and adopt Resolution No. 2022-163.

RESOLUTION NO. 2022-163

WHEREAS, on February 27, 2007, the City of Kearney and the Kearney Area Animal Shelter, Inc., a Nebraska Non-Profit Corporation entered into an on-going Agreement for humane care and services for animals impounded by the City of Kearney; and

WHEREAS, on August 22, 2017, the City of Kearney and the Kearney Area Animal Shelters, Inc. entered into a two-year Agreement for humane care and services for animals impounded by the City of Kearney and sets forth the Kearney Area Animal Shelter, Inc.'s obligations with reference to care for these animals that expired on August 21, 2019; and

WHEREAS, on August 21, 2019, the City of Kearney and the Kearney Area Animal Shelters, Inc. entered into a three-year Agreement for humane care and services for animals impounded by the City of Kearney and sets forth the Kearney Area Animal Shelter, Inc.'s obligations with reference to care for these animals that expired on August

21, 2022; and

WHEREAS, both the City of Kearney and the Kearney Area Animal Shelter, Inc. desire to enter into a new three-year Agreement for humane care and services for animals impounded by the City of Kearney and sets forth the Kearney Area Animal Shelter, Inc.'s obligations with reference to care for these animals, as set forth in the terms and conditions of the Agreement, marked as Exhibit "A" is attached hereto and made a part hereof by reference; and

WHEREAS, the City Council has determined that entering into an agreement with the Kearney Area Animal Shelter, Inc. would be in the best interests of the citizens of the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager, Michael W. Morgan, be and is hereby authorized and directed to execute the Agreement between the City of Kearney and the Kearney Area Animal Shelter, Inc. on behalf of the City of Kearney.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution No. 2022-164 approving the revised City of Kearney Personnel Manual.

RESOLUTION NO. 2022-164

WHEREAS, the City of Kearney has adopted a Personnel 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 formally adopted the revised Personnel Manual of the City of Kearney as the embodiment of the City's rules and regulations governing personnel matters; as amended by the City Council on December 26, 2007 by Resolution No. 2007-264, amended on October 28, 2014 by Resolution No. 2014-224, amended on October 25, 2016 by Resolution No. 2016-184, amended on March 27, 2018 by Resolution No. 2018-41, amended on May 22, 2018 by Resolution No. 2018-77, amended on September 22, 2020 by Resolution No. 2020-151; and amended on June 14, 2022 by Resolution No. 2022-120; and

WHEREAS, the City Manager and administrative staff have made several revisions and essential changes to the latest version of the Personnel Manual adopted on August 22, 2006, as amended in 2007, 2014, 2016, 2018, 2020 and 2022 and have recommended the adoption of a newly revised Personnel Manual; and

WHEREAS, the City Council having reviewed these recommended revisions and changes, finds them to be appropriate and necessary to the continued effective performance of duties by employees of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Personnel Manual adopted on August 22, 2006, as amended in 2007, 2014, 2016, 2018, 2020 and 2022, be and are hereby repealed.

BE IT FURTHER RESOLVED that the newly revised Personnel Manual be and is hereby adopted and will become effective immediately. A copy of the newly revised

Personnel Manual, marked Exhibit "A", is attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2022-165 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement with Grand West, LLC and Anna Stehlik, Trustee for 11th Avenue Extension in Fountain Hills Subdivision.

RESOLUTION NO. 2022-165

WHEREAS, on the 23rd day of May, 2017 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2017-81 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Grand West, LLC, a Nebraska Limited Liability Company, by Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee, to construct paving, water, sanitary sewer, and storm sewer improvements for 11th Avenue Extension in Fountain Hills Subdivision, 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, sanitary sewer, and storm sewer to serve the property described as 11th Avenue Extension in Fountain Hills Subdivision, 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 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Adopt Resolution No. 2022-166 approving the Developer Constructed Infrastructure Agreement for Fountain Hills; 54th Street and 15th Avenue between the City of Kearney and Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company and Anna L. Stehlik, Trustee, and Kent Holsten, President of Fountain Hills Outlot Maintenance Association, Inc., Nebraska Non-Profit Corporation for the construction of paving, water main, sanitary sewer main and storm sewer to serve a strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Right of Way & Utility Easement purposes.

RESOLUTION NO. 2022-166

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Fountain Hills; 54th Street & 15th Avenue" between the City of Kearney and Scott Kummer, Vice President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company, and Anna L. Stehlik, Trustee for the construction of water, sanitary sewer, paving and storm sewer infrastructure to serve:

15th Avenue: A strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Right of Way & Utility Easement purposes. Said 66.00 feet wide Permanent Right of Way & Utility Easement to be 33.00 feet on each side of following described centerline: Commencing at the Northwest Corner of the Northwest Quarter of Section 26; thence S 00°19'13" W on the West line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 1006.90 feet; thence S 89°40'44" E a distance of 778.97 feet; thence N 00°21'43" E a distance of 33.00 feet to the POINT OF BEGINNING; thence continuing N 00°21'43" E a distance of 371.42 feet to the Point of Termination on the centerline of 15th Avenue as dedicated in Fountain Hills Sixth Addition, an addition to the City of Kearney, Buffalo County, Nebraska. The side lines of said 66.00 feet wide Permanent Right of Way & Utility Easement to be lengthened or shortened to form a continuous strip. Said 66.00 feet wide Permanent Right of Way & Utility Easement contains 0.51 acres, more or less.

54th Street: A strip of land 66.00 feet wide being part of the North Half of the Northwest Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, dedicated for Permanent Right of Way & Utility Easement purposes. Said 66.00 feet wide Permanent Right of Way & Utility Easement to be 33.00 feet on each side of following described centerline: Commencing at the Northwest Corner of the Northwest Quarter of Section 26; thence S 00°19'13" W on the West line of said Northwest Quarter, and all bearings contained herein are relative thereto, a distance of 1006.90 feet; thence S 89°40'44" E a distance of 33.00 feet to the POINT OF BEGINNING on the East line of 17th Avenue. thence continuing S 89°40'44" E a distance of 922.66 feet; thence Southeasterly on a tangent

curve to the Right having a central angle of 43°24'27", a radius of 500.00 feet, an arc length of 378.80 feet, and a chord bearing of S 67°58'31" E a distance of 369.81 feet to the Point of Termination on the centerline of 52nd Street as dedicated in Fountain Hills Fifteenth Addition, an addition to the City of Kearney, Buffalo County, Nebraska. Said 66.00 feet wide Permanent Right of Way & Utility Easement contains 1.97 acres, more or less

be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Approve the Lease Agreement between the City of Kearney and Board of Regents of the University of Nebraska, on behalf of the University of Nebraska at Kearney (UNK) Aviation Program to lease Building T-929 located at 4595 Airport Road for the use and operations for the UNK Aviation Program and adopt Resolution No. 2022-167.

RESOLUTION NO. 2022-167

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute Lease Agreement for Building T-929 located at 4595 Airport Road, on behalf of the City of Kearney, Nebraska, with Board of Regents of the University of Nebraska, by and on behalf of the University of Nebraska at Kearney (UNK) Aviation Program. The Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Authorize the Mayor to execute the Release of Easement located on a tract of land being part of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska and approve Resolution No. 2022-168.

RESOLUTION NO. 2022-168

WHEREAS, the City of Kearney, Nebraska was granted a Permanent Trail Right-of-Way Easement consisting of 0.33 acres, more or less, to construct a new portion of the hike and bike trail that will provide further connectivity and accessibility to the existing Kearney trail system from Jason Herman, Chairman of Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation, on the 22nd day of March, 2022, and recorded on Document 2022-02036, in the office of the Register of

Deeds of Buffalo County, Nebraska, on April 4, 2022; and

WHEREAS, following recording of the Permanent Trail Right-of-Way Easement it was discovered that the boundary of the easement was incorrect and a new Permanent Trail Right-of-Way Easement was needed to reflect the corrected boundary and legal description for the permanent easement.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Trail Right-of-Way Easement recorded on April 4, 2022 at Document 2022-02036 be and is hereby released. The Release of Easement is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

- 11. Approve the appointment of Peggy Eynetich as the Interim City Clerk.
- 12. Adopt Resolution No. 2022-169 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement with Susan M. Roberts, President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company, Anna L. Stehlik, Trustee and the Fountain Hills Outlot Maintenance Association, Inc., a Nebraska Non-Profit Corporation for Fountain Hills Twelfth Addition.

RESOLUTION NO. 2022-169

WHEREAS, on the 9th day of February, 2021 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2021-24 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Susan M. Roberts, President and Manager of Morrison Enterprises, LLC, Sole Member of Grand West, LLC, a Nebraska Limited Liability Company, Anna L. Stehlik, Trustee and the Fountain Hills Outlot Maintenance Association, Inc., a Nebraska Non-Profit Corporation, to construct paving, water, and storm sewer improvements for Fountain Hills Twelfth 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, and storm sewer to serve the property described as Fountain Hills Twelfth 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 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Approve the Plans and Specifications for the 2022 Cemetery North Addition – Phase 2 and set the bid opening date for September 27, 2022 at 2:00 p.m.

14. Adopt Resolution No. 2022-170 approving Application and Certificate for Payment No. 2 in the amount of \$117,279.05 submitted by Nielsen Contracting, LLC and approved by Miller & Associates for the 2022 Part 3 Improvements; 11th Street from A Avenue to F Avenue.

RESOLUTION NO. 2022-170

WHEREAS, Nielsen Contracting, LLC of Kearney, Nebraska has performed services in connection with the 2022 Part 3 Improvements; 11th Street from A Avenue to F Avenue, and the City’s engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$117,279.05 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 1,920,274.00</u>
Contract Sum To Date	1,920,274.00
Gross Amount Due	347,881.48
Retainage (10%)	- 34,788.15
Amount Due to Date	<u>313,093.33</u>
Less Previous Certificates for Payment	- 195,814.28
Current Payment Due	<u>\$ 117,279.05</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 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

15. Adopt Resolution No. 2022-171 approving Application and Certificate for Payment No. 3 in the amount of \$372,895.65 submitted by Caldwell Tank and approved by Miller & Associates for the 2MG Elevated Water Tower.

RESOLUTION NO. 2022-171

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. 3 in the amount of \$372,895.65 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	657,063.50
Retainage (10%)	<u>- 65,706.35</u>
Amount Due to Date	591,357.15
Less Previous Certificates for Payment	<u>- 218,461.50</u>
Current Payment Due	\$ 372,895.65

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. 3, as shown on Exhibit “A” be and is hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

16. Adopt Resolution No. 2022-172 approving Change Order No. 1 showing an increase in the amount of \$48,300.00, Application and Certificate for Payment No. 4 in the amount of \$43,031.86 submitted by Onyx Blasting & Coating, LLC and approved by Miller & Associates for 1.5 MG & 2 MG Elevated Water Storage Facility Paint Restoration.

RESOLUTION NO. 2022-172

WHEREAS, Onyx Blasting & Coating, LLC of Delray Beach, Florida has performed services in connection with the 1.5 MG & 2 MG Elevated Water Storage Facility Paint Restoration, and the City’s engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$48,300.00 as shown on Exhibit “A” attached hereto and made a part hereof by reference; and

WHEREAS, Onyx Blasting & Coating, LLC and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$43,031.86 as shown on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 386,420.00
Change Order No. 1 (8/23/2022)	<u>+ \$48,300.00</u>
Contract Sum To Date	434,720.00
Gross Amount Due	317,986.57
Retainage (10%)	<u>- 31,798.66</u>
Amount Due to Date	286,187.91
Less Previous Certificates for Payment	<u>243,156.05</u>
Current Payment Due	\$ 43,031.86

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" and Application and Certificate for Payment No. 4, as shown on Exhibit "B", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

17. Adopt Resolution No. 2022-173 approving Application and Certificate for Payment No. 2 in the amount of \$167,225.01 submitted by Wilke Contracting Corp. and approved by Oak Creek Engineering for the 2020 Part 3 Improvements; 2nd Avenue Overpass Extension Joint Repair.

RESOLUTION NO. 2022-173

WHEREAS, Wilke Contracting Corp. of Kearney, Nebraska has performed services in connection with the 2020 Part 3 Improvements; 2nd Avenue Overpass Extension Joint Repair, and the City's engineer, Oak Creek Engineering, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$167,225.01 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 915,169.05
Contract Sum To Date	915,169.05
Gross Amount Due	404,079.09
Retainage (10%)	- 40,407.91
Amount Due to Date	363,671.18
Less Previous Certificates for Payment	- 196,446.17
Current Payment Due	\$ 167,225.01

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 23RD DAY OF AUGUST, 2022.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8594 REPEALING ORDINANCE NO. 8577 AND AMEND THE SALARY ORDINANCE

Mayor Clouse introduced Ordinance No. 8594 repealing Ordinance No. 8577 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 Nikkila seconded the motion to suspend the rules for Ordinance No. 8594. 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, Nikkila, Moore, Buschkoetter. Nay: None. Lear 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. 8594 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance No. 8594 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8594 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 FROM LEADERSHIP FROM VIAERO CENTER/TRI CITY STORM HOCKEY

Mayor Clouse opened Regular Agenda Item 1 for Council to receive an introduction and presentation on Tri City Storm Hockey and the Viaero Center by Mark Jalcovik, President of Business Operations for Tri City Storm Hockey and the Viaero Center; Dave Vennetti, Majority Owner of Tri City Storm Hockey and the Viaero Center; and Anthony Noreen, President of Hockey Operations & Head Coach for Tri City Storm Hockey. This item was for informational purposes only.

Dave Vennetti, Mark Jalcovik and Mike Lucas presented this item to Council. Several items were discussed pertaining to the Viaero Center including: the need for facility enhancements such as mechanical and cooling upgrades to the ice plant and use of the facility year-round for entertainment, sports tourism and community involvement. A second sheet of ice was discussed affording the organization opportunities to host tournaments and increase youth hockey programs. Additionally, Mr. Vennetti introduced Annie Camins, whose background includes Senior Executive Director of Youth Programs and Senior Director of Fan Development for the Chicago Blackhawks, who will assist with continuing to grow youth programs in Kearney; a full-time talent Booker to attract new events and activities to the facility has also been added to Viaero staff. Mr. Vennetti stated due to the growth of the hospitality industry, ease of air travel and centralized location, Kearney is an attractive destination for sports and entertainment tourism.

Mr. Jalcovik described the 20-year history of the facility and also highlighted the Tri-City Storm’s success, some of which include: placing first in their league three (3) years in a row and having 20 NHL draft picks over the past four (4) years. There has also been a significant increase in attendance at games since new ownership took over.

Council Member Nikkila questioned the number of local youths that currently participate in youth hockey organizations or associations? Mr. Vennetti and Mr. Jalcovik stated there are approximately 125-150 youth and further noted Mrs. Camins experience with youth outreach will assist with growth of both girls and boys hockey organizations in the community.

Council expressed their appreciation for the discussion and presentation.

ONE & SIX YEAR STREET IMPROVEMENT PLAN

Mayor Clouse opened for discussion the review of the One & Six Year Street Improvement Plan and set the public hearing date for September 13, 2022 to adopt the One and Six Year Street Improvement Plan.

Andy Harter, Director of Public Works presented this matter to the Council. He reviewed the summary of the One Year Plan and the Six Year Plan below:

SUMMARY OF ONE YEAR PLAN			
2023			
		<i>As of</i>	<i>08/23/22</i>
Project Name	Location	Type	Est. Total Cost
2021 Part 5	Talmadge Street and Yanney Avenue	City	\$ 2,600,000.00
2nd Street	300' west of 11th Avenue to 15th Avenue	City	\$ 950,000.00
15th Avenue	Talmadge Street to 2nd Street	City	\$ 350,000.00
56th St Improvements	56th Street & Avenue N Turning Lanes	City	\$ 1,100,000.00
28th St Improvements	28th Street, from Avenue I to Avenue L, 800'	City	\$ 797,000.00
Fountain Hills	54th Street, 11th Avenue to 17th Avenue	Developer	\$ 861,000.00
Fountain Hills	15th Avenue, 575' south of 56th Street to 54th Street	Developer	\$ 265,000.00
2nd Street	11th Avenue to 300' west of 11th Avenue	Developer	\$ 270,000.00
11th Avenue	Talmadge Street to 1st Street	Developer	\$ 680,000.00
		TOTAL	\$ 7,873,000.00

SUMMARY OF SIX YEAR PLAN			
2023-2029			
		<i>As of</i>	<i>08/23/22</i>
Project Name	Location	Type	Est. Total Cost
18th St Imp	18th Street from Central Avenue to 1st Avenue - Storm	City	\$ 1,164,000.00
1st Ave Imp	1st Avenue from 18th Street to South Railroad Street - Storm	City	\$ 2,300,000.00
30th Ave Imp	30th Avenue Bridge Expansion	City	\$ 2,100,000.00
39th St Imp	39th Street, from 17th Avenue to 22nd Avenue	City	\$ 2,200,000.00
A Ave Imp	Avenue A, from 31st Street to 35th Street, 1280'	City	\$ 1,320,000.00
39th Street Imp	39th Street, from 500' west of R Avenue to X Avenue, 2000'	City	\$ 2,000,000.00
16th St Imp	16th Street, from 5th Avenue to 9th Avenue, 1500'	City	\$ 1,340,000.00
16th St Imp	16th Street, from 1st Avenue to 5th Avenue, 1500'	City	\$ 1,400,000.00
30th St Imp	30th Street, from Avenue E to Avenue I, 1330'	City	\$ 1,380,000.00
		TOTAL	\$15,204,000.00

Mayor Clouse questioned if Talmadge Street and Yanney Avenue would be finished this year? Mr. Harter stated, due to the addition of roundabouts the project is expected to be completed next year.

Mr. Harter stated the 56th Street improvements bid package has been re-structured for the purposes of the City to conduct more of the electrical components of the project; it will go out for bid again, later this year. Mr. Harter highlighted bigger projects in both Plans, which included: 28th Street from Avenue I to L; Avenue A improvements from 31st Street to 35th Street; 30th Avenue bridge expansion and 16th Street improvements from 5th Avenue to 9th Avenue. The need for expansion of 39th Street, west of R Avenue to X Avenue to four (4) lanes due to the continued development of the area was also noted.

Mayor Clouse asked for updates on several projects including: the brick intersection by the Law Enforcement Center (LEC); 11th Street improvements and the 2nd Avenue Overpass improvements. Mr. Harter stated RFP's will be accepted later this year for the brick intersection by the LEC; 11th Street utility work is expected to be completed soon which will allow Nielsen Contracting to proceed with paving and 2nd Avenue Overpass improvements are within their timeline and are expected to be completed in December.

Council Member Nikkila inquired about the traffic signal at 11th Street and 15th Avenue. Mr. Harter explained initially there were issues with the controller system that have since been resolved.

Council Member Tami Moore suggested the City offer a Public Service Announcement providing citizens with information on roundabouts.

Moved by Moore seconded by Buschkoetter to approve the review of the One & Six Year Street Improvement Plan and set the public hearing date for September 13, 2022 to adopt the One and Six Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$119,224.28 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Clouse abstained. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:24 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

ATTEST:

**LAUREN BRANDT
CITY CLERK**

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

PS PERSONNEL SERVICES
SMCS SUPPLIES, MATERIALS, AND CONTRACTUAL SERVICES
ER EQUIPMENT RENTAL
CO CAPITAL OUTLAY
DS DEBT SERVICE

Claims
September 13, 2022
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Vendor	Amount	Purpose	Vendor	Amount	Purpose
911 Custom	\$742.84	co	Comm. Action Partnership	\$17,161.36	smcs
ACI Learning	\$1,587.00	smcs	Comm. Health Agencies	\$42.00	ps
ADB Safegate	\$316.44	smcs	Compass	\$3,000.00	smcs
Advance Media	\$200.00	smcs	Copycat Printing	\$235.00	co
Agri Coop	\$2,739.81	smcs	Core & Main	\$32,443.01	co
Air Cleaning Tech	\$952.75	smcs	Country Partners	\$27,941.57	smcs
All City Garage Door	\$3,536.25	smcs,co	Creative Services	\$348.95	smcs
All Copy	\$900.24	smcs	Crystal Clean	\$295.00	smcs
All Makes Auto	\$2,962.35	smcs	Cummins	\$648.73	smcs
American Fence	\$590.90	smcs	Cutter & Buck	\$2,377.95	smcs
Anderson Bros.	\$460.16	smcs	Cutting Edge Cleaning	\$135.00	smcs
Appliance Pros	\$85.00	smcs	D & K Products	\$7,616.41	smcs
Arrow Seed	\$31.87	smcs	Danko Emergency	\$3,026.77	ps,smcs
Ask Supply	\$5,063.83	smcs	Dan's Plumbing	\$274.70	smcs
Aurora Coop	\$439.00	smcs	Deluxe	\$83.54	smcs
AvFuel Corp	\$173,830.11	smcs	Dmilaco	\$156.00	smcs
Axon Enterprise	\$4,627.35	smcs	Dowhy Towing	\$303.50	smcs
Baker & Taylor	\$12,635.02	smcs	DPC Industries	\$32,568.87	smcs
Bamford	\$250.00	smcs	Durrant, Taylor	\$15.54	smcs
Barco Municipal	\$3,475.82	smcs	Dutton Lainson	\$3,600.00	co
Bauer, Erik	\$37.72	smcs	Eagle Distributing	\$3,348.10	smcs
Baughman, Emily	\$269.00	smcs	Eakes	\$3,455.24	smcs,co
Beehive Industries	\$8,700.00	smcs	Ebsco Publishing	\$4,371.00	smcs
Bevard, Holly	\$23.04	smcs	Ed Broadfoot & Sons	\$972.00	smcs
BlueCross BlueShield	\$325,637.39	smcs	Elliott Equipment	\$25,721.00	smcs
Bosselman	\$55,188.69	smcs	Emerson Manufacturing	\$1,124.93	smcs
BossFuels	\$28,829.83	smcs	Eustis Body Shop	\$100.00	smcs
Buffalo Co. Attorney	\$18,750.00	smcs	Family Practice	\$582.00	ps
Buffalo Co. Historical	\$4,866.00	smcs	Fiddelke Heating	\$12,142.00	smcs
Buffalo Co. Redi-Mix	\$4,266.00	co	Frontier	\$254.68	smcs
Buffalo Co. Register	\$144.00	smcs	Frye, Brian	\$25.74	smcs
Buffalo Co. Court	\$412.36	ps	Galban, Fernando	\$73.00	smcs
Buffalo Co. Sheriff	\$244.50	smcs	Gale/Cengage	\$1,268.66	smcs
Buffalo Outdoor Power	\$4,800.00	smcs	GD Concrete Const.	\$8,340.00	co
Builders	\$697.19	smcs,co	General Collection	\$106.80	smcs
Byrne, Dennis	\$161.00	smcs	Grand West	\$141,081.49	co
Cal/Amp	\$781.55	smcs	Great Lakes Composite	\$8,089.53	co
Caldwell Tanks	\$372,895.65	co	Greater NE Cities	\$1,000.00	smcs
Carroll Construction	\$5,403.00	co	HD Arms	\$29,416.59	co
Cash-Wa	\$4,922.79	smcs	Heartland Cleaning	\$278.52	smcs
Center Point	\$77.91	smcs	HelpCare Clinic	\$3,000.00	smcs
Chesterman	\$1,592.65	smcs	Historical Info Gatherers	\$1,530.00	smcs
Cintas	\$303.99	smcs	HM Life Ins.	\$43,725.65	smcs
City of Kearney	\$775.00	co	Hockemeier, Jordan	\$42.76	smcs
City of Kearney	\$447,161.55	ps,smcs	Holmes Plumbing	\$2,247.00	smcs
CivicPlus	\$1,295.00	smcs	Hotsy Equipment	\$304.24	smcs
Cold Spring	\$1,223.15	smcs	Huddleston, Kathy	\$168.37	smcs

PS PERSONNEL SERVICES
SMCS SUPPLIES, MATERIALS, AND CONTRACTUAL SERVICES
ER EQUIPMENT RENTAL
CO CAPITAL OUTLAY
DS DEBT SERVICE

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September 13, 2022
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Integrated Security	\$243.86	smcs	Motorola Solutions	\$9,950.00	co
IRS	\$373,471.11	ps	Mumm, Deb	\$230.00	smcs
J&A Traffic Products	\$521.50	smcs	Municipal Supply	\$9,069.07	smcs
Jack Lederman	\$47.26	smcs	Murphy Tractor	\$6,313.14	smcs
Jack's Uniforms	\$3,068.98	smcs	Nat'l Business Furniture	\$2,758.05	smcs
Journal Communications	\$6,500.00	smcs	NE Child Support	\$3,529.00	ps
Kearney Concrete	\$14,725.47	co	NE Dept. of Revenue	\$63,706.97	ps
Kearney Crete & Block	\$89.60	co	NE Dept. Environmental	\$7,500.00	smcs
Kearney Powersports	\$26,586.00	co	NE Law Enforcement	\$597.00	smcs
Kearney Towing	\$1,200.00	smcs	Ne Library Commission	\$4,265.59	smcs
Kearney Visitors Bureau	\$215,249.87	smcs	NE Machinery	\$3,476.95	smcs
Kern, Alissa	\$5,793.00	co	NE Public Health	\$996.00	smcs
Kirkham Michael	\$5,500.00	co	NE Safety & Fire	\$335.00	smcs
Kitchen Fresh Foods	\$611.14	smcs	NE Salt & Grain	\$15,931.34	smcs
Klute, Dani	\$105.00	smcs	Nebraskaland Distributing	\$2,428.79	smcs
Knox Company	\$576.00	smcs	Nelson, Christy	\$30.00	smcs
Konica Minolta	\$922.00	smcs	Newsbank	\$3,190.00	smcs
Kucera Painting	\$2,953.00	co	Nielsen Contracting	\$117,279.05	co
Landmark Implement	\$22,277.61	smcs	Northwest Electric	\$19,895.93	smcs
LaQuinta	\$298.00	smcs	Northwestern Energy	\$7,912.66	smcs
Lawn Builders	\$551.88	co	Nova Fitness	\$23,383.46	ps,co
League NE Municipalities	\$4,167.00	smcs	Olsson	\$13,283.65	co
Lincoln National	\$8,355.25	smcs	One Call Concepts	\$896.44	smcs
Logan Contractors	\$2,525.04	smcs	Onyx Blasting & Coating	\$43,031.86	co
Lowry, Ry	\$100.00	smcs	Outdoor Recreation	\$508.48	co
Luke, Derek	\$282.00	smcs	Overhead Door	\$1,346.00	smcs
Luth, Joann	\$8.60	smcs	Penny, Colton	\$40.13	smcs
M & E Plastic Repair	\$700.00	smcs	Pep Co.	\$200.00	smcs
Mac Tools	\$26.50	smcs	Pioneer Athletics	\$1,281.75	smcs
Magic Cleaning	\$7,350.00	smcs	Pioneer Manufacturing	\$1,866.95	smcs
Malone, David F.	\$1,000.00	co	Pohlman, Kyle	\$68.50	smcs
Matheson Tri-Gas	\$85.55	smcs	Power DMS	\$8,150.04	smcs,co
May, Kimball	\$50.00	smcs	Powertech	\$1,950.00	smcs
McCartney, Erin Trustee	\$454.00	ps	Presto-X	\$272.74	smcs
McDonald, Cassie	\$400.00	smcs	Pro Track & Tennis	\$20,596.00	co
Mellen, David-Valor Fire	\$5,000.00	smcs	Rasmussen Mechanical	\$8,469.68	smcs
Menards	\$240.36	smcs,co	RDG Planning	\$23,231.24	co
Merryman Performing	\$718.00	smcs	Ready Mixed Concrete	\$17,462.39	co
Mid-NE Garage Doors	\$350.00	smcs	Reams	\$250.00	smcs
Midwest Connect	\$9,445.73	smcs	Red Willow Co.	\$6,959.00	smcs
Midwest Lightscaping	\$1,665.00	co	Reinke's	\$560.26	smcs
Miller & Associates	\$25,278.00	smcs,co	Rheome Tree	\$8,540.00	smcs
Miller Signs	\$5,006.00	smcs,co	Ripp, Gene	\$200.00	smcs
Miller, Dennis	\$60.00	smcs	RMV Construction	\$348,697.80	co
Milco Environmental	\$457.50	smcs	Romar	\$250.00	smcs
Mirror Image	\$375.31	smcs	Russell's Appliance	\$1,098.00	co
Mission Square	\$15,096.27	ps	Rutt's Heating	\$290.58	smcs
Most Dependable Fount.	\$4,845.00	co	S&J Construction	\$11,220.50	co

PS PERSONNEL SERVICES
SMCS SUPPLIES, MATERIALS, AND CONTRACTUAL SERVICES
ER EQUIPMENT RENTAL
CO CAPITAL OUTLAY
DS DEBT SERVICE

Claims
September 13, 2022
Page 3

Sapp Brothers	\$33,903.70	smcs			
Sayler Screen Printing	\$3,780.00	smcs			
School District #7	\$6,067.50	smcs			
Schumacher Brothers	\$3,654.00	smcs			
Schwarz, Zach	\$783.84	smcs			
See Clear Cleaning	\$1,300.00	smcs			
Shredding Solutions	\$56.93	smcs			
SiteScapes	\$3,682.63	co			
Snap-on Tools	\$1,667.75	co			
SOS Portable Toilets	\$362.00	smcs			
Sostad, Beau	\$14.12	smcs			
Springer Roofing	\$1,985.00	smcs			
State of NE/DAS	\$58.59	smcs			
Stefanowicz, Daniel	\$150.00	smcs			
Steinbrink's Landscaping	\$13,050.00	smcs			
Stutsman	\$2,745.00	smcs			
Suburban Fire	\$36,869.13	smcs			
Taillon, Rob	\$256.00	smcs			
Tech Masters	\$628.20	smcs			
Tilley Sprinklers	\$952.59	co			
TK Elevator	\$731.25	smcs			
Tobiasson Hydro	\$4,050.00	smcs			
Tractor Supply	\$3,699.99	smcs			
Traveler's	\$12,000.00	smcs			
Tri City Concrete	\$13,240.00	co			
Tri-Cities Roofing	\$351.05	smcs			
Tumbleweed	\$3,393.50	smcs			
Twin City Hardware	\$1,366.67	co			
Tye & Rowling	\$15,073.50	smcs			
Tyler Technologies	\$2,761.00	co			
UL	\$3,290.00	smcs			
Union Bank & Trust	\$192,824.83	ps,smcs			
United Way	\$202.00	ps			
Van Diest Supply	\$5,122.55	smcs			
Verizon	\$7,780.46	smcs			
Village Uniform	\$496.75	smcs			
Waldinger Corp.	\$1,144.27	smcs			
Walters Electric	\$973.12	co			
Warren-T Plumbing	\$190.00	smcs			
Wilcac Life Ins.	\$10.00	ps			
Wilke Contracting	\$167,225.01	co			
Wilkins Architecture	\$1,882.19	co			
World Book	\$2,522.00	smcs			
Yellow Van Cleaning	\$368.20	smcs			
Young, Jay	\$282.00	smcs			
Young, Mike	\$243.00	smcs			



COUNCIL AGENDA MEMO

ITEM NO. IV - #3

FROM: *Wendell Wessels, Director of Finance*

MEETING: *September 13, 2022*

SUBJECT: *2022-2023 Keno Awards*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

On July 11, 2022 the Keno Application Advisory Committee met to review the 2022-2023 Lottery Trust Fund Applications received from private or public not-for-profit organizations. This Committee has met for many years to review and make recommendations to the Kearney City Council relative to awarding community development grants. The three citizens on the Committee have been involved with groups such as United Way, Kearney Area Community Foundation, and other local charities over the years. The Committee is charged with making recommendations to the Council on the ten percent of available funds that is awarded to private or not-for-profit organization applications.

Attached is a list of all the applications received from private or not-for-profit organizations that were submitted to the City for keno grant funding. The Committee reviewed, evaluated, and spent a considerable amount of time discussing their understanding of the applications and various factors related to awarding an application. The group formulated recommendations on awarding funding for at least a portion of eleven of the eleven applications.

Fiscal Note:

The 2022-2023 Lottery Trust Fund includes \$46,820.00 to be used for community betterment purposes for applications received from private or not-for-profit organizations.

Recommended Action:

Staff recommends funding of the Keno applications as presented by the Keno Advisory Committee.

**CITY OF KEARNEY
LOTTERY TRUST FUNDS
2022 - 2023**

Request Number	Applicant Name	Proposed Project	Previous Awards		Amount Requested	Committee Recommendation	Council Granted
			Number	Amount			
A	Buffalo County Community Partners	Mental Health Gift Certificates	7	11,779.95	5,000.00	4,000.00	0.00
B	Buffalo County Community Partners	Homelessness Kits	7	11,779.95	2,500.00	1,000.00	0.00
C	Buffalo County Historical Society	ADA and Fire Door Improvements	15	68,762.67	5,000.00	5,000.00	0.00
D	CHI Health Good Samaritan Foundation	CortexFlo Forensic Camera Purchase	0	0.00	5,000.00	2,500.00	0.00
E	Compass	Technology Sponsorship	13	34,333.00	5,000.00	5,000.00	0.00
F	Crane River Theatre	Heavyduty Canopy Tents for Outdoor Events	11	36,481.66	5,000.00	5,000.00	0.00
G	HelpCare Clinic	Laboratory Supplies for Chronic Disease Management	6	20,942.74	5,000.00	5,000.00	0.00
H	Kearney Catholic High School Foundation	Accelerated Reading at Kearney Catholic	14	33,872.32	3,000.00	3,000.00	0.00
I	Kearney Literacy Council (KACF)	Unmask the Tutor Program	12	19,671.10	1,500.00	1,500.00	0.00
J	Kearney Public Schools	Making Space for Innovative Thinking Resources	12	29,319.20	5,000.00	3,000.00	0.00
K	Kearney Visitors Bureau	Kearney Drone Footage	9	21,407.33	3,000.00	3,000.00	0.00
L	Kearney Woman's Club	Front Door Restoration	5	17,500.00	5,000.00	3,600.00	0.00
M	LyonHeart Equine Assisted Equine Learning	Walk-Through Gates	1	900.00	1,000.00	1,000.00	0.00
N	Safe Center	Meeting Room Accessibility	17	66,345.03	4,210.00	4,210.00	0.00
					<u>55,210.00</u>	<u>46,810.00</u>	<u>0.00</u>
		Available				<u>46,820.00</u>	
		Balance				<u>10.00</u>	



COUNCIL AGENDA MEMO

ITEM NO. IV - #4

FROM: *Wendell Wessels, Director of Finance*

MEETING: *September 13, 2022*

SUBJECT: *LB989 One Percent Lid Allowance*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

As you will recall, on April 2, 1998, the Nebraska Legislature enacted LB 989, which provides for a new overall budget limitation on certain restricted funds. LB 989 imposes a limitation on the growth of certain restricted funds of 2½ percent plus a factor for growth, if any. Additionally, the 2½ percent limitation may be exceeded by an additional 1 percent upon an affirmative vote of at least 75 percent of the governing body.

The City of Kearney does not need the additional 1 percent allowed under LB 989 for the 2022-2023 budget; however, passage of Resolution No. 2022-179 will allow the City to increase its “Budget Authority” by \$164,457.55. The \$164,457.55 of additional “Budget Authority” will not be used in the 2022-2023 budget; however, the \$164,457.55 of additional “Budget Authority” will be carried over to the 2023-2024 budget as “Unused Budget Authority” and will then be available for the 2023-2024 budget, if needed.

Fiscal Note:

Pursuant to the Nebraska Budget Act (State Statute 13-519.3), the City of Kearney may exceed the base limitation of 2½ percent by an additional one percent upon the affirmative vote of at least seventy-five percent of the City Council. Upon the affirmative vote of at least 75 percent of the City Council, the City will have the authority to exceed its base limitation of 2½ percent by an additional 1 percent. The additional one percent will give the City an additional \$164,457.55 in “Budget Authority”.

Recommended Action:

Administration recommends that the City Council adopt Resolution No. 2022-179 so that the City can maintain an appropriate level of “Budget Authority” in order to provide a budget in future years that will meet the needs of the citizens of Kearney.

RESOLUTION NO. 2022-179

WHEREAS, on April 2, 1998 the Nebraska Legislature passed and approved LB 989 which imposes a two and one half percent lid on certain restricted funds for local governments; and

WHEREAS, Section 13-519.03 of the Nebraska Revised Statutes, as amended, allows governmental units to exceed the two and one half percent limit as provided in Section 13-519.01 of the Nebraska Revised Statutes, as amended, by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body; and

WHEREAS, the Mayor and City Council of the City of Kearney Nebraska hereby finds and determines that it is in the best interests of the City of Kearney that the City of Kearney exceed the limit as provided in Section 13-519.01 of the Nebraska Revised Statutes, as amended, by an additional one percent as allowed pursuant to Section 13-519.03 of the Nebraska Revised Statutes, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that the City of Kearney exceed the limit as provided in Section 13-519.03 of the Nebraska Revised Statutes, as amended, by an additional one percent.

BE IT FURTHER RESOLVED that all ordinances and resolutions or parts if ordinances and resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect October 1, 2022.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

**PEGGY EYNETICH
DEPUTY CITY CLERK**

CITY OF KEARNEY LID COMPUTATION CALCULATION

	<u>2021-2022 Budget</u>	<u>2022-2023 Budget</u>
Calculation of "Restricted Funds":		
"Restricted Funds":		
Property Tax	4,382,394.04	4,623,795.15
Motor Vehicle Tax	810,000.00	850,000.00
In-Lieu of Tax Payments	585,719.00	632,553.00
Sales Tax	15,173,693.16	17,623,617.78
Transfers of Surplus Fees	0.00	0.00
Pro-Rate Motor Vehicle Tax	10,000.00	10,000.00
Highway Allocation	3,539,225.00	4,181,414.00
Municipal Infrastructure Redevelopment Fund (M.I.R.F.)	0.00	0.00
Motor Vehicle Fee	275,000.00	275,000.00
State Aid	0.00	0.00
Prior-year capital expenditures budgeted, but not spent	0.00	0.00
Subtotal	<u>24,776,031.20</u>	<u>28,196,379.93</u>
Less: "Restricted Funds" budgeted for		
Capital Improvements (real property acquisition, constr., or extensions)	(650,000.00)	(1,588,000.00)
Retiring bonded indebtedness	(1,716,727.23)	(2,517,506.57)
Supporting an Interlocal Cooperative Agreement	(6,300,084.00)	(7,268,789.00)
Interest-free loan payments to Department of Aeronautics	0.00	0.00
Natural disaster repairs (infrastructure only)	0.00	0.00
Judgements	0.00	0.00
Subtotal	<u>(8,666,811.23)</u>	<u>(11,374,295.57)</u>
Total "Restricted Funds"	<u>16,109,219.97</u>	<u>16,822,084.36</u>
Calculation of "Total Budget Authority"		
2021-2022 "Restricted Funds"	16,109,219.97	
Plus:		
Unused "Budget Authority" carryover from prior years	336,534.93	
Subtotal - 2021-2022 "Restricted Funds"	<u>16,445,754.90</u>	
Allowable Increases:		
2 1/2% increase allowed for "Base Limitation"	411,143.87	
1% increase allowed by governing body (75% vote of governing body)	164,457.55	
Increase for "Allowable Growth" (real prop., new constr., annex.) (1.065% - 2.5%)	-	
Special election increase	-	
Total "Budget Authority" for 2022-2023	<u>17,021,356.32</u>	<u>17,021,356.32</u>
Unused "Budget Authority" carryover to 2022-2023		<u>199,271.96</u>
Unused "Budget Authority" carryover history:		
	Annual Change	Cummulative Balance
2010-2011	128,681.08	2,462,966.02
2011-2012	170,111.28	2,633,077.30
2012-2013	(269,914.58)	2,363,162.72
2013-2014	282,692.64	2,645,855.36
2014-2015	(692,717.63)	1,953,137.73
2015-2016	95,458.48	2,048,596.21
2016-2017	(306,723.59)	1,741,872.62
2017-2018	401,515.69	2,143,388.31
2018-2019	(161,971.15)	1,981,417.16
2019-2020	653,970.31	2,635,387.47
2020-2021	(2,119,131.30)	516,256.17
2021-2022	(179,721.24)	336,534.93
2022-2023	(137,262.97)	199,271.96



COUNCIL AGENDA MEMO

ITEM NO. IV - #5

FROM: *Wendell Wessels, Director of Finance*

MEETING: *September 13, 2022*

SUBJECT: *2023 City of Kearney Comprehensive Fee Schedule*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

Enclosed is a copy of the proposed Comprehensive Fee Schedule. The Comprehensive Fee Schedule includes the fee type by Department, the related resolution or code section that previously approved the fee, the previous effective date of the fee, the current fee, and the proposed fee.

All City Departments have reviewed and made recommendations to the fees for their respective Department. The proposed fee changes are hi-lighted in yellow and will be effective on October 1, 2022, with the exception of golf fees, which will be effective on January 1, 2023. As you can see, the attached schedule includes many types of fees. Some fees will remain the same, some fees will be reduced or eliminated, and some fees will increase if the schedule is approved by the City Council. The following changes, among others, are proposed:

- Landfill – tipping fee (uncompacted waste) from \$32.50 to \$35.00 per ton
- Landfill – various changes to other fees (see fee schedule)
- Solid Waste Collection – 3% increase based on “cost of service” rate study
- Wastewater – 7.5% increase based on “cost of service” rate study
- Water – 2% increase based on “cost of service” rate study
- Airport – adjusted agriculture land cash rents
- Airport – various changes to facility fees (see fee schedule)
- Various other Departments – various changes to fees (see fee schedule)

Fiscal Note:

The proposed changes to the various fees charged by the City of Kearney will be included in the 2022-2023 budget document.

Recommended Action:

Administration is hopeful that by reviewing fees on an annual basis, rather than over longer periods of time, any proposed changes to the fees will be minimal. Staff recommends the approval of Resolution No. 2022-180 approving the Comprehensive Fee Schedule for the fiscal year beginning on October 1, 2022.

RESOLUTION NO. 2022-180

WHEREAS, the Mayor and City Council of the City of Kearney have established fees for items and services provided to its citizens; and

WHEREAS, the Comprehensive Fee Schedule setting forth the fees for such items and services to be provided during the 2021-2022 fiscal year was adopted by Resolution No. 2021-166 on September 14, 2021 by the City Council and amended by Resolution No. 2022-39 on February 8, 2022; and

WHEREAS, the Comprehensive Fee Schedule attached hereto as Exhibit "A" sets out the proposed fees for such items and services to be provided during the 2022-2023 fiscal year; and

WHEREAS, it is recommended that such Comprehensive Fee Schedule be adopted.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Comprehensive Fee Schedule attached hereto as Exhibit "A" is hereby approved and adopted with an effective date of October 1, 2022.

BE IT FURTHER RESOLVED that Resolution No. 2022-39 be and is hereby repealed in its entirety as of October 1, 2022.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

PEGGY EYNETICH
DEPUTY CITY CLERK

**CITY OF KEARNEY
COMPREHENSIVE FEE SCHEDULE**

Fee Description	Corresponding City Code Section	Last Fee Change		Fee For Fiscal Year Beginning October 1,			Fees Beginning October 1,
		Resolution	Date	2019	2020	2021	2022
Administration							
Copying fee:							
Audio tape (per tape)		2007-108	10/01/07	6.00	6.00	6.00	6.00
Video tape (per tape)		2007-108	10/01/07	25.00	25.00	25.00	25.00
Written documents or records (per double sided page)		1999-152	07/27/99	.25	.25	.25	.25
Liquor occupation tax to manufacture alcohol and spirits	3-1816		04/12/05	2,000.00	2,000.00	2,000.00	2,000.00
Liquor occupation tax to manufacture beer and wine or to operate a farm winery or craft brewery (annual):							
Manufacture of beer, excluding beer produced by a craft brewery:							
1 to 100 barrel daily capacity	3-1816		04/12/05	200.00	200.00	200.00	200.00
100 to 150 barrel daily capacity	3-1816		04/12/05	400.00	400.00	400.00	400.00
150 to 200 barrel daily capacity	3-1816		04/12/05	700.00	700.00	700.00	700.00
200 to 300 barrel daily capacity	3-1816		04/12/05	1,000.00	1,000.00	1,000.00	1,000.00
300 to 400 barrel daily capacity	3-1816		04/12/05	1,300.00	1,300.00	1,300.00	1,300.00
400 to 500 barrel daily capacity	3-1816		04/12/05	1,400.00	1,400.00	1,400.00	1,400.00
500 barrel daily capacity, or more	3-1816		04/12/05	1,600.00	1,600.00	1,600.00	1,600.00
Operation of a craft brewery	3-1816		04/12/05	500.00	500.00	500.00	500.00
Manufacture of wines	3-1816		04/12/05	500.00	500.00	500.00	500.00
Operation of a farm winery	3-1816		04/12/05	500.00	500.00	500.00	500.00
Alcoholic liquor wholesale license	3-1816		04/12/05	1,500.00	1,500.00	1,500.00	1,500.00
Beer wholesale license	3-1816		04/12/05	1,000.00	1,000.00	1,000.00	1,000.00
Liquor occupation tax - retail (annual):							
Class A retail beer, on sale	3-1816		04/12/05	200.00	200.00	200.00	200.00
Class B retail beer, off sale	3-1816		04/12/05	200.00	200.00	200.00	200.00
Class C retail liquor, on/off sale	3-1816		04/12/05	600.00	600.00	600.00	600.00
Class D retail liquor/beer, off sale	3-1816		04/12/05	400.00	400.00	400.00	400.00
Class I retail liquor, on sale	3-1816		04/12/05	500.00	500.00	500.00	500.00
Special designated liquor license (per event)	3-1816		04/12/05	80.00	80.00	80.00	80.00
Special designated liquor license (per event) (for online auction events requested by non-profit applicants)	3-1816			0.00	0.00	0.00	0.00
Special designated liquor license (for Farmers Market Endorsement/Permit)				0.00	0.00	0.00	30.00
Advertisement fee for all liquor license applications				13.00	13.00	13.00	13.00
City code violation (misdemeanor) - no other specific penalty	1-111		02/13/79	300.00	300.00	300.00	300.00
City code violation (infraction) - no other specific penalty - first offense	1-112		09/26/89	100.00	100.00	100.00	100.00
City code violation (infraction) - no other specific penalty - second offense	1-112		09/26/89	100.00 - 300.00	100.00 - 300.00	100.00 - 300.00	100.00 - 300.00
City code violation (infraction) - no other specific penalty - third offense	1-112		09/26/89	200.00 - 500.00	200.00 - 500.00	200.00 - 500.00	200.00 - 500.00
Auction permit for sales in residential areas	3-1818		04/23/78	15.00	15.00	15.00	15.00
Billboard occupation tax (per year)	3-1819	2007-108	10/01/07	100.00	100.00	100.00	100.00
Cable occupation tax (on gross revenues)	3-1821		07/28/87	5%	5%	5%	5%
Circus/carnival permit	3-1405		10/28/97	25.00	25.00	25.00	25.00
Circus occupation tax (per day)	3-1822		10/28/97	150.00	150.00	150.00	150.00
Circus/carnival concession occupation tax (per day)	3-1823		10/28/97	50.00	50.00	50.00	50.00
Carnival or exhibition occupation tax (per day):							
Carnivals	3-1824		10/28/97	150.00	150.00	150.00	150.00
Exhibitions	3-1824		10/28/97	50.00	50.00	50.00	50.00
Exhibitions as defined in section 3-1401 of the City Code	3-1824		10/28/97	100.00	100.00	100.00	100.00
Exhibitions of inanimate objects	3-1824		10/28/97	100.00	100.00	100.00	100.00
Other public amusements or exhibitions	3-1824		10/28/97	100.00	100.00	100.00	100.00
Junk dealer occupation tax (per year)	3-1826		08/22/78	25.00	25.00	25.00	25.00
Telecommunications services companies occupation tax	3-2001	2012-154	09/11/12	6.25%	6.25%	6.25%	6.25%
Hotel occupation tax (on basic rental rates)	3-1830		08/27/96	2%	2%	2%	2%
Natural gas company occupation tax (per therm of gas delivered)	3-2101	2019-152	09/10/19	.0450	.0450	.0450	.0450
Pawnbroker permit fee (annual)	3-2304		01/26/99	50.00	50.00	50.00	50.00
Tattoo license application fee	3-2502		12/23/91	25.00	25.00	25.00	0.00
Tattoo license fee (annual)	3-2503		12/23/91	100.00	100.00	100.00	0.00
Telecommunications:							
Registration fee to be paid at the time of the filing of registration information	3-2867		12/08/98	100.00	100.00	100.00	100.00
License application fee to be paid at the time of filing a license application	3-2867		12/08/98	1,000.00	1,000.00	1,000.00	1,000.00
Franchise application fee to be paid at the time of filing a franchise application	3-2867		12/08/98	1,000.00	1,000.00	1,000.00	1,000.00
License or franchise amendment fee to be paid at the time of filing a supplementary application	3-2867		12/08/98	100.00	100.00	100.00	100.00
Permit and plan review fee to be paid at the time of the filing of an application for permit to construct telecommunications facilities subject to adjustment upon completion of plan review (per foot based on total length of the project)	3-2867		12/08/98	\$100.00 plus .07 per ft	\$100.00 plus .07 per ft	\$100.00 plus .07 per ft	\$100.00 plus .07 per ft
Public right-of-way access fee (one time only) to be paid prior to installation of construction of telecommunications facilities on a public way	3-2867		12/08/98	100.00	100.00	100.00	100.00
Right-of-way for arterial or collector streets defined by City Code and shown on the State Functional Classification Map (per foot, one time)	3-2867		12/08/98	5.00	5.00	5.00	5.00
All other street rights-of-way or paved alleys (per foot)	3-2867		12/08/98	2.00	2.00	2.00	2.00
All public utility easements (per foot)	3-2867		12/08/98	1.00	1.00	1.00	1.00
Pole rental fee to be paid annually for installing and operating telecommunications facilities on or in conjunction with poles located on City property, which poles are not a part of the City's electrical distribution system, and do not carry electrical systems or facilities (per year)	3-2867		12/08/98	4.00	4.00	4.00	4.00
Itinerant merchant, peddler, or solicitor occupation tax (per day)	3-2907	2016-152	09/13/16	75.00	75.00	75.00	75.00
Itinerant merchant, peddler, or solicitor occupation tax (annually)	3-2907	2016-152	09/13/16	500.00	500.00	500.00	500.00
Solicitor's permit - application fee (nonrefundable)	3-2907	2014-186	09/09/14	25.00	25.00	25.00	25.00
Solicitor's (door to door) permit (30-day permit)	3-2907	2014-186	09/09/14	50.00	50.00	50.00	50.00
Food truck vendor permit	3-2903.01	2016-152	09/13/16	100.00	100.00	100.00	0.00
Street vendors permit - application fee (nonrefundable)	3-2907	2014-186	09/09/14	25.00	25.00	25.00	25.00
Street vendors permit (6-month permit)	3-2907	2014-186	09/09/14	125.00	125.00	125.00	125.00
Street vendors permit (1 year permit)	3-2907	2014-186	09/09/14	250.00	250.00	250.00	250.00
Equipment/labor charges for damage recovery claims (per hour):							

Fee Description	Corresponding City Code Section	Last Fee Change		Fee For Fiscal Year Beginning October 1,			Beginning October 1,
		Resolution	Date	2019	2020	2021	2022
Backhoe		2011-91	08/09/11	75.00	75.00	75.00	75.00
Bobcat/skidsteer		2011-91	08/09/11	75.00	75.00	75.00	75.00
Bucket truck		2011-91	08/09/11	75.00	75.00	75.00	75.00
Digger/derrick truck				0.00	0.00	0.00	100.00
Dump truck		2011-91	08/09/11	50.00	50.00	50.00	50.00
Flasher truck		2011-91	08/09/11	25.00	25.00	25.00	25.00
Flusher truck		2011-91	08/09/11	50.00	50.00	50.00	50.00
Forklift		2011-91	08/09/11	75.00	75.00	75.00	75.00
Hydraulic hammer		2011-91	08/09/11	50.00	50.00	50.00	50.00
Loader		2011-91	08/09/11	75.00	75.00	75.00	75.00
Motor grader		2011-91	08/09/11	150.00	150.00	150.00	150.00
Pickup/air compressor		2011-91	08/09/11	25.00	25.00	25.00	25.00
Service truck		2011-91	08/09/11	25.00	25.00	25.00	25.00
Street sweeper		2011-91	08/09/11	150.00	150.00	150.00	150.00
Tractor		2011-91	08/09/11	75.00	75.00	75.00	75.00
Trailer		2011-91	08/09/11	25.00	25.00	25.00	25.00
Trencher		2011-91	08/09/11	50.00	50.00	50.00	50.00
Labor		2016-152	09/13/16	40.00	40.00	40.00	40.00
Stormwater ditch and detention cell mowing fee (per hour)		2021-166	09/14/21	0.00	0.00	100.00	500.00 plus 100.00/hour
Return check charge		2007-108	10/01/07	30.00	30.00	30.00	30.00
Special assessment administration fee (per lot)		2012-154	09/11/12	25.00	25.00	25.00	25.00
Police							
Graffiti fine - 1st offense	8-1628		10/09/01	150.00	150.00	150.00	150.00
Graffiti fine - 2nd offense	8-1628		10/09/01	250.00	250.00	250.00	250.00
Graffiti fine - each subsequent offense	8-1628		10/09/01	300.00	300.00	300.00	300.00
Photographs:							
First photo		1999-152	07/27/99	5.00	5.00	5.00	5.00
Each additional photo		1999-152	07/27/99	1.00	1.00	1.00	1.00
Compact photo disk				5.00	5.00	5.00	5.00
Reports:							
Accident - internet on-line		2018-154	09/11/18	0.00	0.00	0.00	0.00
Accident - in-person at Law Enforcement Center		2018-154	09/11/18	5.00	5.00	5.00	5.00
Accident - mailed		2020-139	09/08/20	5.00	7.00	7.00	7.00
Incident - in-person at Law Enforcement Center		2019-152	09/08/09	5.00	5.00	5.00	5.00
Incident - mailed		2019-152	09/08/09	7.00	7.00	7.00	7.00
All other - first single-sided page (in-person at Law Enforcement Center)		2009-141	09/08/09	3.00	3.00	3.00	3.00
All other - first single-sided page (mailed)		2020-139	09/08/20	5.00	7.00	7.00	7.00
Each additional single-sided page		2007-108	10/01/07	1.50	1.50	1.50	1.50
Per single-sided page after the first 100 pages		1999-152	07/27/99	.25	.25	.25	.25
To scale drawing		2009-141	09/08/09	100.00	100.00	100.00	100.00
FARO scan request from public		2017-159	09/12/17	500.00	500.00	500.00	500.00
CAD printout per call				3.00	3.00	3.00	3.00
Buffalo County Detention Center search charge file printout		2009-141	09/08/09	2.00	2.00	2.00	2.00
DVD		2007-108	10/01/07	25.00	25.00	25.00	25.00
Audio cassette tape		1999-152	07/27/99	5.00	5.00	5.00	5.00
Shipping & handling		2020-139	09/08/20	10.00	15.00	15.00	15.00
FARO scan - request from public (per scan)		2017-159	09/12/17	500.00	500.00	500.00	250.00
FARO scan - court ordered (per scan)		2017-159	09/12/17	500.00	500.00	500.00	250.00
iCrimeFighter digital file share				0.00	0.00	0.00	25.00
Firearms permit				5.00	5.00	5.00	5.00
Criminal records check		2007-108	10/01/07	20.00	20.00	20.00	20.00
Towing charge - passenger cars, trucks licensed 4 tons and less, trailers, snowmobiles, boats, motorcycles	8-1111	2019-152	09/10/19	actual cost	actual cost	actual cost	125.00
Towing charge - straight trucks licensed over 4 tons, semi-trailers and house trailers	8-1111	2019-152	09/10/19	actual cost	actual cost	actual cost	225.00
Towing charge - snow removal tows	8-1111	2020-139	09/08/20	125.00	actual cost + 25.00	actual cost + 25.00	125.00
Towing charge - rate per hour for moving vehicles in the Police Impound Lot	8-1111	2013-179	09/10/13	65.00	65.00	65.00	65.00
Towing charge - additional labor difficulty charge per hour	8-1111	2013-179	09/10/13	35.00	35.00	35.00	35.00
Storage charge for towed vehicles (per day)	8-1111	2020-139	09/08/20	5.00	10.00	10.00	10.00
Towing administration fee	8-1111	2007-108	10/01/07	20.00	20.00	20.00	20.00
Alcohol test for DUI (each time)	8-618		08/08/00	actual cost	actual cost	actual cost	actual cost
Driving under the influence (first offense)	8-616		10/09/01	400.00 - 500.00	400.00 - 500.00	400.00 - 500.00	400.00 - 500.00
Driving under the influence (subsequent offenses)	8-616		10/09/01	500.00	500.00	500.00	500.00
Driving under the influence (subsequent offenses and tested over .15)				1,000.00	1,000.00	1,000.00	1,000.00
Traffic infraction - no other specific penalty - first offense	1-113		10/08/96	200.00 or less	200.00 or less	200.00 or less	200.00 or less
Traffic infraction - no other specific penalty - second offense	1-113		10/08/96	300.00 or less	300.00 or less	300.00 or less	300.00 or less
Traffic infraction - no other specific penalty - third offense	1-113		10/08/96	400.00 or less	400.00 or less	400.00 or less	400.00 or less
Claimed impounded animal fee (collected by Kearney Area Animal Shelter):							
First time impounded	8-1411	2017-159	09/12/17	30.00	30.00	30.00	30.00
Second time impounded	8-1411	2017-159	09/12/17	50.00	50.00	50.00	50.00
Third time impounded	8-1411	2017-159	09/12/17	75.00	75.00	75.00	75.00
Fourth time impounded	8-1411	2017-159	09/12/17	100.00	100.00	100.00	100.00
Additional fee for rabies vaccine if not current	8-1411	2017-159	09/12/17	15.00	15.00	15.00	15.00
Loading zone fee (per space/year)	8-927		02/24/81	100.00	100.00	100.00	100.00
Disabled or handicapped person parking space violation	8-943		12/12/95	50.00	50.00	50.00	50.00
Parking within 20 feet of any intersection or crosswalk	8-943	2008-158	09/09/08	30.00	30.00	30.00	30.00
Parking within 15 feet of a fire hydrant violation	8-943	2008-158	09/09/08	30.00	30.00	30.00	30.00
Parking any place where the vehicle would block the use of a driveway	8-943	2008-158	09/09/08	30.00	30.00	30.00	30.00
Standing or nonmoving violation							
If paid within 15 days	8-943	2008-158	09/09/08	25.00	25.00	25.00	25.00
If paid after 15 days	8-943	2008-158	09/09/08	30.00	30.00	30.00	30.00
Fire							
Fireworks occupation tax (annually)	4-605	2007-108	10/01/07	150.00	150.00	150.00	150.00
Excessive false alarms (after 4 per year)	3-1206	2007-108	10/01/07	150.00	150.00	150.00	150.00

Fee Description	Corresponding City Code Section	Last Fee Change		Fee For Fiscal Year Beginning October 1,			Beginning October 1,
		Resolution	Date	2019	2020	2021	2022
Permit to sell fireworks (annually)	4-603	2014-186	09/09/14	250.00	250.00	250.00	250.00
Development Services							
Building permit fee:							
Residential & accessory buildings:							
First floor (per square foot)	9-301, 108.2	2021-166	09/14/21	24	24	27	27
Floors above the first floor (per square foot)	9-301, 108.2	2016-152	09/13/16	.12	.12	.12	.00
Other buildings or structures:							
0 to 10,000 square feet (per square foot)	9-301, 108.2	2017-159	09/12/17	25	25	25	25
Above 10,000 square feet (per square foot)	9-301, 108.2	2017-159	09/12/17	20	20	20	20
Minimum permit fee	9-301, 108.2	2017-159	09/12/17	49.00	49.00	49.00	49.00
Antennas, radio towers (per \$100.00 of total cost of work)	9-301, 108.2	2016-152	09/13/16	4.00	4.00	4.00	4.00
Foundation permits (per square foot)	9-301, 108.2	2016-152	09/13/16	.12	.12	.12	.15
Demolition permit:							
Business or commercial buildings	9-301, 108.2	2017-159	09/12/17	123.00	123.00	123.00	130.00
Residential & accessory buildings	9-301, 108.2	2017-159	09/12/17	49.00	49.00	49.00	49.00
Remodeling fee:							
\$100.00 to \$999.00 valuation	9-301, 108.2	2017-159	09/12/17	63.00	63.00	63.00	63.00
\$1,000.00 to \$20,000.00 valuation	9-301, 108.2	2017-159	09/12/17	67.00 + 6.20/1,000	67.00 + 6.20/1,000	67.00 + 6.20/1,000	67.00 + 6.20/1,000
\$20,001.00 to \$50,000.00 valuation	9-301, 108.2	2017-159	09/12/17	197.00 + 12.40/1,000	197.00 + 12.40/1,000	197.00 + 12.40/1,000	197.00 + 12.40/1,000
\$50,001.00 and above valuation	9-301, 108.2	2017-159	09/12/17	551.00 + 3.10/1,000	551.00 + 3.10/1,000	551.00 + 3.10/1,000	551.00 + 3.10/1,000
Plumbing remodeling fee		2021-166	09/14/21	60.00	60.00	0.00	0.00
Fence permit fee	9-301, 108.2	2017-159	09/12/17	26.00	26.00	26.00	26.00
Plan review fee:							
Percent of building permit fee - for buildings Groups R, Division 3, and M occupancies	9-301, 108.5			50%	50%	50%	50%
Percent of building permit fee - all other buildings	9-301, 108.5			68%	68%	68%	68%
Re-inspection fee	9-301, 109.3.7	2017-159	09/12/17	63.00	63.00	63.00	63.00
Replacement yellow card		2021-166	09/14/21	55.00	55.00	0.00	0.00
Manufactured home park license fee (first 10 spaces)	3-1827/9-916	2017-159	09/12/17	123.00	123.00	123.00	140.00
Manufactured home park license fee (each additional space over 10 spaces)	3-1827/9-916	2016-152	09/13/16	9.00	9.00	9.00	10.00
Court reinspection fee - less than 10 lots needing reinspection				0.00	0.00	0/00	150.00
Court reinspection fee - 10 or more lots needing reinspection				0.00	0.00	0.00	300.00
Planned district development plan approval	38-105 F.8 & 38-107.C.	2017-159	09/12/17	550.00	550.00	550.00	550.00
Conditional use permit	59-103, C.5	2017-159	09/12/17	340.00	340.00	340.00	340.00
Conditional use permit acknowledgement application		2021-166	09/14/21	0.00	0.00	75.00	75.00
Zoning map amendment	59-104, B.4 & 59-104, C.5	2017-159	09/12/17	500.00	500.00	500.00	500.00
Ordinance amendment	59-104, B.2	2017-159	09/12/17	400.00	400.00	400.00	400.00
Board of Adjustment	59-108, A.4.	2021-166	09/14/21	153.00	153.00	200.00	200.00
Minor subdivision	53-102, B.3.	2017-159	09/12/17	300.00	300.00	300.00	300.00
Preliminary plat	53-103, D.1	2021-166	09/14/21	300.00 + \$20.00/lot	300.00 + \$10.00/lot	300.00 + \$20.00/lot	300.00 + \$20.00/lot
Final plat	53-103, E.1	2017-159	09/12/17	300.00 + \$15.00/lot	300.00 + \$15.00/lot	300.00 + \$15.00/lot	300.00 + \$15.00/lot
Vacation plat (ROW, streets, alleys, plats, & easements)	53-104, A	2017-159	09/12/17	200.00	200.00	200.00	200.00
Sign installer registration fee (two year)	3-105	2018-24	02/13/18	60.00	60.00	60.00	120.00
Sign permit - signs from 0 to 32 square feet (permit fee doubled if sign installed without a permit)	3-108	2020-139	09/08/20	38.00	50.00	50.00	50.00
Sign permit - signs over 32 square feet (permit fee doubled if sign installed without a permit)	3-108	2020-139	09/08/20	43.00	60.00	60.00	60.00
Temporary sign permit (permit fee doubled if sign installed without a permit)	3-108	2020-139	09/08/20	31.00	40.00	40.00	40.00
Master sign plan permit fee (permit fee doubled if sign installed without a permit)	3-108 & 50-125	2020-139	09/08/20	0.00	80.00	80.00	80.00
Moving a building permit	9-501	2017-159	09/12/17	310.00	310.00	310.00	310.00
Thermal imaging inspection (missed insulation inspection - first offense)		2021-166	09/14/21	0.00	0.00	250.00	250.00
Thermal imaging inspection (missed insulation inspection - second and third offense)		2021-166	09/14/21	0.00	0.00	500.00	500.00
Electrical registration fee (every two years)	9-719	2017-159	09/12/17	245.00	245.00	245.00	245.00
Electrical permit fee:							
Commercial construction:							
Three percent of project cost (subject to below minimum/maximum)				0.00	0.00	3% of Project Cost	3% of Project Cost
Minimum fee		2021-166	09/14/21	0.00	0.00	50.00	50.00
Maximum fee		2021-166	09/14/21	0.00	0.00	3,000.00	3,000.00
Less than \$100.00	9-732	2021-166	09/14/21	35.00	35.00	0.00	0.00
\$75.00 to \$500.00	9-732	2021-166	09/14/21	67.00	67.00	0.00	0.00
\$501.00 to \$1,500.00	9-732	2021-166	09/14/21	118.00	118.00	0.00	0.00
\$1,501.00 to \$5,000.00	9-732	2021-166	09/14/21	338.00	338.00	0.00	0.00
\$5,001.00 to \$10,000.00	9-732	2021-166	09/14/21	590.00	590.00	0.00	0.00
\$10,001.00 to \$25,000.00	9-732	2021-166	09/14/21	845.00	845.00	0.00	0.00
\$25,001.00 to \$50,000.00	9-732	2021-166	09/14/21	1,183.00	1,183.00	0.00	0.00
\$50,001.00 to \$100,000.00	9-732	2021-166	09/14/21	1,688.00	1,688.00	0.00	0.00
More than \$100,001.00	9-732	2021-166	09/14/21	2,534.00	2,534.00	0.00	0.00
Residential construction:							
New residences, per family unit (entrance and interior wiring)	9-732	2021-166	09/14/21	135.00	135.00	145.00	145.00
Service entrance only	9-732	2021-166	09/14/21	67.00	67.00	73.00	73.00
Remodel jobs, etc., minimum	9-732	2021-166	09/14/21	37.00	37.00	41.00	41.00
Manufactured home hookup fee:							
Electrical hookup	9-732	2021-166	09/14/21	30.00	30.00	41.00	41.00
Temporary electrical service	9-732	2021-166	09/14/21	37.00	37.00	41.00	41.00
Solar panel permit fee:							
Residential:							
Grid-tie		2021-166	09/14/21	0.00	0.00	67.00	67.00
Off-grid		2021-166	09/14/21	0.00	0.00	37.00	37.00
Hybrid		2021-166	09/14/21	0.00	0.00	104.00	104.00
Commercial:							
2kw - 4.9kw		2021-166	09/14/21	0.00	0.00	200.00	200.00
5kw-7.9 kw		2021-166	09/14/21	0.00	0.00	400.00	400.00
8kw-14.9 kw		2021-166	09/14/21	0.00	0.00	600.00	600.00
15+kw		2021-166	09/14/21	0.00	0.00	800.00	800.00
Plumbing permit fee:							
Residential construction:							

Fee Description	Corresponding City Code Section	Last Fee Change		Fee For Fiscal Year Beginning October 1,			Beginning October 1,
		Resolution	Date	2019	2020	2021	2022
Single family - 0 to 2,000 square feet	9-1035	2017-159	09/12/17	137.00	137.00	137.00	137.00
Single family - 2,001 to 2,800 square feet	9-1035	2017-159	09/12/17	179.00	179.00	179.00	179.00
Single family - 2,801 to 3,500 square feet	9-1035	2017-159	09/12/17	239.00	239.00	239.00	239.00
Single family - 3,501 to 4,500 square feet	9-1035	2017-159	09/12/17	299.00	299.00	299.00	299.00
Single family - above 4,500 square feet	9-1035	2017-159	09/12/17	358.00	358.00	358.00	358.00
Duplex - 0 to 2,000 square feet	9-1035	2017-159	09/12/17	137.00	137.00	137.00	137.00
Duplex - 2,001 to 2,800 square feet	9-1035	2017-159	09/12/17	179.00	179.00	179.00	179.00
Duplex - 2,801 to 3,500 square feet	9-1035	2017-159	09/12/17	239.00	239.00	239.00	239.00
Duplex - 3,501 to 4,500 square feet	9-1035	2017-159	09/12/17	299.00	299.00	299.00	299.00
Duplex - above 4,500 square feet	9-1035	2017-159	09/12/17	358.00	358.00	358.00	358.00
Three or more living units - 3 to 4 units	9-1035	2017-159	09/12/17	179.00	179.00	179.00	179.00
Three or more living units - 5 to 8 units	9-1035	2017-159	09/12/17	299.00	299.00	299.00	299.00
Three or more living units - 9 to 12 units	9-1035	2017-159	09/12/17	417.00	417.00	417.00	417.00
Three or more living units - more than 12 units	9-1035	2009-11	02/10/09	Comm Fee Schedule	Comm Fee Schedule	Comm Fee Schedule	Comm Fee Schedule
Commercial construction:							
Project cost \$0.00 to \$1,000.00	9-1035	2017-159	09/12/17	61.00	61.00	61.00	61.00
Project cost \$1,001.00 to \$50,000.00	9-1035	2009-11	02/10/09	5% of project cost	5% of project cost	5% of project cost	5% of project cost
Project cost above \$50,000.00	9-1035	2017-159	09/12/17	3,160.00	3,160.00	3,160.00	3,160.00
For each relocated or replaced water heater	9-1035	2021-166	09/14/21	30.00	30.00	30.00	30.00
For each domestic water connection to a boiler	9-1035	2017-159	09/12/17	62.00	62.00	62.00	62.00
For change in location of a plumbing fixture:							
1-2 fixtures	9-1035	2021-166	09/14/21	31.00 + 9.00/fixture	31.00 + 9.00/fixture	49.00	49.00
3+ fixtures	9-1035	2021-166	09/14/21	31.00 + 9.00/fixture	31.00 + 9.00/fixture	75.00	75.00
For each sanitary sewer connection to a public sanitary sewer main without a street cut	9-1035	2017-159	09/12/17	62.00	62.00	62.00	62.00
For each sanitary sewer connection to a public sanitary sewer main which requires a street cut	9-1035	2017-159	09/12/17	123.00	123.00	123.00	123.00
For each storm sewer tap and inspection	9-1035	2017-159	09/12/17	62.00	62.00	62.00	62.00
For each commercial or industrial interceptor, including trap and vent	9-1035	2017-159	09/12/17	30.00	30.00	30.00	30.00
For each manufactured home court tap and inspection for connection to the public sanitary sewer system	9-1035	2017-159	09/12/17	123.00	123.00	123.00	123.00
For each individual manufactured home sanitary sewer connection to the manufactured home court sewer system	9-1035	2021-166	09/14/21	30.00	30.00	0.00	0.00
For each individual manufactured home water service connection from the manufactured home court water distribution system	9-1035	2021-166	09/14/21	30.00	30.00	0.00	0.00
For each underground lawn sprinkling system on any one meter, including backflow protection devices	9-1035	2021-166	09/14/21	48.00	48.00	49.00	49.00
For each residential swimming pool, including water and sewer connection inspections	9-1035	2017-159	09/12/17	62.00	62.00	62.00	62.00
For each commercial swimming pool, including water and sewer connection inspections	9-1035	2017-159	09/12/17	123.00	123.00	123.00	123.00
For each water cooled air conditioner or refrigeration condensing equipment connection	9-1035	2017-159	09/12/17	30.00	30.00	30.00	30.00
For each installation of water treatment equipment such as filtration or chlorination equipment	9-1035	2017-159	09/12/17	30.00	30.00	30.00	30.00
For each water conditioning equipment installation	9-1035	2017-159	09/12/17	30.00	30.00	30.00	30.00
For gas piping	9-1035	2021-166	09/14/21	30.00 + 3.00/opening	30.00 + 3.00/opening	49.00	49.00
For backflow preventers except as previously exempted	9-1035	2017-159	09/12/17	30.00	30.00	30.00	30.00
Re-inspection fee	9-1035	2017-159	09/12/17	63.00	63.00	63.00	63.00
Master plumbers license (two year license)	9-1043	2017-159	09/12/17	276.00	276.00	276.00	276.00
Journeyman plumbers license (two year license)	9-1043	2017-159	09/12/17	62.00	62.00	62.00	62.00
Apprentice plumbers license (two year license)	9-1043	2017-159	09/12/17	37.00	37.00	37.00	37.00
Specialty contractor plumbers license (two year license)	9-1043	2017-159	09/12/17	276.00	276.00	276.00	276.00
Specialty installer plumbers license (two year license)	9-1043	2017-159	09/12/17	62.00	62.00	62.00	62.00
Plumber registration fee (every two years)	9-1044	2017-159	09/12/17	245.00	245.00	245.00	245.00
Paving, curb, or sidewalk cut or grind permit	9-1210	2021-166	09/14/21	48.00	48.00	49.00	49.00
Paving, curb, or sidewalk cuts by City (per lineal foot)	9-1210	2017-159	09/12/17	14.00	14.00	14.00	14.00
Paving, curb, or sidewalk cuts by City deposit (per lineal foot)	9-1210	2017-159	09/12/17	14.00	14.00	14.00	14.00
Weed removal (per hour with a minimum of \$100.00) - Residential	5-607		07/14/98	100.00	100.00	100.00	100.00
Weed removal administrative fee - Residential	5-604 and 5-607	2007-108	10/01/07	50.00	50.00	50.00	50.00
Weed removal (per hour with a minimum of \$250.00) - Commercial	5-607		07/14/98	250.00	250.00	250.00	250.00
Weed removal administrative fee - Commercial	5-604 and 5-607	2007-108	10/01/07	50.00	50.00	50.00	50.00
Weed removal repeat offense fee (for each additional removal) - Commercial and Residential	5-604 and 5-607			100.00	100.00	100.00	100.00
PACE application fee				0.00	0.00	0.00	500.00
PACE administrative fee (not to exceed \$25,000)				0.00	0.00	0.00	1% of loan
PACE annual fee (annually for life of loan)				0.00	0.00	0.00	500.00
Library							
Overdue charge on Library materials (per item per day)		2017-159	09/12/17	.30	.30	.30	.00
Interlibrary loan per item (covers postage)		2017-159	09/12/17	3.50	3.50	3.50	3.50
Photocopy/computer print (mono)		2006-156	08/22/06	.10	.10	.10	.10
Microfilm prints (mono)		2007-108	10/01/07	.10	.10	.10	.10
Computer prints (color)		2006-156	08/22/06	.50	.50	.50	.50
Lost materials		2006-156	08/22/06	actual cost	actual cost	actual cost	actual cost
Collection Agency fee		2006-156	08/22/06	10.00	10.00	10.00	10.00
Single CD for audiobook		2013-179	09/10/13	10.00	10.00	10.00	10.00
DVD case (case, barcode, and artwork)		2010-174	09/14/10	3.00	3.00	3.00	3.00
Audiobook case replacement for single disc		2018-154	09/11/18	6.00	6.00	6.00	6.00
Audiobook case replacement for multi discs		2018-154	09/11/18	6.00	6.00	6.00	6.00
Magazine		2016-152	09/13/16	5.00	5.00	5.00	5.00
Proctoring exams		2017-159	09/12/17	10.00	10.00	10.00	0.00
3D printer		2019-152	09/10/19	1.00/per use plus .10 per gram of filament used	1.00/per use plus .10 per gram of filament used	1.00/per use plus .10 per gram of filament used	.10 per gram of filament used
3D printer late pickup		2019-152	09/10/19	5.00	5.00	5.00	5.00
Button maker (per button)		2019-152	09/10/19	.25	.25	.25	.25
Cricut maker (per session)		2019-152	09/10/19	2.00	2.00	2.00	2.00
Sewing machine (per session)		2019-152	09/10/19	2.00	2.00	2.00	2.00
Book binder (per binding)		2019-152	09/10/19	.10	.10	.10	.10

Fee Description	Corresponding City Code Section	Last Fee Change		Fee For Fiscal Year Beginning October 1,			Beginning October 1,
		Resolution	Date	2019	2020	2021	2022
Laminator (per page)		2019-152	09/10/19	.225	.225	.225	.225
Laser cutter				0.000	0.00	0.00	5.00 per 30 minutes
Shrink wrap machine (per item)		2019-152	09/10/19	.10	.10	.10	.10
Cemetery							
Columbarium - opening	7-301	2020-139	09/08/20	175.00	200.00	200.00	225.00
Late weekday overtime & Saturday morning overtime - Columbarium		2018-154	09/11/18	200.00	200.00	200.00	225.00
County opening	7-301	2020-139	09/08/20	600.00	625.00	625.00	650.00
Deed transfer fees	7-301	2018-154	09/11/18	50.00	50.00	50.00	75.00
Disinterment	7-301	2020-139	09/08/20	900.00	950.00	950.00	975.00
Disinterment - infant	7-301	2020-139	09/08/20	425.00	475.00	475.00	500.00
Disinterment - cremation		2020-139	09/08/20	425.00	475.00	475.00	500.00
Flower delivery	7-301	10/01/06		5.00	5.00	5.00	5.00
Grave opening - adult	7-301	2020-139	09/08/20	600.00	625.00	625.00	650.00
Late weekday overtime & Saturday morning overtime - adult		2021-166	09/14/21	275.00	300.00	325.00	350.00
Grave opening - infant	7-301	2009-141	09/08/09	125.00	125.00	125.00	150.00
Late weekday overtime & Saturday morning overtime - infant		2018-154	09/11/18	200.00	200.00	200.00	225.00
Grave opening - cremation	7-301	2011-91	08/09/11	300.00	300.00	300.00	325.00
Late weekday overtime & Saturday morning overtime - cremation		2018-154	09/11/18	200.00	200.00	200.00	225.00
Grave space - adult	7-301	2020-139	09/08/20	575.00	600.00	600.00	625.00
Grave space - infant	7-301	2009-141	09/08/09	125.00	125.00	125.00	150.00
Grave space - cremation	7-301	2009-141	09/08/09	150.00	150.00	150.00	150.00
Grave space in new addition	7-301	2020-139	09/08/20	625.00	650.00	650.00	675.00
Late weekday overtime (after 3:30 p.m. Monday through Friday)	7-301	2021-166	09/14/21	0.00	300.00	325.00	350.00
Marker rental	7-301	2011-91	08/09/11	25.00	25.00	25.00	25.00
Mausoleum cremation niche - single	7-301	2020-139	09/08/20	925.00	0.00	0.00	0.00
Mausoleum cremation niche - double	7-301	2020-139	09/08/20	1,275.00	0.00	0.00	0.00
Mausoleum opening	7-301	2018-154	09/11/18	275.00	275.00	275.00	300.00
Late weekday overtime & Saturday morning overtime - mausoleum		2018-154	09/11/18	275.00	275.00	275.00	300.00
Mausoleum crypt - level one single space	7-301	10/01/06		2,250.00	2,250.00	2,250.00	2,250.00
Mausoleum crypt - level one double space	7-301	10/01/06		4,600.00	4,600.00	4,600.00	4,600.00
Mausoleum crypt - level two single space	7-301	10/01/06		3,750.00	3,750.00	3,750.00	3,750.00
Mausoleum crypt - level two double space	7-301	10/01/06		6,600.00	6,600.00	6,600.00	6,600.00
Mausoleum crypt - level three single space	7-301	10/01/06		3,250.00	3,250.00	3,250.00	3,250.00
Mausoleum crypt - level three double space	7-301	10/01/06		6,000.00	6,000.00	6,000.00	6,000.00
Mausoleum crypt - level four single space	7-301	10/01/06		2,750.00	2,750.00	2,750.00	2,750.00
Mausoleum crypt - level four double space	7-301	10/01/06		5,200.00	5,200.00	5,200.00	5,200.00
Columbarium #2 space - single		2020-139	09/08/20	725.00	750.00	750.00	750.00
Columbarium #2 space - double		2020-139	09/08/20	1,025.00	1,050.00	1,050.00	1,050.00
Columbarium #3 space - single				0.00	0.00	0.00	800.00
Columbarium #3 space - double				0.00	0.00	0.00	1,100.00
West columbarium single space - east		2020-139	09/08/20	1,000.00	1,025.00	1,025.00	1,050.00
West columbarium single space - west		2020-139	09/08/20	0.00	975.00	975.00	975.00
West columbarium double space single depth - east		2020-139	09/08/20	1,325.00	1,350.00	1,350.00	1,375.00
West columbarium double space single depth - west		2020-139	09/08/20	0.00	1,300.00	1,300.00	1,300.00
West columbarium double space double depth - east		2020-139	09/08/20	1,550.00	1,575.00	1,575.00	1,600.00
West columbarium double space double depth - west		2020-139	09/08/20	0.00	1,525.00	1,525.00	1,525.00
Perpetual care - 8 spaces	7-301	10/01/06		65.00	65.00	65.00	65.00
Thanksgiving Friday & Christmas Eve burial overtime fee		2021-166	09/14/21	275.00	300.00	325.00	350.00
String line for markers	7-301	2020-139	09/08/20	30.00	35.00	35.00	40.00
Tent and chair setup	7-301	2018-154	09/11/18	175.00	175.00	175.00	200.00
Transfer space from existing cemetery to new addition	7-301	10/01/06		50.00	50.00	50.00	75.00
Mausoleum vase		2020-139	09/08/20	250.00	275.00	275.00	300.00
Columbarium vase		2020-139	09/08/20	525.00	550.00	550.00	575.00
Credit card/ACH convenience fee		2011-91	08/09/11	1.5%	1.5%	1.5%	1.5%
Kiosk obituary entry		2018-154	09/11/18	10.00	10.00	10.00	10.00
Kiosk monument picture		2018-154	09/11/18	15.00	15.00	15.00	15.00
Recreation							
The Park, Recreation, Cemetery, and Golf Director shall establish fees for miscellaneous merchandise sales, tournament and league play, and special events and promotions							
Outdoor volleyball set, disc golf discs (5 discs), horseshoe set, croquet set, tug-of-war rope - per day/weekend				5.00	5.00	5.00	5.00
Digital timing clock - per day/weekend				75.00	75.00	75.00	75.00
Concessions - per concessionaire per year		2020-139	09/08/20	25.00	0.00	0.00	0.00
Tennis Center							
Daily admissions:							
Per person, 1 hour, without pass		2021-166	09/14/21	0.00	0.00	6.00	6.00
Per person, 1.5 hour, without pass		2021-166	09/14/21	0.00	0.00	8.00	8.00
Per person, 2 hours, without pass		2021-166	09/14/21	0.00	0.00	10.00	10.00
Per person, each additional 30 minutes, without pass		2021-166	09/14/21	0.00	0.00	2.00	2.00
Per person, 1 hour, with pass		2021-166	09/14/21	0.00	0.00	3.00	3.00
Per person, 1.5 hour, with pass		2021-166	09/14/21	0.00	0.00	4.00	4.00
Per person, 2 hours, with pass		2021-166	09/14/21	0.00	0.00	5.00	5.00
Per person, each additional 30 minutes, with pass		2021-166	09/14/21	0.00	0.00	1.00	1.00
Annual season pass (per 1-2 hour court times only) (can purchase anytime):							
Child (age 12 and under)		2021-166	09/14/21	0.00	0.00	52.00	52.00
Student (age 13-22)		2021-166	09/14/21	0.00	0.00	104.00	104.00
Adult (age 23-54)		2021-166	09/14/21	0.00	0.00	156.00	156.00
Senior (age 55+)		2021-166	09/14/21	0.00	0.00	104.00	104.00
Adult couple		2021-166	09/14/21	0.00	0.00	260.00	260.00
Senior couple		2021-166	09/14/21	0.00	0.00	156.00	156.00
Family (same household, minimum 3 people) (per adult)		2021-166	09/14/21	0.00	0.00	104.00	104.00
Family (same household, minimum 3 people) (per child)		2021-166	09/14/21	0.00	0.00	52.00	52.00

Fee Description	Corresponding City Code Section	Last Fee Change		Fee For Fiscal Year Beginning October 1,			Beginning October 1,
		Resolution	Date	2019	2020	2021	2022
Family cap (same household, 4 or more people)							
Individual private lessons:							
Single participant:							
30 minutes - instructor, with or without pass		2021-166	09/14/21	0.00	0.00	312.00	312.00
1 hour - instructor, with or without pass		2021-166	09/14/21	0.00	0.00	6.00	6.00
1.5 hours - instructor, with or without pass		2021-166	09/14/21	0.00	0.00	8.00	8.00
2 hours - instructor, with or without pass		2021-166	09/14/21	0.00	0.00	10.00	10.00
30 minutes - participant, with pass		2021-166	09/14/21	0.00	0.00	2.00	2.00
1 hour - participant, with pass		2021-166	09/14/21	0.00	0.00	3.00	3.00
1.5 hours - participant, with pass		2021-166	09/14/21	0.00	0.00	4.00	4.00
2 hours - participant, with pass		2021-166	09/14/21	0.00	0.00	5.00	5.00
30 minutes - participant, without pass		2021-166	09/14/21	0.00	0.00	4.00	4.00
1 hour - participant, without pass		2021-166	09/14/21	0.00	0.00	6.00	6.00
1.5 hours - participant, without pass		2021-166	09/14/21	0.00	0.00	8.00	8.00
2 hours - participant, without pass		2021-166	09/14/21	0.00	0.00	10.00	10.00
Small group private lessons (1 court):							
2-6 participants:							
30 minutes - instructor, with or without pass		2021-166	09/14/21	0.00	0.00	8.00	8.00
1 hour - instructor, with or without pass		2021-166	09/14/21	0.00	0.00	12.00	12.00
1.5 hours - instructor, with or without pass		2021-166	09/14/21	0.00	0.00	16.00	16.00
2 hours - instructor, with or without pass		2021-166	09/14/21	0.00	0.00	20.00	20.00
30 minutes - participant, with pass		2021-166	09/14/21	0.00	0.00	3.00	3.00
1 hour - participant, with pass		2021-166	09/14/21	0.00	0.00	3.00	3.00
1.5 hours - participant, with pass		2021-166	09/14/21	0.00	0.00	4.00	4.00
2 hours - participant, with pass		2021-166	09/14/21	0.00	0.00	5.00	5.00
30 minutes - participant, without pass		2021-166	09/14/21	0.00	0.00	4.00	4.00
1 hour - participant, without pass		2021-166	09/14/21	0.00	0.00	6.00	6.00
1.5 hours - participant, without pass		2021-166	09/14/21	0.00	0.00	8.00	8.00
2 hours - participant, without pass		2021-166	09/14/21	0.00	0.00	10.00	10.00
Court rental (organizations/schools) (does not include UNK)							
Per court, per hour (maximum of \$500.00 per day)		2021-166	09/14/21	0.00	0.00	10.00	10.00
Contracted programs (city share)		2021-166	09/14/21	0.00	0.00	30%	30%
Park							
Harmon Park Activities Center:							
Kitchen - per hour (two hour minimum)		2013-179	09/10/13	20.00	20.00	20.00	30.00
Kitchen with meeting room 2		2013-179	09/10/13	50.00	50.00	50.00	65.00
Conference room - per hour (two hour minimum)		2013-179	09/10/13	15.00	15.00	15.00	20.00
Meeting room number 1 or 2 (per hour, two hour minimum)		2020-139	09/08/20	85.00	25.00	25.00	35.00
Meeting room number 1 or 2 (per hour, two hour minimum) (on recognized holidays)		2020-139	09/08/20	100.00	30.00	30.00	45.00
Meeting room number 1 or 2 (per day)		2013-179	09/10/13	170.00	0.00	0.00	0.00
Meeting room number 1 or 2 (per day) (on recognized holidays)		2016-152	09/13/16	200.00	0.00	0.00	0.00
Meeting room number 1 and 2 combined (four hour period)		2013-179	09/10/13	170.00	0.00	0.00	0.00
Meeting room number 1 and 2 combined (four hour period) (on recognized holidays)		2016-152	09/13/16	200.00	0.00	0.00	0.00
Meeting room number 1 and 2 combined (per day)		2013-179	09/10/13	340.00	0.00	0.00	0.00
Meeting room number 1 and 2 combined (per day) (on recognized holidays)		2016-152	09/13/16	400.00	0.00	0.00	0.00
Meeting room number 1 and 2, Monday through Thursday, 8:00 a.m. - 5:00 p.m. (four hour period)		2020-139	09/08/20	45.00	50.00	50.00	60.00
Meeting room number 1 and 2, Monday through Thursday, 8:00 a.m. - 5:00 p.m. (eight hour period)		2020-139	09/08/20	90.00	100.00	100.00	120.00
Meeting room additional hour fee		2013-179	09/10/13	25.00	25.00	25.00	35.00
Multipurpose room in basement (per hour, two hour minimum)		2020-139	09/08/20	85.00	25.00	25.00	35.00
Multipurpose room in basement (per day)		2020-139	09/08/20	170.00	0.00	0.00	0.00
Non-profit groups (per facility for the year as approved)		2020-139	09/08/20	75.00	100.00	100.00	100.00
Traverse wall rental includes instruction (per hour)		2013-179	09/10/13	40.00	40.00	40.00	40.00
Harmon Park Sertoma shelter - per event		2020-139	09/08/20	60.00	75.00	75.00	75.00
Harmon Park Sonatorium east shelter - per event		2020-139	09/08/20	35.00	50.00	50.00	50.00
Harmon Park Sonatorium west shelter - per event		2013-179	09/10/13	35.00	35.00	35.00	35.00
Harmon Park Sonatorium stage - per event		2013-179	09/10/13	25.00	25.00	25.00	25.00
Apollo Park skateboard park rental fee (four hour period)		2016-152	09/13/16	100.00	100.00	100.00	100.00
Yanney Park Rotary shelter - per event		2020-139	09/08/20	60.00	75.00	75.00	75.00
Centennial Park shelter - per event		2020-139	09/08/20	60.00	75.00	75.00	75.00
East Brooke, Dryden, Hammer, Harvey, and Pioneer Park shelters - per event		2020-139	09/08/20	0.00	35.00	35.00	35.00
Yanney Park Environmental Resource Center - (per hour, two hour minimum)		2020-139	09/08/20	85.00	25.00	25.00	35.00
Yanney Park Environmental Resource Center - (per hour, two hour minimum) (on recognized holidays)		2020-139	09/08/20	100.00	30.00	30.00	40.00
Yanney Park Environmental Resource Center - per day		2020-139	09/08/20	170.00	0.00	0.00	0.00
Yanney Park Environmental Resource Center - per day (on recognized holidays)		2020-139	09/08/20	200.00	0.00	0.00	0.00
Yanney Park Environmental Resource Center additional hour fee		2020-139	09/08/20	25.00	0.00	0.00	0.00
Yanney Park Environmental Resource Center non-profit per year		2020-139	09/08/20	60.00	75.00	75.00	75.00
Yanney Park ERC or Mitz's Pavilion, Monday through Thursday, 8:00 a.m. to 5:00 p.m. (four hour period)		2020-139	09/08/20	45.00	50.00	50.00	60.00
Yanney Park ERC or Mitz's Pavilion, Monday through Thursday, 8:00 a.m. to 5:00 p.m. (eight hour period)		2020-139	09/08/20	90.00	100.00	100.00	120.00
Yanney Park Mitz's Pavilion - (per hour, two hour minimum)		2013-179	09/10/13	25.00	25.00	25.00	35.00
Yanney Park Mitz's Pavilion - (per hour, two hour minimum) (on recognized holidays)		2016-152	09/13/16	30.00	30.00	30.00	40.00
Yanney Park Mitz's Pavilion - daily maximum		2020-139	09/08/20	170.00	0.00	0.00	0.00
Yanney Park Mitz's Pavilion - daily maximum (on recognized holidays)		2020-139	09/08/20	200.00	0.00	0.00	0.00
Yanney Park Mitz's Pavilion - set-up per event		2020-139	09/08/20	25.00	0.00	0.00	0.00
Yanney Park Cope Amphitheater small rental (499 or less) - per event		2013-179	09/10/13	75.00	75.00	75.00	75.00
Yanney Park Cope Amphitheater large rental (500 or more) - per event				200.00	200.00	200.00	200.00
Yanney Park Cope Amphitheater large rental (500 or more) - per event (on recognized holidays)		2016-152	09/13/16	400.00	400.00	400.00	400.00
Weddings at any approved City park location per half day other than Cope Amphitheater				60.00	60.00	60.00	75.00
Weddings at Cope Amphitheater per half day				0.00	0.00	0.00	100.00
Building cancellation fee		2013-179	09/10/13	30.00	30.00	30.00	30.00
Shelter/wedding cancellation fee		2013-179	09/10/13	15.00	15.00	15.00	15.00
Marina paddleboats, canoes, kayaks, and rowboats - per one-half hour (Yanney Park)		2010-174	09/14/10	5.00	5.00	5.00	5.00
Marina paddleboats, canoes, kayaks, and rowboats - per hour (Yanney Park)		2020-139	09/08/20	9.00	10.00	10.00	10.00
Refuse, debris, and other obstructions removal for tree removal (per hour with a minimum of \$100.00 per hour)	7-512		05/22/07	150.00	150.00	150.00	150.00

Fee Description	Corresponding City Code Section	Last Fee Change		Fee For Fiscal Year Beginning October 1,			Beginning October 1,
		Resolution	Date	2019	2020	2021	2022
Refuse, debris, and other obstructions removal for tree removal administrative fee (per location)	7-512		05/22/07	25.00	25.00	25.00	25.00
Tree removal (per hour with a minimum of \$100.00 per hour)	7-515		05/22/07	150.00	150.00	150.00	150.00
Tree removal administrative fee (per location)	7-515		05/22/07	25.00	25.00	25.00	25.00
Trail rental fee		2011-91	08/09/11	25.00	25.00	25.00	35.00
Disc golf course rental (per day)		2014-186	09/09/14	25.00	25.00	25.00	25.00
Cottonmill picnic pack (per hour)		2018-154	09/11/18	20.00	20.00	20.00	0.00
Yanney Marina - picnic pack (per hour)		2020-139	09/08/20	13.00	5.00	5.00	5.00
Yanney Marina - washers, ladder, golf, bags (per hour)		2020-139	09/08/20	0.00	2.00	2.00	2.00
Large group Jump-a-Roo fee		2019-152	09/10/19	25.00	25.00	25.00	25.00
Field rental fee per game - adult league games or youth league games not coordinated by a Kearney Sport Association		2016-152	09/13/16	50.00	50.00	50.00	50.00
Field rental per team x # of days - adult or youth tournament not sponsored by KPS, KSHS, UNK or Kearney Sports Associations		2016-152	09/13/16	20.00	20.00	20.00	20.00
Field rental per field every 4 hours - adult or youth camps or special events not sponsored by a Kearney Sports Association		2016-152	09/13/16	50.00	50.00	50.00	50.00
Outdoor court rental fee per player x number of days - adult or youth league not coordinated by a Kearney Sports Association		2016-152	09/13/16	2.00	2.00	2.00	2.00
Outdoor court rental per court x number of days - adult or youth tournament not sponsored by KPS, KCHS, UNK or Kearney Sport Associations		2016-152	09/13/16	10.00	10.00	10.00	10.00
Outdoor court rental per court per hour - private tennis lessons/camps not sponsored by a Kearney Sports Association		2016-152	09/13/16	10.00	10.00	10.00	10.00
Park bench donation w/plaque (new)		2021-166	09/14/21	0.00	1,200.00	2,000.00	2,000.00
Park bench donation - bench currently in place w/plaque		2021-166	09/14/21	0.00	800.00	1,200.00	1,200.00
Tree donation		2021-166	09/14/21	0.00	0.00	300.00	300.00

Aquatics

Harmon Park & Centennial Park pools:							
Age 6 and over - per session (1:00 a.m. - 5:00 a.m., Monday-Friday and all day on weekends)		2017-159	09/12/17	4.00	4.00	4.00	5.00
Age 6 and over - per session (after 5:00 p.m., Monday-Friday)		2017-159	09/12/17	3.00	3.00	3.00	4.00
"Toddler Time" age 0-5 with parents/guardian, per morning session during non swim lesson weeks at Harmon Pool		2013-179	09/10/13	2.00	2.00	2.00	3.00
Small punch card (20 punches) - 1 punch = \$1.00 of session fee		2017-159	09/12/17	18.00	18.00	18.00	20.00
Large punch card (40 punches) - 1 punch = \$1.00 of session fee		2017-159	09/12/17	35.00	35.00	35.00	40.00
Water aerobics - per session		2020-139	09/08/20	3.00	4.00	4.00	4.00
Water walking & lap swimming - per session		2017-159	09/12/17	2.00	2.00	2.00	3.00
Season pass - small family (3 to 4 people) (early purchase)		2017-159	09/12/17	155.00	155.00	155.00	170.00
Season pass - small family (3 to 4 people) (late purchase)		2017-159	09/12/17	180.00	180.00	180.00	195.00
Season pass - large family (5 or more people) (early purchase)		2017-159	09/12/17	190.00	190.00	190.00	205.00
Season pass - large family (5 or more) (late purchase)		2017-159	09/12/17	230.00	230.00	230.00	245.00
Season pass - individual (early purchase)		2017-159	09/12/17	70.00	70.00	70.00	80.00
Season pass - individual (late purchase)		2017-159	09/12/17	85.00	85.00	85.00	95.00
Babysitter pass - with the purchase of individual or family season pass		2017-159	09/12/17	35.00	35.00	35.00	40.00
Centennial Park Pool rental, Saturday & Sunday, 7:30 p.m. to 9:00 p.m. - up to 50 people		2009-141	09/08/09	80.00	80.00	80.00	100.00
Centennial Park Pool rental, Saturday & Sunday, 7:30 p.m. to 9:00 p.m. - up to 51 to 100 people		2013-179	09/10/13	105.00	105.00	105.00	125.00
Centennial Park Pool rental, Saturday & Sunday, 7:30 p.m. to 9:00 p.m. - over 100 people		2013-179	09/10/13	130.00	130.00	130.00	155.00

Cottonmill

Amphitheater - per event		2013-179	09/10/13	25.00	25.00	25.00	25.00
Lodge:							
Lodge - (per hour, two hour minimum)		2020-139	09/08/20	25.00	25.00	25.00	30.00
Lodge - per day		2020-139	09/08/20	170.00	0.00	0.00	0.00
Lodge - Monday through Thursday, 8:00 a.m. to 5:00 p.m. (four hour period)		2020-139	09/08/20	45.00	50.00	50.00	60.00
Lodge - Monday through Thursday, 8:00 a.m. to 5:00 p.m. (eight hour period)		2020-139	09/08/20	90.00	100.00	100.00	120.00
Lodge - non-profit per year		2020-139	09/08/20	0.00	75.00	75.00	100.00
East/West shelter - per event		2020-139	09/08/20	35.00	50.00	50.00	50.00
Marina paddleboats, canoes, kayaks, and rowboats - per one-half hour		2004-19		5.00	5.00	5.00	5.00
Marina paddleboats, canoes, kayaks, and rowboats - per hour		2020-139	09/08/20	9.00	10.00	10.00	10.00
Marina - Cottonmill picnic pack (per hour)		2020-139	09/08/20	0.00	10.00	10.00	10.00
Marina - volleyball, washers, ladder golf, bags (per hour)		2020-139	09/08/20	0.00	2.00	2.00	2.00
Marina - disc golf disc (per hour)		2020-139	09/08/20	0.00	1.00	1.00	1.00
Key delivery fee (when staff delivers key to facility if not picked up by users during working hours)		2019-152	09/10/19	15.00	15.00	15.00	15.00

Golf (Note - changes to golf fees are effective January 1, 2023)

Elite season pass - single 7-day		2014-186	09/09/14	1,600.00	1,600.00	1,600.00	1,680.00
Elite season pass - couple 7-day		2014-186	09/09/14	2,100.00	2,100.00	2,100.00	2,205.00
Elite season pass - family 7-day		2016-152	09/13/16	2,500.00	2,500.00	2,500.00	2,625.00
Elite season pass - single 5-day		2014-186	09/09/14	1,430.00	1,430.00	1,430.00	1,500.00
Elite season pass - couple 5-day		2014-186	09/09/14	1,930.00	1,930.00	1,930.00	2,026.00
Elite season pass - family 5-day		2016-152	09/13/16	2,330.00	2,330.00	2,330.00	2,446.00
Gold season pass - single 7-day				0.00	0.00	0.00	1,260.00
Gold season pass - couple 7-day				0.00	0.00	0.00	1,654.00
Gold season pass - family 7-day				0.00	0.00	0.00	1,969.00
Gold season pass - single 5-day				0.00	0.00	0.00	1,125.00
Gold season pass - couple 5-day				0.00	0.00	0.00	1,520.00
Gold season pass - family 5-day				0.00	0.00	0.00	1,835.00
Season pass - single 7-day		2014-186	09/09/14	645.00	645.00	645.00	645.00
Season pass - senior/student 7-day		2014-186	09/09/14	610.00	610.00	610.00	0.00
Season pass - single additional 7-day		2014-186	09/09/14	280.00	280.00	280.00	0.00
Season pass - couple 7 day							969.00
Season pass - senior/student 5-day		2014-186	09/09/14	420.00	420.00	420.00	0.00
Season pass - single 5-day		2014-186	09/09/14	475.00	475.00	475.00	475.00
Season pass - single additional 5-day		2014-186	09/09/14	225.00	225.00	225.00	0.00
Season pass - couple 5 day				0.00	0.00	0.00	734.00
Season pass - family 5-day		2014-186	09/09/14	845.00	845.00	845.00	887.00
Season pass - junior 5-day		2014-186	09/09/14	130.00	130.00	130.00	135.00
Season pass - family 7-day		2014-186	09/09/14	1,070.00	1,070.00	1,070.00	1,080.00
Green fee - Monday through Thursday 9-holes		2018-154	09/11/18	18.00	18.00	18.00	20.00
Green fee - 9-holes (replay rate)		2018-154	09/11/18	9.00	9.00	9.00	10.00
Green fee - Friday through Sunday/holiday 9-holes		2018-154	09/11/18	22.00	22.00	22.00	24.00
Green fee - junior (13-18 years old) 9-holes		2006-24	02/14/06	10.00	10.00	10.00	10.00
Green fee - junior (under 13 years old) anytime with paid adult		2018-154	09/11/18	0.00	0.00	0.00	0.00

Fee Description	Corresponding City Code Section	Last Fee Change		Fee For Fiscal Year Beginning October 1,			Beginning October 1,
		Resolution	Date	2019	2020	2021	2022
Green fee - senior/student (Monday through Friday 9-holes)		2020-139	09/08/20	17.00	15.00	15.00	17.00
Cart fee - riding carts 9-holes		2020-139	09/08/20	11.00/rider	12.00/rider	12.00/rider	12.00/rider
Cart fee - riding carts 9-holes (replay rate)		2020-139	09/08/20	5.50/rider	6.00/rider	6.00/rider	6.00/rider
Cart fee - push carts 9-holes		2014-186	09/09/14	5.00	5.00	5.00	5.00
Green fee - Monday through Thursday 18-holes		2018-154	09/11/18	25.00	25.00	25.00	27.00
Green fee - 18-holes (replay rate)		2018-154	09/11/18	12.50	12.50	12.50	13.50
Green fee - Friday through Sunday/holiday 18-holes		2018-154	09/11/18	29.00	29.00	29.00	31.00
Green fee - junior (13-18 years old) 18-holes		2006-24	02/14/06	14.00	14.00	14.00	17.00
Green fee - senior/student (Monday through Thursday) 18-holes		2018-154	09/11/18	20.00	20.00	20.00	22.00
Cart fee - riding carts 18-holes		2020-139	09/08/20	14.00/rider	15.00/rider	15.00/rider	15.00/rider
Cart fee - riding carts 18-holes (replay rate)		2020-139	09/08/20	7.00/rider	7.50/rider	7.50/rider	7.50/rider
Cart fee - push carts 18-holes		2014-186	09/09/14	5.00	5.00	5.00	5.00
Green fee - twilight special (with cart)		2018-154	09/11/18	28.00	28.00	28.00	32.00
Driving range - small bucket (about 30 balls)		2006-24	02/14/06	4.00	4.00	4.00	4.00
Driving range - large bucket (about 60 balls)		2006-24	02/14/06	6.00	6.00	6.00	6.00
Driving range - extra large bucket (about 90 balls)		2006-24	02/14/06	9.00	9.00	9.00	9.00
Green fee punch card - 9-holes (10 9-hole rounds)		2018-154	09/11/18	162.00	162.00	162.00	0.00
Green fee punch card - 18-holes (10 18-hole rounds)		2018-154	09/11/18	225.00	225.00	225.00	0.00
Green fee punch card - 9-holes (25 9-hole rounds)		2018-154	09/11/18	360.00	360.00	360.00	400.00
Green fee punch card - 18-holes (25 18-hole rounds)		2018-154	09/11/18	500.00	500.00	500.00	540.00
Cart punch card - 9-holes (10 1/2 carts for 9-holes)		2020-139	09/08/20	99.00	108.00	108.00	0.00
Cart punch card - 18-holes (10 1/2 carts for 18-holes)		2020-139	09/08/20	126.00	135.00	135.00	0.00
Cart punch card - 9-holes (25 1/2 carts for 9-holes)		2020-139	09/08/20	220.00	240.00	240.00	240.00
Cart punch card - 18-holes (25 1/2 carts for 18-holes)		2020-139	09/08/20	280.00	300.00	300.00	300.00
Cart punch card - 9-holes (50 1/2 carts for 9-holes)		2020-139	09/08/20	418.00	456.00	456.00	456.00
Cart punch card - 18-holes (50 1/2 carts for 18-holes)		2020-139	09/08/20	532.00	570.00	570.00	570.00
Range punch card - small bucket (25 punches)		2006-24	02/14/06	80.00	80.00	80.00	80.00
Range punch card - large bucket (25 punches)		2006-24	02/14/06	120.00	120.00	120.00	120.00
Range punch card - extra large bucket (25 punches)		2006-24	02/14/06	180.00	180.00	180.00	180.00
Combo green fee/cart punch card - 9 holes (10 9-hole rounds)		2020-139	09/08/20	243.00	255.00	255.00	256.00
Combo green fee/cart punch card - 18 holes (10 18-hole rounds)		2020-139	09/08/20	333.00	340.00	340.00	336.00
Combo green fee/cart punch card - 9 holes (25 9-hole rounds)		2020-139	09/08/20	540.00	585.00	585.00	640.00
Combo green fee/cart punch card - 18 holes (25 18-hole rounds)		2020-139	09/08/20	780.00	780.00	780.00	840.00
Tournament rate - 18-holes (per player) (peak season April-August, Monday through Thursday)		2018-154	09/11/18	47.00	47.00	47.00	47.00
Tournament rate - 18-holes (per player) (peak season April-August, Friday through Sunday)		2018-154	09/11/18	49.00	49.00	49.00	47.00
Tournament rate - 18-holes (per player) (off peak season September to March, any day)		2014-186	09/09/14	42.00	42.00	42.00	42.00
Clubhouse rental (0-40 people)		2014-186	09/09/14	150.00	150.00	150.00	250.00
Clubhouse rental (41-80 people)		2014-186	09/09/14	175.00	175.00	175.00	275.00
Clubhouse rental - daytime meeting		2008-158	09/09/08	75.00	75.00	75.00	125.00
Clubhouse rental deposit		2014-186	09/09/14	100.00	100.00	100.00	100.00
Junior golf lesson program		2014-186	09/09/14	35.00	35.00	35.00	40.00
Head professional golf lesson - private lesson (45 minutes)		2014-186	09/09/14	40.00	40.00	40.00	0.00
Head professional golf lesson - private series of six lessons (45 minutes)		2014-186	09/09/14	200.00	200.00	200.00	0.00
Head professional golf lesson - tune up (15-20 minutes)		2014-186	09/09/14	20.00	20.00	20.00	0.00
Head professional golf lesson - couple (1 hour)		2006-24	02/14/06	50.00	50.00	50.00	0.00
Head professional golf lesson - couple series of six lessons (1 hour)		2006-24	02/14/06	250.00	250.00	250.00	0.00
Head professional golf lesson - group series of four lessons (1 hour)		2006-24	02/14/06	60.00	60.00	60.00	0.00
Head professional golf lesson - playing lesson (3-holes)		2006-24	02/14/06	50.00	50.00	50.00	0.00
Assistant professional golf lesson - private lesson (45 minutes)		2011-91	08/09/11	40.00	40.00	40.00	0.00
Assistant professional golf lesson - private series of six lessons (45 minutes)		2011-91	08/09/11	200.00	200.00	200.00	0.00
Assistant professional golf lesson - tune up (15-20 minutes)		2014-186	09/09/14	20.00	20.00	20.00	0.00
Assistant professional golf lesson - couple (1 hour)		2011-91	08/09/11	50.00	50.00	50.00	0.00
Assistant professional golf lesson - couple series of six lessons (1 hour)		2006-24	02/14/06	200.00	200.00	200.00	0.00
Assistant professional golf lesson - group series of four lessons (1 hour)		2006-24	02/14/06	60.00	60.00	60.00	0.00
Assistant professional golf lesson - playing lesson (3-holes)		2006-24	02/14/06	50.00	50.00	50.00	0.00
GIS							
GIS CD							
Aerial photos:							
Photo copy				10.00	10.00	10.00	10.00
Color plots				20.00	20.00	20.00	20.00
Photo on disk				30.00	30.00	30.00	30.00
Contours on disk				10.00	10.00	10.00	10.00
Solid Waste - Collection							
Single family unit (90 gallon container) (25% rate surcharge for outside city limits/50% rate surcharge for outside Buffalo County)	5-212	2021-166	09/14/21	13.66	14.07	14.50	15.00
Multi-family unit (90 gallon container) (25% rate surcharge for outside city limits/50% rate surcharge for outside Buffalo County)	5-212	2021-166	09/14/21	13.66	14.07	14.50	15.00
Multi-family unit (shared container) or, if less, the commercial rate listed below (25% rate surcharge for outside city limits/ 50% rate surcharge for outside Buffalo County)	5-212	2021-166	09/14/21	12.05	12.41	12.78	13.20
Commercial front load (2 or 3 yard container)	5-212	2021-166	09/14/21	56.24	57.93	59.67	61.46
Commercial front load (6 or 8 yard container)	5-212	2021-166	09/14/21	112.48	115.85	119.33	122.91
Commercial rear load (2 or 3 yard container)		2021-166	09/14/21	58.92	60.69	62.51	65.00
Commercial rear load (6 or 8 yard container)		2021-166	09/14/21	117.83	121.36	125.00	130.00
Commercial cardboard (3 yard container)	5-212	2021-166	09/14/21	34.17	35.20	36.26	37.35
Yard waste	5-212	2021-166	09/14/21	13.66	14.07	14.50	15.00
Nebraska Advantage/Economic Development Rate (new commercial/industrial customers after January 1, 2012)		2014-186	09/09/14	50% of comm/ind rate	50% of comm/ind rate	50% of comm/ind rate	50% of comm/ind rate
Yard waste - Senior Citizen Program (first container no charge/additional containers normal yard waste charge)				0.00	0.00	0.00	0.00
Residential curbside recycling free with paid sanitation service		2009-141	09/08/09	0.00	0.00	0.00	0.00
Late charge	5-212		10/01/06	5%	5%	5%	5%
Roll-off box service - compactors with pin-off devices (per pull)	5-212	2021-166	09/14/21	125.11	128.86	133.00	137.00
Roll-off box service - compactors without pin-off devices (per pull)	5-212	2021-166	09/14/21	0.00	155.11	160.00	165.00
Roll-off box rent (per day)	5-212	2021-166	09/14/21	2.30	2.37	2.50	3.00
Special project container (3 yard container):							
Delivery fee	5-212	2021-166	09/14/21	33.74	34.75	39.00	40.00

Fee Description	Corresponding City Code Section	Last Fee Change		Fee For Fiscal Year Beginning October 1,			Beginning October 1, 2022
		Resolution	Date	2019	2020	2021	
Empty fee	5-212	2021-166	09/14/21	33.74	34.75	39.00	40.00
Daily rental	5-212	2021-166	09/14/21	1.39	1.43	1.50	1.55
Deposit required before container delivery		2021-166	09/14/21	64.48	66.41	78.00	80.00
Special project container (6 yard container):							
Delivery fee	5-212	2021-166	09/14/21	33.63	34.64	39.00	40.00
Empty fee	5-212	2021-166	09/14/21	60.84	62.67	65.00	67.00
Daily rental	5-212	2021-166	09/14/21	1.39	1.43	1.50	1.55
Deposit required before container delivery		2021-166	09/14/21	91.05	93.78	104.00	107.00
Ninety-gallon trash container (new or replacement)		2008-158	09/09/08	100.00	100.00	100.00	100.00
Ninety-gallon recycling container (additional or replacement)		2017-159	09/12/17	0.00	0.00	0.00	0.00
Ninety-gallon yardwaste container (additional or replacement)		2009-141	09/08/09	100.00	100.00	100.00	100.00
Commercial trash container (new or replacement)	5-213		08/14/90	actual cost	actual cost	actual cost	actual cost
Retrieval fee for containers left at curb	5-213/5-224	2021-166	09/14/21	27.32	28.14	30.00	31.00
Yard waste container delivery fee for starting/restarting service (per event)		2011-91	08/09/11	10.00	10.00	10.00	11.00
Special pickup fee - residential (per fifteen minutes)		2018-154	09/11/18	25.00	25.00	25.00	30.00
Recycling collection/transport permit fee (per year)	5-228	2021-166	09/14/21	136.68	140.78	145.00	150.00
Solid Waste - Disposal							
Tipping fee - compacted waste (per ton)		KASWA 2006-2	10/01/06	27.50	27.50	27.50	27.50
Tipping fee - uncompacted waste (per ton)		KASWA 2006-2	10/01/06	32.50	32.50	32.50	35.00
Special waste (per ton)		KASWA 2006-2	10/01/06	65.00	65.00	65.00	68.00
Contaminated soils (per ton)		KASWA 2006-2	10/01/06	46.00	46.00	46.00	46.00
Clean concrete/asphalt (per ton)		KASWA 2006-2	10/01/06	10.00	10.00	10.00	10.00
Tires (no rims) (per ton)		KASWA 2006-2	10/01/06	125.00	125.00	125.00	200.00
Tires (no rims) (passenger)		KASWA 2006-2	10/01/06	125.00	125.00	125.00	4.00
Tires (no rims) (truck)		KASWA 2006-2	10/01/06	125.00	125.00	125.00	15.00
Tires (no rims) (implement)				0.00	0.00	0.00	50.00
Tire debris (per ton)		KASWA 2006-2	10/01/06	10.00	10.00	10.00	20.00
Wood pallets (per ton)		KASWA 2006-2	10/01/06	10.00	10.00	10.00	20.00
Wood pallets (less than 10 pallets) (each)		KASWA 2006-2	10/01/06	1.00	1.00	1.00	2.00
Sale of compost (per yard - unloaded)		2018-152	09/13/18	5.00	5.00	5.00	10.00
Sale of compost (per yard - loaded)		2018-152	09/13/18	10.00	10.00	10.00	0.00
Small loads - minimum		KASWA 2006-2	10/01/06	4.00	4.00	4.00	10.00
Car tires (less than 10, no rims) (each)		KASWA 2006-2	10/01/06	1.00	1.00	1.00	0.00
Appliances (each)		KASWA 2006-2	10/01/06	10.00	10.00	10.00	10.00
Unsecured load penalty - commercial		KASWA 2006-2	10/01/06	20.00	20.00	20.00	20.00
Unsecured load penalty - residential		KASWA 2006-2	10/01/06	10.00	10.00	10.00	10.00
Loading of wood chips (per cubic yard)		2021-166	09/14/21	0.00	0.00	5.00	5.00
Loading of wood chips or compost (per loader bucket dump)				0.00	0.00	0.00	10.00
Disposal of root-balls (lower stumps with root and dirt) (per ton)		2021-166	09/14/21	0.00	0.00	32.50	35.00
The above rates are double for refuse being hauled from outside the service area.							
Wastewater Treatment/Collection							
Residential (services inside city limits):							
Per 748 gallons (based on average of Jan/Feb/Mar water consumption with a minimum of one unit consumption)	10-207	2021-166	09/14/21	2.12	2.18	2.25	2.42
Monthly base	10-207	2021-166	09/14/21	3.84	3.96	4.08	4.39
Monthly charge when water metering does not allow the establishment of rate (Finance Director has the authority to retroactively adjust the monthly charge, at his or her discretion, after the establishment of actual water usage has been determined)	10-207	2021-166	09/14/21	20.82	21.44	22.09	23.75
Residential (services outside city limits - all service connections after 1-1-2018):							
Per 748 gallons (based on average of Jan/Feb/Mar water consumption with a minimum of one unit consumption)	10-207	2021-166	09/14/21	4.24	4.37	4.51	4.85
Monthly base	10-207	2021-166	09/14/21	3.84	3.96	4.08	4.39
Monthly charge when water metering does not allow the establishment of rate (Finance Director has the authority to retroactively adjust the monthly charge, at his or her discretion, after the establishment of actual water usage has been determined)	10-207	2021-166	09/14/21	37.79	38.92	40.09	43.10
Commercial/Industrial (services inside city limits):							
Per 748 gallons	10-207	2021-166	09/14/21	1.91	1.97	2.03	2.19
Monthly base	10-207	2021-166	09/14/21	3.84	3.96	4.08	4.39
Commercial/Industrial (high volume/low strength - greater than 3,000 ccf/month, BOD less than 120 mg) (services inside city limits):							
Per 748 gallons	10-207	2021-166	09/14/21	1.83	1.89	1.95	2.10
Monthly base	10-207	2021-166	09/14/21	3.84	3.96	4.08	4.39
Commercial/Industrial (services outside city limits - all service connections after 1-1-2018):							
Per 748 gallons	10-207	2021-166	09/14/21	3.81	3.93	4.05	4.36
Monthly base	10-207	2021-166	09/14/21	3.84	3.96	4.08	4.39
Commercial/Industrial (high volume/low strength - greater than 3,000 ccf/month, BOD less than 120 mg) (services outside city limits - all service connections after 1-1-2018):							
Per 748 gallons	10-207	2021-166	09/14/21	3.67	3.78	3.90	4.20
Monthly base	10-207	2021-166	09/14/21	3.84	3.96	4.08	4.39
Nebraska Advantage/Economic Development Rate (new commercial/Industrial customers after January 1, 2012)		2012-154	09/11/12	50% of comm/ind rate	50% of comm/ind rate	50% of comm/ind rate	50% of comm/ind rate
Late charge	10-207		10/01/06	5%	5%	5%	5%
Reconnection fee (during normal working hours)	10-205	2007-108	10/01/07	50.00	50.00	50.00	50.00
Reconnection fee (not during normal working hours)	10-205	2007-108	10/01/07	75.00	75.00	75.00	75.00
Wastewater received in bulk		2021-166	09/14/21	32.00 + .15/gallon	33.00 + .15/gallon	34.00 + .15/gallon	34.00 + .15/gallon
Laboratory analysis fees per sample:							
Alkalinity		2007-108	10/01/07	12.00	12.00	12.00	12.00
BOD		2007-108	10/01/07	25.00	25.00	25.00	25.00
COD		2007-108	10/01/07	20.00	20.00	20.00	20.00
Chlorine residual		2007-108	10/01/07	12.00	12.00	12.00	12.00
Dissolved oxygen		2007-108	10/01/07	10.00	10.00	10.00	10.00
Any Phosphorous (PO4, TotP)		2007-108	10/01/07	20.00	20.00	20.00	20.00
Ammonia nitrogen		2007-108	10/01/07	20.00	20.00	20.00	20.00
Nitrate		2007-108	10/01/07	16.00	16.00	16.00	16.00
Nitrite		2007-108	10/01/07	20.00	20.00	20.00	20.00
TKN		2007-108	10/01/07	25.00	25.00	25.00	25.00
PH		2007-108	10/01/07	6.00	6.00	6.00	6.00
Settleable solids		2007-108	10/01/07	10.00	10.00	10.00	10.00

Fee Description	Corresponding City Code Section	Last Fee Change		Fee For Fiscal Year Beginning October 1,			Beginning October 1,
		Resolution	Date	2019	2020	2021	2022
Suspended solids		2007-108	10/01/07	10.00	10.00	10.00	10.00
SOUR		2007-108	10/01/07	40.00	40.00	40.00	40.00
Turbidity		2007-108	10/01/07	12.00	12.00	12.00	12.00
Ecoli		2008-158	09/09/08	20.00	20.00	20.00	20.00
MLSS		2007-108	10/01/07	10.00	10.00	10.00	10.00
MLVSS		2007-108	10/01/07	15.00	15.00	15.00	15.00
Sodium bisulfite residual		2007-108	10/01/07	12.00	12.00	12.00	12.00
Oil and grease		2007-108	10/01/07	20.00	20.00	20.00	20.00
Analytical packages per sample:							
BOD, SS, PH		2007-108	10/01/07	38.00	38.00	38.00	38.00
BOD, SS, PH, fecals		2007-108	10/01/07	45.00	45.00	45.00	45.00
BOD, SS, PH, ammonia		2007-108	10/01/07	45.00	45.00	45.00	45.00
Hook-up fee for unassessed properties	10-208		03/12/96	cost of 8" main	cost of 8" main	cost of 8" main	cost of 8" main
Water Production/Distribution							
Single family residential (services inside city limits):							
Per 748 gallons	10-317	2021-166	09/14/21	1.60	1.65	1.70	1.75
Monthly base	10-317	2021-166	09/14/21	8.88	9.15	9.43	9.62
Single family residential (services outside city limits - all service connections after 1-1-2018):							
Per 748 gallons	10-317	2021-166	09/14/21	3.19	3.29	3.39	3.46
Monthly base	10-317	2021-166	09/14/21	8.88	9.15	9.43	9.62
Multi-family residential (services inside city limits):							
Per 748 gallons	10-317	2021-166	09/14/21	1.60	1.65	1.70	1.75
Monthly base	10-317	2021-166	09/14/21	8.88	9.15	9.43	9.62
Multi-family residential (services outside city limits - all service connections after 1-1-2018):							
Per 748 gallons	10-317	2021-166	09/14/21	3.19	3.29	3.39	3.46
Monthly base	10-317	2021-166	09/14/21	8.88	9.15	9.43	9.62
Commercial/Industrial (services inside city limits):							
Per 748 gallons	10-317	2021-166	09/14/21	1.45	1.49	1.54	1.57
Monthly base - 5/8" meter	10-317	2021-166	09/14/21	7.34	7.56	7.79	7.95
Monthly base - 3/4" meter	10-317	2021-166	09/14/21	7.63	7.86	8.10	8.27
Monthly base - 1" meter	10-317	2021-166	09/14/21	8.46	8.71	8.98	9.16
Monthly base - 1 1/2" meter	10-317	2021-166	09/14/21	9.57	9.86	10.16	10.37
Monthly base - 2" meter	10-317	2021-166	09/14/21	12.66	13.04	13.44	13.71
Monthly base - 3" meter	10-317	2021-166	09/14/21	35.26	36.32	37.41	38.16
Monthly base - 4" meter	10-317	2021-166	09/14/21	43.63	44.94	46.29	47.22
Monthly base - 6" meter	10-317	2021-166	09/14/21	63.18	65.08	67.04	68.38
Monthly base - 8" meter	10-317	2021-166	09/14/21	85.50	88.07	90.72	92.54
Monthly base - 10" meter	10-317	2021-166	09/14/21	116.21	119.70	123.30	125.77
Monthly base - 12" meter	10-317	2021-166	09/14/21	138.55	142.71	147.00	149.94
Commercial/Industrial (services outside city limits - all service connections after 1-1-2018):							
Per 748 gallons	10-317	2021-166	09/14/21	2.90	2.99	3.08	3.15
Monthly base - 5/8" meter	10-317	2021-166	09/14/21	7.34	7.56	7.79	7.95
Monthly base - 3/4" meter	10-317	2021-166	09/14/21	7.63	7.86	8.10	8.27
Monthly base - 1" meter	10-317	2021-166	09/14/21	8.46	8.71	8.98	9.16
Monthly base - 1 1/2" meter	10-317	2021-166	09/14/21	9.57	9.86	10.16	10.37
Monthly base - 2" meter	10-317	2021-166	09/14/21	12.66	13.04	13.44	13.71
Monthly base - 3" meter	10-317	2021-166	09/14/21	35.26	36.32	37.41	38.16
Monthly base - 4" meter	10-317	2021-166	09/14/21	43.63	44.94	46.29	47.22
Monthly base - 6" meter	10-317	2021-166	09/14/21	63.18	65.08	67.04	68.38
Monthly base - 8" meter	10-317	2021-166	09/14/21	85.50	88.07	90.72	92.54
Monthly base - 10" meter	10-317	2021-166	09/14/21	116.21	119.70	123.30	125.77
Monthly base - 12" meter	10-317	2021-166	09/14/21	138.55	142.71	147.00	149.94
Nebraska Advantage/Economic Development Rate (new commercial/industrial customers after January 1, 2012)							
Late charge	10-317	2015-189	09/08/15	50% of comm/ind rate	50% of comm/ind rate	50% of comm/ind rate	50% of comm/ind rate
Credit for customers using utility eBill and bankdraft (per month)				5%	5%	5%	5%
Reconnection fee (during normal working hours)	10-316	2013-179	09/10/13	1.00	1.00	1.00	1.00
Reconnection fee (not during normal working hours)	10-316	2007-108	10/01/07	50.00	50.00	50.00	50.00
Service charge (not during normal working hours)	10-316	2007-108	10/01/07	75.00	75.00	75.00	75.00
Collection charge (when past-due account balance collected at account address)		2008-158	09/09/08	75.00	75.00	75.00	75.00
Deposit - residential (rentals only)		2012-154	09/11/12	30.00	30.00	30.00	30.00
Deposit - commercial		2007-108	10/01/07	60.00	60.00	60.00	60.00
Account activation fee - when "on-site" meter read needed		2007-108	10/01/07	100.00	100.00	100.00	100.00
Account transfer fee - when "on-site" meter read needed		2007-108	10/01/07	30.00	30.00	30.00	30.00
Account activation fee - when "on-site" meter read not needed		2007-108	10/01/07	30.00	30.00	30.00	30.00
Account transfer fee - when "on-site" meter read not needed		2018-154	09/11/18	15.00	15.00	15.00	15.00
Water service - 1" (includes meter and fittings)		2018-154	09/11/18	15.00	15.00	15.00	15.00
Meter and fittings for 1" water service		2018-154	09/11/18	1,300.00 + concrete	1,300.00 + concrete	1,300.00 + concrete	1,300.00 + concrete
Meter and fittings for various sized meters (other than 1" water service)		2018-154	09/11/18	775.00	775.00	775.00	775.00
Water service - other		2012-154	09/11/12	actual cost + 20%	actual cost + 20%	actual cost + 20%	actual cost + 20%
Frozen or damaged water meter repair or replacement		2007-108	10/01/07	actual cost	actual cost	actual cost	actual cost
Water from fire hydrant during construction		2011-91	08/09/11	actual cost	actual cost	actual cost	actual cost
Hook-up fee for unassessed properties	10-318		03/12/96	37.00/trip+ usage fee	37.00/trip+ usage fee	37.00/trip+ usage fee	37.00/trip+ usage fee
				4.00 min. usage	4.00 min. usage	4.00 min. usage	4.00 min. usage
				cost of 8" main	cost of 8" main	cost of 8" main	cost of 8" main
Storm Water Utility							
Residential surcharge fee (monthly per living unit)	10-504	2019-152	09/10/19	2.00	2.00	2.00	2.00
Non-residential surcharge fee (monthly)	10-504	2019-152	09/10/19	6.00	6.00	6.00	6.00
Airport							
Old Steel Hanger (T-385 - per month)		2020-139	09/08/20	100.00	115.00	115.00	115.00
T-hanger (Series B - per month)		2020-139	09/08/20	130.00	145.00	145.00	145.00
T-hanger (Series C - per month)		2020-139	09/08/20	130.00	145.00	145.00	145.00
Hanger T-913:							

Fee Description	Corresponding City Code Section	Last Fee Change		Fee For Fiscal Year Beginning October 1,			Beginning October 1,
		Resolution	Date	2019	2020	2021	2022
Overnight (24 hours):							
Single engine piston		2021-166	09/14/21	0.00	0.00	30.00	30.00
Multi-engine piston/small heli		2021-166	09/14/21	0.00	0.00	75.00	100.00
Turbo-prop (sized dependent)		2021-166	09/14/21	0.00	0.00	100.00	150.00
Very light jet (VLJ)		2021-166	09/14/21	0.00	0.00	100.00	150.00
Light jet		2021-166	09/14/21	0.00	0.00	150.00	200.00
Midsize jet		2021-166	09/14/21	0.00	0.00	200.00	250.00
Heavy jet		2021-166	09/14/21	0.00	0.00	300.00	375.00
Long-term storage (month to month):							
Single engine piston		2021-166	09/14/21	0.00	0.00	175.00	175.00
All other aircraft (per square foot)		2021-166	09/14/21	0.00	0.00	.25	.25
Non-airport owned hangars (per square foot)		2013-179	09/10/13	.55	.55	.55	.60
Non-base tenant call out fee							75.00
Fuel flowage fee (per gallon transferred to aircraft)		2013-179	09/10/13	.08	.08	.08	.08
Ramp fee for airlines and freight carriers (per year)		2013-179	09/10/13	1800.00	1800.00	1800.00	2,000.00
Landing fee (per 1,000 pounds certified gross weight of aircraft, per landing)		2013-179	09/10/13	1.00	1.00	1.00	1.25
Center pivot irrigated cropland (per acre)		2021-166	09/14/21	215.00	230.00	235.00	275.00
Dryland cropland (per acre)		2021-166	09/14/21	84.00	91.00	98.00	120.00
Gravity irrigated cropland (per acre)		2021-166	09/14/21	195.00	205.00	215.00	245.00
Other hayland (per acre)		2021-166	09/14/21	55.00	57.00	59.00	65.00



COUNCIL AGENDA MEMO

ITEM NO. I - #4 and ITEM NO. IV - #6

FROM: *Wendell Wessels, Director of Finance*

MEETING: *September 12 and 13, 2022*

SUBJECT: *2022 Property Tax Request*

PRESENTER: *Wendell Wessels*

Discussion:

Section 77-1632 of the Nebraska Revised Statutes requires political subdivisions of the State of Nebraska to conduct a Special Public Hearing to set the 2022 property tax request if the request is going to be different than the 2021 property tax request. The same statutes include a provision stating that the property tax request for 2021 will be the property tax request for 2022 unless the political subdivision passes by a majority vote a resolution setting the property tax request at a different amount.

Attached is Resolution No. 2022-181, which sets the property tax request for 2022. The 2022-2023 City of Kearney Budget includes a property tax requirement of \$4,251,328.36 for the General Fund, and a property tax requirement of \$372,466.79 for the Public Safety Tax Anticipation Bond Fund. The 2022 property tax requirements are different than the 2021 property tax requirements; therefore, a Special Public Hearing is required on September 12 to set the 2022 property tax requirement.

Fiscal Note:

The 2022 property tax requirement is different than the 2021 property tax requirement, therefore, a public hearing is required. After the public hearing, the City Council is required to adopt a resolution on September 13, by a majority vote, setting the property tax request for 2022.

Recommended Action:

Administration recommends that the City Council pass and approve Resolution No. 2022-181 on September 13. Adoption of Resolution No. 2022-181 will set the 2022 property tax requirement as included in the 2022-2023 City of Kearney Budget Document.

RESOLUTION NO. 2022-181

WHEREAS, Nebraska Revised Statute 77-1632 provides that the City Council of the City of Kearney passes a majority vote a resolution or ordinance setting the 2022 property tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request;

NOW, THEREFORE, the City Council of the City of Kearney, resolves that:

1. The 2022-2023 General Fund property tax request be set at \$4,251,328.36 and the 2022-2023 Bond Fund property tax request be set at \$372,466.79.
2. The total assessed value of property differs from last year's total assessed value by 5.51%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.141098 per \$100 of assessed value.
4. The City of Kearney proposes to adopt a property tax request that will cause its tax rate to be \$.148870 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Kearney will exceed last year's by 27.99%.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2022.

Motioned by _____, seconded by _____
to adopt Resolution No. 2022-181. Voting yes were _____.
Voting no were _____.

Dated this 13th day of September 2022.

ATTEST:

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

PEGGY EYNETICH
DEPUTY CITY CLERK



COUNCIL AGENDA MEMO

ITEM NO. I - #5 and ITEM NO. IV - #7

FROM: *Wendell Wessels, Director of Finance*

MEETING: *September 12 and 13, 2022*

SUBJECT: *2022-2023 City of Kearney Offstreet Parking District No. 1 Budget*

PRESENTER: *Wendell Wessels*

Discussion:

Pursuant to Section 13-506 of the Nebraska Revised Statutes, the City Council is required to conduct a public hearing on the City of Kearney Offstreet Parking District No. 1 proposed budget for the 2022-2023 fiscal year. The public hearing is a process where the City Council hears support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed Budget Document. The 2022-2023 Offstreet Parking District. No. 1 Budget Document can be reviewed in "Dropbox" (pages 151 to 154 of the City of Kearney Budget Document). After the Budget Document is reviewed and the public hearing is conducted on September 12, Resolution No. 2022-182 should be passed and approved on September 13. Resolution No. 2022-182 legally adopts the Budget Document and appropriates sums of money contained in the Budget Document for the necessary expenses and liabilities of the City of Kearney Offstreet Parking District No. 1.

Fiscal Note:

The 2022-2023 City of Kearney Offstreet Parking District No. 1 budget has been created on conservative financial principals that reflect staff commitment to maintaining necessary services, improving the quality of the operation of the Offstreet Parking District No. 1, and keeping expenditures and taxes as low as possible.

Recommended Action:

The City Council is required to conduct a public hearing concerning the budget for the City of Kearney Offstreet Parking District No. 1 pursuant to State Statutes. Therefore, the only alternative for the City is to conduct the public hearings and adopt, or amend and adopt as amended, the City of Kearney Annual Operating Budget and Program of Services for the fiscal year beginning on October 1, 2022 and ending on September 30, 2023.

The City of Kearney Offstreet Parking District No. 1 Board approved the Offstreet Parking District No. 1 Budget on July 13, 2022. Administration recommends that the City Council conduct a public hearing on the 2022-2023 Budget Document for the City of Kearney Offstreet Parking District No. 1 on September 12 and adopt, or amend and adopt as amended, the City of Kearney Offstreet Parking District No. 1 Annual Operating Budget and Program of Services on September 13.

RESOLUTION NO. 2022-182

A RESOLUTION TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR THE CITY OF KEARNEY OFFSTREET PARKING DISTRICT NO. 1; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES FOR THE CITY OF KEARNEY OFFSTREET PARKING DISTRICT NO. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that after complying with all procedures required by law, the budget for the City of Kearney Offstreet Parking District No. 1 presented and set forth in the budget statement (Annual Operating Budget and Program of Services for the Fiscal Year beginning October 1, 2022 through September 30, 2023) is hereby approved as the Annual Appropriation Bill. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Kearney Offstreet Parking District No. 1. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Buffalo County, Nebraska, for use by the levying authority.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

**PEGGY EYNETICH
DEPUTY CITY CLERK**

**CITY OF KEARNEY
OFFSTREET PARKING DISTRICT NO. 1 SUMMARY
2022 - 2023 BUDGET**

	Actual 2019 - 2020	Actual 2020 - 2021	Budget 2021 - 2022	Estimated Actual 2021 - 2022	Proposed Budget 2022 - 2023
EXPENDITURES					
Personal Services	0.00	0.00	0.00	0.00	0.00
Supplies, Materials and Contractual Services	41,343.70	56,967.08	108,901.47	20,500.00	161,082.40
Equipment Rental	0.00	0.00	0.00	0.00	0.00
Capital Outlay	0.00	0.00	0.00	0.00	0.00
Debt Servicing	0.00	0.00	0.00	0.00	0.00
Transfers	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	41,343.70	56,967.08	108,901.47	20,500.00	161,082.40

REVENUES					
Taxes	52,772.40	52,862.07	55,870.00	54,753.00	57,266.00
Licenses and Permits	0.00	0.00	0.00	0.00	0.00
Charges for Services	0.00	0.00	0.00	0.00	0.00
Fines	0.00	0.00	0.00	0.00	0.00
Special Assessments	0.00	0.00	0.00	0.00	0.00
Interest	304.18	299.62	250.00	400.00	400.00
Miscellaneous	1,000.00	1,750.00	1,000.00	1,000.00	1,000.00
Intergovernmental - State	0.00	0.00	0.00	0.00	0.00
Transfers	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	54,076.58	54,911.69	57,120.00	56,153.00	58,666.00
Beginning fund balance	64,313.29	76,835.58	57,781.47	74,823.23	108,416.40
County Treasurer's balance	1,772.62	1,983.21	4,000.00	1,940.17	4,000.00
Total cash available	120,162.49	133,730.48	118,901.47	132,916.40	171,082.40
Less total expenditures	41,343.70	56,967.08	108,901.47	20,500.00	161,082.40
Ending fund balance	78,818.79	76,763.40	10,000.00	112,416.40	10,000.00

FUND BALANCE ANALYSIS

Year Ending:	Balance	Annual Change	Required		Surplus (Deficit)
			Operating	Capital	
09/30/13	52,666.29				
09/30/14	52,443.77	(222.52)			
09/30/15	53,455.37	1,011.60			
09/30/16	56,720.37	3,265.00			
09/30/17	106,551.74	49,831.37			
09/30/18	84,768.37	(21,783.37)			
09/30/19	64,313.29	(20,455.08)			
09/30/20	76,835.58	12,522.29			
09/30/21	74,823.23	(2,012.35)			
09/30/22 (estimate)	108,416.40	33,593.17			
09/30/23 (budget)	10,000.00	(98,416.40)	10,000.00	0.00	0.00

**OFFSTREET PARKING DISTRICT NO. 1
REVENUES**

**FUND 51 - OFFSTREET PARKING DISTRICT NO. 1
ACCOUNT 00 - OFFSTREET PARKING DISTRICT NO. 1**

Account	Account Name	Actual 2019 - 2020	Actual 2020 - 2021	Budget 2021 - 2022	Estimated Actual 2021 - 2022	Proposed Budget 2022 - 2023
31000 Taxes						
250031130	Property tax	52,772.40	52,862.07	55,870.00	54,753.00	57,266.00
	Category Total	52,772.40	52,862.07	55,870.00	54,753.00	57,266.00
36000 Interest						
250036100	Interest	304.18	299.62	250.00	400.00	400.00
	Category Total	304.18	299.62	250.00	400.00	400.00
33000 Miscellaneous						
250037109	CRA contributions	0.00	0.00	0.00	0.00	0.00
250037115	Donations	0.00	0.00	0.00	0.00	0.00
250037180	Miscellaneous	1,000.00	1,750.00	1,000.00	1,000.00	1,000.00
	Category Total	1,000.00	1,750.00	1,000.00	1,000.00	1,000.00
	Total	54,076.58	54,911.69	57,120.00	56,153.00	58,666.00

**CITY OF KEARNEY
OFFSTREET PARKING DISTRICT NO. 1
2022-2023 BUDGET**

DESCRIPTION

The Downtown Improvement District was created in 1970 to maintain public improvements, provide adequate parking, and help the downtown businesses compete with other retail shopping areas.

In October 2005, the City's Downtown Improvement Board, comprised of merchants appointed by the Mayor, merged with the Kearney Centre Association, whose membership consisted of merchants. The name, Downtown Kearney Centre has been changed to Downtown Kearney: The Bricks and a new logo has been developed. Now, working together as the Kearney Downtown Improvement Board, the organization has streamlined efforts, improved finances, and created a unified organization with shared goals. The five members of the Downtown Improvement Board advise the City Council on matters of concern in Downtown Kearney: The Bricks.

NOTABLE EXPENDITURES

1. None.

**OFFSTREET PARKING DISTRICT NO. 1
EXPENDITURES**

**FUND 51 - OFFSTREET PARKING DISTRICT NO. 1
ACCOUNT 00 - OFFSTREET PARKING DISTRICT NO. 1**

Account	Account Name	Actual 2019 - 2020	Actual 2020 - 2021	Budget 2021 - 2022	Estimated Actual 2021 - 2022	Proposed Budget 2022 - 2023
42000 Supplies, Materials and Contractual Services						
250042105	Administrative	249.70	276.81	500.00	500.00	500.00
250042115	Marketing	41,094.00	56,690.27	108,401.47	20,000.00	160,582.40
	Category Total	41,343.70	56,967.08	108,901.47	20,500.00	161,082.40
44000 Capital Outlay						
250044100	Improvements	0.00	0.00	0.00	0.00	0.00
	Category Total	0.00	0.00	0.00	0.00	0.00
	Total	41,343.70	56,967.08	108,901.47	20,500.00	161,082.40



COUNCIL AGENDA MEMO

ITEM NO. VI – #8

FROM: *Wendell Wessels, Director of Finance*

MEETING: *September 13, 2022*

SUBJECT: *Kearney Area Solid Waste Agency (KASWA) 2022-2023 Budget*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

Pursuant to Neb. Rev. Stat. Section 13-506, the KASWA is required to conduct a public hearing on its proposed budget for the 2022-2023 fiscal year unless there is no property tax request or receive State Aid. The KASWA does not levy a property tax or receive State Aid, therefore, the KASWA is not required to conduct a public hearing but must file a Budget Waiver Form with the State Auditor of Public Accounts. The Council should review the 2022-2023 Budget Document and Resolution No. 2022-183 should be passed and approved. Resolution No. 2022-183 legally adopts the Budget Document and appropriates sums of money contained in the Budget Document for the necessary expenses and liabilities of the KASWA.

Fiscal Note:

The 2022-2023 budget has been created on conservative financial principals that reflect staff commitment to maintaining necessary services, improving the quality of the operation of the KASWA, and keeping expenditures as low as possible.

Recommended Action:

The Council should review the KASWA Annual Operating Budget and Program of Services for the fiscal year beginning on October 1, 2022 and ending on September 30, 2023, and approve Resolution No 2022-183.

RESOLUTION NO. 2022-183

A RESOLUTION TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR THE KEARNEY AREA SOLID WASTE AGENCY; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES FOR THE KEARNEY AREA SOLID WASTE AGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that after complying with all procedures required by law, the budget for the Kearney Area Solid Waste Agency presented and set forth in the budget statement (Annual Operating Budget and Program of Services for the Fiscal Year beginning October 1, 2022 through September 30, 2023) is hereby approved as the Annual Appropriation Bill. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the Kearney Area Solid Waste Agency. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Buffalo County, Nebraska, for use by the levying authority.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

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

ATTEST:

**PEGGY EYNETICH
DEPUTY CITY CLERK**

**CITY OF KEARNEY
SOLID WASTE DISPOSAL FACILITIES OPERATION AND MAINTENANCE FUND
2022 - 2023 BUDGET**

	Actual 2019 - 2020	Actual 2020 - 2021	Budget 2021 - 2022	Estimated Actual 2021 - 2022	Proposed Budget 2022 - 2023
EXPENDITURES					
Personal Services	807,719.37	811,046.85	840,331.00	833,057.00	814,875.00
Supplies, Materials and Contractual Services	738,619.45	762,240.91	784,245.00	943,342.00	911,789.00
Equipment Rental	0.00	0.00	0.00	0.00	0.00
Capital Outlay	157,314.48	35,085.86	930,000.00	1,343,182.00	673,080.00
Debt Servicing	0.00	0.00	0.00	0.00	0.00
Transfers	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	1,703,653.30	1,608,373.62	2,554,576.00	3,119,581.00	2,399,744.00
REVENUES					
Taxes	0.00	0.00	0.00	0.00	0.00
Licenses and Permits	0.00	0.00	0.00	0.00	0.00
Charges for Services	1,725,101.48	1,696,243.62	1,740,000.00	1,740,000.00	1,750,000.00
Fines	0.00	0.00	0.00	0.00	0.00
Special Assessments	0.00	0.00	0.00	0.00	0.00
Interest	21,619.78	9,622.92	2,820.00	3,106.00	2,648.00
Miscellaneous	0.00	0.00	0.00	439,575.00	348,080.00
Intergovernmental - State	0.00	47,055.47	0.00	40,300.00	0.00
Transfers	0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES	1,746,721.26	1,752,922.01	1,742,820.00	2,222,981.00	2,100,728.00
Beginning fund balance	1,486,108.70	1,529,176.66	1,302,190.13	1,673,725.05	777,125.05
Total cash available	3,232,829.96	3,282,098.67	3,045,010.13	3,896,706.05	2,877,853.05
Less total expenditures	1,703,653.30	1,608,373.62	2,554,576.00	3,119,581.00	2,399,744.00
Ending fund balance	1,529,176.66	1,673,725.05	490,434.13	777,125.05	478,109.05

FUND BALANCE ANALYSIS

Year Ending:	Balance	Annual Change	Required		Surplus (Deficit)
			Operating	Capital	
09/30/13	2,445,070.64				
09/30/14	2,622,483.98	177,413.34			
09/30/15	2,531,230.84	(91,253.14)			
09/30/16	2,108,310.08	(422,920.76)			
09/30/17	1,862,266.75	(246,043.33)			
09/30/18	1,357,934.59	(504,332.16)			
09/30/19	1,486,108.70	128,174.11			
09/30/20	1,529,176.66	43,067.96			
09/30/21	1,673,725.05	144,548.39			
09/30/22 (estimate)	777,125.05	(896,600.00)			
09/30/23 (budget)	478,109.05	(299,016.00)	431,666.00	46,443.05	0.00

The City shall strive to maintain the fund balance at no less than 25% of the proposed operating budget expenditures for the Solid Waste Disposal Facilities Operation & Maintenance Fund.

**SOLID WASTE DISPOSAL FACILITIES OPERATION AND MAINTENANCE FUND
REVENUES**

**FUND 32 - KEARNEY AREA SOLID WASTE AGENCY OPERATION AND MAINTENANCE
ACCOUNT 31 - OPERATION AND MAINTENANCE**

Account	Account Name	Actual 2019 - 2020	Actual 2020 - 2021	Budget 2021 - 2022	Estimated Actual 2021 - 2022	Proposed Budget 2022 - 2023
33000 Charges for Services						
320033265	Tipping fee - Kearney	546,813.49	562,215.28	560,000.00	560,000.00	570,000.00
320033270	Tipping fee - others	1,178,287.99	1,134,028.34	1,180,000.00	1,180,000.00	1,180,000.00
	Category Total	1,725,101.48	1,696,243.62	1,740,000.00	1,740,000.00	1,750,000.00
36000 Interest						
320036100	Interest	21,619.78	9,622.92	2,820.00	3,106.00	2,648.00
	Category Total	21,619.78	9,622.92	2,820.00	3,106.00	2,648.00
37000 Miscellaneous						
320037153	Insurance proceeds	0.00	0.00	0.00	439,000.00	0.00
320037157	Lease/purchase proceeds	0.00	0.00	0.00	0.00	348,080.00
320037180	Miscellaneous	0.00	0.00	0.00	575.00	0.00
	Category Total	0.00	0.00	0.00	439,575.00	348,080.00
38000 Intergovernmental - State						
320038145	State grants	0.00	47,055.47	0.00	40,300.00	0.00
	Category Total	0.00	47,055.47	0.00	40,300.00	0.00
	Total	1,746,721.26	1,752,922.01	1,742,820.00	2,222,981.00	2,100,728.00

**CITY OF KEARNEY
KEARNEY AREA SOLID WASTE AGENCY
OPERATION AND MAINTENACE
2022-2023 BUDGET**

DESCRIPTION

The Kearney Area Solid Waste Agency Landfill began operation in April of 1994. The Landfill is located at 56th Street one-half mile west of Cottonmill Road. The new Landfill was the first Subtitle D Landfill in the State of Nebraska. The Kearney Area Solid Waste Agency Landfill is governed by the Kearney Area Solid Waste Agency Board which is composed of City Council members, Administrative Staff and County Officials. The Landfill serves Buffalo County and surrounding areas. The Landfill is expected to last approximately twenty-five years.

PERSONNEL SCHEDULE

	2020-2021	2021-2022	2022-2023
Full Time			
Account Clerk, Senior	.5	.5	.5
Administrative Assistant	1	1	1
Assistant Director of Utilities	.25	.25	.25
Director of Utilities	.25	.25	.25
Equipment Operator	1	1	1
Heavy Equipment Operator	1	1	1
Household Hazardous Waste Coordinator	1	1	1
Landfill Operator	1	1	1
Maintenance Worker – SWDF	1	1	1
Sanitation Supervisor	.5	.5	.5
Scale House Coordinator	1	1	1
Part Time			
Heavy Equipment Operator	1	1	1
Landfill Assistant	1	1	1
Landfill Groundskeeper	1	1	1

NOTABLE EXPENDITURES

<u>Item</u>	<u>Account Number</u>	<u>Cost</u>
1. Replace John Deere 644 loader	323144157	\$325,000
2. Replace Cat dozer (lease purchase)	323144157	\$348,080

**SOLID WASTE DISPOSAL FACILITIES OPERATION AND MAINTENANCE FUND
EXPENDITURES**

**FUND 32 - KEARNEY AREA SOLID WASTE AGENCY OPERATIONS AND MAINTENANCE
ACCOUNT 31 - OPERATIONS AND MAINTENANCE**

Account	Account Name	Actual 2019 - 2020	Actual 2020 - 2021	Budget 2021 - 2022	Estimated Actual 2021 - 2022	Proposed Budget 2022 - 2023
41000 Personal						
323141100	Salaries & wages	607,124.20	621,738.32	650,730.00	650,730.00	638,322.00
323141110	FICA, City's share	44,370.93	45,828.71	49,781.00	49,781.00	48,832.00
323141125	Health & dental insurance	114,266.31	92,467.94	97,274.00	90,000.00	86,400.00
323141130	Pension	30,452.13	30,644.28	29,936.00	29,936.00	28,666.00
323141155	Unemployment	0.00	0.00	0.00	0.00	0.00
323141170	Workers comp. insurance	11,505.80	20,367.60	12,610.00	12,610.00	12,655.00
	Category Total	807,719.37	811,046.85	840,331.00	833,057.00	814,875.00
42000 Supplies, Materials and Contractual Services						
323142105	Administrative	31,300.00	32,016.43	32,000.00	31,000.00	31,000.00
323142140	Audit fees	2,364.28	2,364.28	2,400.00	2,700.00	2,700.00
323142175	Building repairs	15,269.06	20,745.64	6,000.00	8,000.00	6,900.00
323142225	Closure/postclosure fund	148,351.00	141,531.57	150,000.00	213,000.00	213,000.00
323142230	Clothing allowance	2,314.96	2,962.04	3,600.00	3,600.00	4,000.00
323142265	Composting & grinding	17,750.00	49,868.87	50,000.00	70,000.00	80,000.00
323142290	Consulting & engineering	7,199.25	7,985.34	5,000.00	5,000.00	5,000.00
323142305	Credit card service charge	9,735.51	11,109.62	10,000.00	10,000.00	11,000.00
323142360	Environmental monitoring	42,691.74	21,144.21	35,000.00	35,000.00	35,000.00
323142415	Gas, oil and grease	50,099.17	68,552.62	75,000.00	85,000.00	85,000.00
323142453	HHW disposal	0.00	0.00	22,000.00	22,000.00	17,500.00
323142465	Insurance, property & casualty	17,122.13	17,140.60	16,495.00	16,500.00	17,389.00
323142495	Landfill maintenance	84,433.34	65,572.91	35,000.00	35,000.00	35,000.00
323142500	Leachate treatment	0.00	0.00	0.00	0.00	0.00
323142525	Maintenance agreements	24,645.81	26,028.11	26,000.00	28,542.00	30,000.00
323142575	Office supplies	9,024.82	10,326.25	7,500.00	7,500.00	7,500.00
323142580	Other operating expense	2,881.43	2,642.89	3,000.00	3,000.00	3,000.00
323142605	Postage	2,493.93	2,043.98	3,000.00	3,000.00	3,000.00
323142765	State disposal fee	85,031.86	80,777.20	83,000.00	83,000.00	83,000.00
323142830	Telephone Service	819.14	576.01	1,500.00	750.00	1,000.00
323142843	Tire disposal	18,894.00	16,272.80	20,000.00	80,000.00	40,000.00
323142860	Travel & training expense	1,041.75	1,696.95	500.00	500.00	500.00
323142910	Utilities	14,222.23	17,760.14	17,000.00	20,000.00	20,000.00
323142915	Vehicle repair	150,934.04	163,122.45	180,250.00	180,250.00	180,300.00
	Category Total	738,619.45	762,240.91	784,245.00	943,342.00	911,789.00
44000 Capital Outlay						
323144100	Improvements	0.00	26,275.43	400,000.00	90,000.00	0.00
323144157	Equipment	157,314.48	8,810.43	530,000.00	1,253,182.00	673,080.00
	Category Total	157,314.48	35,085.86	930,000.00	1,343,182.00	673,080.00
	Total	1,703,653.30	1,608,373.62	2,554,576.00	3,119,581.00	2,399,744.00



COUNCIL AGENDA MEMO

ITEM NO. IV - #9

FROM: *Lauren Brandt, City Clerk*

MEETING: *September 13, 2022*

SUBJECT: *Municipal Annual Certification of Program Compliance Form*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

On August 1, 2022, the Nebraska Department of Transportation disseminated letters to all municipalities informing that the Municipal Annual Certification of Program Compliance form has replaced the annual filing of the One-and Six-Year Plan and the Standardized System of Annual Reporting (SSAR) with the Nebraska Board of Public Roads Classifications and Standards (NBCS).

In order for the City to avoid suspension of Highway-user Revenue, following the adoption of the One- and Six- Year Plan (proposed at tonight’s meeting) and Annual Budget (presented for action at tonight’s meeting), an adopted and signed Municipal Annual Certification of Program Compliance form is due to the Nebraska Department of Transportation by October 31, 2022.

Fiscal Note:

Highway-user revenues are vital to the City’s funding of street projects.

Recommended Action:

Staff recommends authorizing the Mayor to sign the certification of the Municipal Annual Certification of Program Compliance Form 2022 to Nebraska Board of Public Roads Classifications and Standards as required by the Nebraska Department of Transportation.

RESOLUTION NO. 2022-184

WHEREAS, State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

WHEREAS, State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, the Mayor is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance form.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

**PEGGY EYNETICH
DEPUTY CITY CLERK**

Do not recreate or revise the pages of this document, as revisions and recreations will not be accepted. Failure to **return both pages of the original document** by the filing deadline (October 31, 2022) may result in the suspension of Highway Allocation funds until the documents are filed.

**MUNICIPAL
ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE
TO
NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS
AND STANDARDS
2022**

In compliance with the provisions of the State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requiring annual certification of program compliance to the Board of Public Roads

Classifications and Standards, the City Village of _____
(Check one box) (Print name of municipality)

hereby certifies that it:

- ✓ has developed, adopted, and included in its public records the plans, programs, or standards required by sections 39-2115 and 39-2119;
- ✓ meets the plans, programs, or standards of design, construction, and maintenance for its highways, roads, or streets;
- ✓ expends all tax revenue for highway, road, or street purposes in accordance with approved plans, programs, or standards, including county and municipal tax revenue as well as highway-user revenue allocations;
- ✓ uses a system of revenue and costs accounting which clearly includes a comparison of receipts and expenditures for approved budgets, plans, programs, and standards;
- ✓ uses a system of budgeting which reflects uses and sources of funds in terms of plans, programs, or standards and accomplishments;
- ✓ uses an accounting system including an inventory of machinery, equipment, and supplies;
- ✓ uses an accounting system that tracks equipment operation costs;
- ✓ has included in its public records the information required under subsection (2) of section 39-2520; and
- ✓ **has included in its public records a copy of this certification and the resolution of the governing body authorizing the signing of this certification by the Mayor or Village Board Chairperson.**



Signature of Mayor Village Board Chairperson (Required) (Date)

Signature of City Street Superintendent (Optional) (Date)

Return the completed original signing resolution and annual certification of program compliance by October 31, 2022 to:

Nebraska Board of Public Roads Classifications and Standards
PO Box 94759
Lincoln NE 68509



COUNCIL AGENDA MEMO

ITEM NO. IV - #10

FROM: *Lauren Brandt, City Clerk*

MEETING: *September 13, 2022*

SUBJECT: *Release of Resolution and Permanent Trail Right-of-Way Easement from Lighthouse Point Subdivision Homeowners Association*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

On March 22, 2022, the City acquired property and temporary/permanent easements from the Lighthouse Point Subdivision Homeowners Association (LPSHA) regarding the development of a new park area which includes a shelter, play area, connector sidewalks, irrigation, lighting, landscaping and access to two (2) easements for a 30.00-foot Temporary Trail Construction Encroachment and a 20.00-foot Permanent Trail Right-of-Way.

On August 23, 2022, the City acquired a corrected 20.00-foot Permanent Trail Right-of-Way Easement from LPSHA that amends the legal description. Now that the corrected easement is of record, the City desires to release the existing Resolution and Permanent Trail Right-of-Way Easement (Documents 2022-02036 and 2022-02037) so that only one (1) 20.00-foot Permanent Trail Right-of-Way Easement is on file for the property.

Fiscal Note:

There are no financial impacts or costs to the City regarding the release of the March 2022 permanent easement and resolution.

Recommended Action:

Staff recommends that the Council authorize the Mayor to release the March 2022 resolution and permanent easement at the office of the Buffalo County Register of Deeds.

RESOLUTION NO. 2022-168A

WHEREAS, the City of Kearney, Nebraska was granted a Permanent Trail Right-of-Way Easement consisting of 0.33 acres, more or less, to construct a new portion of the hike and bike trail that will provide further connectivity and accessibility to the existing Kearney trail system from Jason Herrmann, Chairman of Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation, on the 11th day of March, 2022, and recorded on Document 2022-02037, in the office of the Register of Deeds of Buffalo County, Nebraska, on April 4, 2022; and

WHEREAS, Resolution No. 2022-65 authorizing the acquisition of the Permanent Trail Right-of-Way Easement consisting of 0.33 acres, was approved by City Council on the 22nd day of March, 2022, and recorded on Document 2022-02036, in the office of the Register of Deeds of Buffalo County, Nebraska, on April 4, 2022; and

WHEREAS, following the recordings of the Permanent Trail Right-of-Way Easement and City of Kearney Resolution, it was discovered that the boundary of the easement was incorrect and a new Permanent Trail Right-of-Way Easement was needed to reflect the corrected boundary and legal description for the permanent easement.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Trail Right-of-Way Easement recorded on April 4, 2022 at Document 2022-02037 and Resolution No. 2022-65 recorded on April 4, 2022 at Document 2022-02036 be and are hereby released. The Release of Resolution and Easement is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

**PEGGY EYNETICH
DEPUTY CITY CLERK**

RELEASE OF RESOLUTION AND EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

The undersigned, City of Kearney, Nebraska, a Municipal Corporation, does hereby release a resolution and easement granted to the City of Kearney by Jason Herrmann, Chairman of Lighthouse Point Subdivision Homeowners Association, Inc., a Nebraska Non-Profit Corporation, on the 11th day of March, 2022, and recorded on Document 2022-02037, in the office of the Register of Deeds of Buffalo County, Nebraska, on April 4, 2022, and Resolution 2022-65, on the 22nd day of March, 2022, and recorded on Document 2022-02036, in the office of the Register of Deeds of Buffalo County, Nebraska, on April 4, 2022, on the following described property:

A 20-foot Permanent Trail Easement described as follows: a Permanent Easement for Trail purposes being part of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska, dedicated for Permanent Easement purposes and more particularly described as follows: Commencing at the Southwest corner of Lot 4, Block 8, Lighthouse Point, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°47'02" E on the South line of said Lot 4, and all bearings contained herein are relative thereto, a distance of 163.49 feet to the POINT OF BEGINNING; thence continuing S 89°47'02" E on said South line a distance of 34.39 feet; thence N 54°39'25" E a distance of 6.46 feet; thence on a tangent curve to the Left having a central angle of 54°12'51", a radius of 60.00 feet, an arc length of 56.77 feet, and a chord bearing of N 27°33'00" E a distance of 54.68 feet; thence N 00°26'34" E a distance of 110.70 feet; thence on a tangent curve to the Left having a central angle of 09°19'53", a radius of 110.00 feet, an arc length of 17.92 feet, and a chord bearing of N 04°13'22" W a distance of 17.90 feet; thence N 70°56'54" E a distance of 0.97 feet; thence N 10°55'18" W a distance of 7.00 feet; thence S 87°12'30" W a distance of 0.95 feet; thence on a non-tangent curve to the Left having a central angle of 04°10'01", a radius of 110.00 feet, an arc length of 8.00 feet, and a chord bearing of N 14°45'37" W a distance of 8.00 feet; thence N 16°50'38" W a distance of 12.41 feet; thence on a tangent curve to the Right having a central angle of 50°39'53", a radius of 65.00 feet, an arc length of 57.48 feet, and a chord bearing of N 08°29'19" E a distance of 55.62 feet; thence N 33°49'15" E a distance of 10.89 feet; thence on a tangent curve to the Left having a central angle of 33°22'41", a radius of 110.00 feet, an arc length of 64.08 feet, and a chord bearing of N 17°07'55" E a distance of 63.18 feet; thence N 00°26'34" E a distance of 72.98 feet; thence on a tangent curve to the Left having a central angle of 06°30'06", a radius of 210.00 feet, an arc length of 23.83 feet, a chord bearing of N 02°48'29" W a distance of 23.82 feet; thence N06°03'32" W a distance of 32.85 feet; thence on a tangent curve to the Right having a central angle of 18°50'57", a radius of 90.00 feet, an arc length of 29.61 feet, and a chord bearing of N 03°21'57" E a distance of 29.47 feet; thence N 12°47'25" E a distance of

3.83 feet; thence S 85°20'23" E a distance of 1.01 feet; thence N 12°47'25" E a distance of 7.00 feet; thence N 69°04'46"W a distance of 1.01 feet; thence 12°47'25" E a distance of 3.83 feet; thence on a tangent curve to the Left having a central angle of 12°20'51", a radius of 210.00 feet, an arc length of 45.26 feet, and a chord bearing of N 06°37'00" E a distance of 45.17 feet; thence N 00°26'34" E a distance of 101.87 feet; thence on a tangent curve to the Left having a central angle of 17°27'35", a radius of 110.00 feet, an arc length of 33.52 feet, and a chord bearing of N 08°17'13" W a distance of 33.39 feet; thence N 17°01'01" W a distance of 7.13 feet to the North line of said Lot 4, Block 8; thence S 73°02'48" W on said North line a distance of 20.00 feet; thence S 17°01'01" E a distance of 7.16 feet; thence on a tangent curve to the Right having a central angle of 17°27'35", a radius of 90.00 feet, an arc length of 27.43 feet, and a chord bearing of S 08°17'13" E a distance of 27.32 feet; thence S 00°26'34" W a distance of 101.87 feet; thence on a tangent curve to the Right having a central angle of 12°20'51", a radius of 190.00 feet, an arc length of 40.95 feet, and a chord bearing of S 06°37'00" W a distance of 40.87 feet; thence S 12°47'25" W a distance of 14.95 feet; thence on a tangent curve to the Left having a central angle of 18°50'57", a radius of 110.00 feet, an arc length of 36.19 feet, and a chord bearing of S 03°21'57" W a distance of 36.02 feet; thence S 06°03'32" E a distance of 32.85 feet; thence on a tangent curve to the Right having a central angle of 06°30'06", a radius of 190.00 feet, an arc length of 21.56 feet, and a chord bearing of S 02°48'29" E a distance of 21.55 feet; thence S 00°26'34" W a distance of 72.98 feet; thence on a tangent curve to the Right having a central angle of 33°22'41", a radius of 90.00 feet, an arc length of 52.43 feet, and a chord bearing of S 17°07'55" W a distance of 51.69 feet; thence S 33°49'15" W a distance of 10.89 feet; thence on a tangent curve to the Left having a central angle of 50°39'53", a radius of 85.00 feet, an arc length of 75.16 feet, and a chord bearing of S 08°29'19" W a distance of 72.74 feet; thence S 16°50'38" E a distance of 12.41 feet; thence on a tangent curve to the Right having a central angle of 17°17'12", a radius of 90.00 feet, an arc length of 27.15 feet, and a chord bearing of S 08°12'02" E a distance of 27.05 feet; thence S 00°26'34" W a distance of 110.70 feet; thence on a tangent curve to the Right having a central angle of 54°12'51", a radius of 40.00 feet, an arc length of 37.85 feet, and a chord bearing of S 27°33'00" W a distance of 36.45 feet; thence S 54°39'25" W a distance of 34.44 feet to the Point of Beginning. Containing 0.33 acres, more or less.

This Release of Resolution and Easement shall in no way affect any other easements or resolutions the City of Kearney, Nebraska, may have on or across the effected property or any other subdivisions.

Executed: August 23, 2022

CITY OF KEARNEY, NEBRASKA
A Municipal Corporation

BY: _____
Stanley A. Clouse, President of the
Council and Ex-Officio Mayor, Grantor

ATTEST:

STATE OF NEBRASKA)
) SS.
COUNTY OF BUFFALO)

The foregoing instrument was acknowledged before me on this _____ day of _____, 2022, by Stanley A. Clouse, President of the Council and Ex-Officio Mayor for the City of Kearney, Nebraska, Grantor.

(SEAL)

Notary Public



COUNCIL AGENDA MEMO

ITEM NO. IV - #11

FROM: *Lucas Dutcher, P.E., City Engineer*

MEETING: *September 13, 2022*

SUBJECT: *2020 Part 3 Improvements; 2nd Avenue Overpass Expansion Joint Repairs*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

At the May 10, 2022 Council meeting, the City Council awarded the contract for construction of the 2020 Part 3 Improvements; 2nd Avenue Overpass Expansion Joint Repairs to Wilke Contracting Corp in the amount of \$915,169.05. The project consists of structural repairs to the bridge bearing, abutment, expansion, and approach sections of the roadway.

As construction on the project has progressed, several items have been identified as needing additional repairs due to the condition of the underlying structure. After discussion with the project engineer, Oak Creek Engineering, City staff has requested additional work be performed to repair these items. The Contractor has submitted Change Order No. 1 in the amount of \$121,193.00 for the additional requested work required for the project. The new contract price will be \$1,036,362.05. Change Order No. 1 also includes a net increase in the project contract time of 31 days. The original contract work will continue to be completed first. The additional work will be completed after the original contract work is completed, pending weather.

Additionally, the Contractor has submitted Application and Certificate for Payment No. 3 in the amount of \$92,835.41. The contractor is approximately 44 percent completed with the project.

Fiscal Note:

Funds necessary to pay for the construction of these improvements have been included in the 2021-2022 year's budget.

Recommended Action:

Staff and the City's engineer for the project, Oak Creek Engineering, recommend adoption of the resolution approving Change Order No. 1 increasing the contract in the amount of \$121,193.00, increasing the Substantial Completion Date by 31 days and Application and Certificate for Payment No. 3 in the amount of \$92,835.41 to Wilke Contracting Corp.

RESOLUTION NO. 2022-185

WHEREAS, Wilke Contracting Corp. of Kearney, Nebraska has performed services in connection with the 2020 Part 3 Improvements; 2nd Avenue Overpass Extension Joint Repair, and the City’s engineer, Oak Creek Engineering, have filed with the City Clerk Change Order No. 1 showing an increase in the amount of \$121,193.00 and increasing the Substantial Completion Date by 31 days as shown in Exhibit “A” attached hereto and made a part hereof by reference; and

WHEREAS, Wilke Contracting Corp. and Oak Creek Engineering have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$92,835.41 as shown on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 915,169.05
Change Order No. 1 (9/13/22)	+ <u>121,193.00</u>
Contract Sum To Date	1,036,362.05
Gross Amount Due	507,229.54
Retainage (10%)	- <u>50,722.95</u>
Amount Due to Date	456,506.59
Less Previous Certificates for Payment	- <u>363,671.18</u>
Current Payment Due	\$ 92,835.41

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” and Application and Certificate for Payment No. 3, as shown on Exhibit “B” be and are hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

PEGGY EYNETICH
DEPUTY CITY CLERK

CHANGE ORDER NO. 1

Project: 2020 Part 3 Improvements, 2nd Ave Overpass Exp. Jt. Repair
Oak Creek Engineering, Project #9-M1-8

Application Date: September 6, 2022

Wilke Contracting Corp.
P.O. Box 1205
Kearney, NE 68848

CHANGE ORDER NO. 1

Item No.	Description	Approx. Quantity	Unit	Unit Price	Cost
REMOVE					
14	Concrete Bridge Deck Repair	300	SF	\$ (55.00)	\$ (16,500.00)
20	Traffic Control Adjustment (If Needed)	30	DAY	\$ (300.00)	\$ (9,000.00)
ADD					
2A	Traffic Control (Added Concrete Barriers)	1	LS	\$ 1,800.00	\$ 1,800.00
2B	Traffic Control (Signage Added 6/20)	115	DAY	\$ 6.00	\$ 690.00
2C	Traffic Control (Signage Added 7/18)	87	DAY	\$ 8.00	\$ 696.00
3A	Preparation of Bridge (North Pedestal Removal & Steel Plate)	1	LS	\$ 16,950.00	\$ 16,950.00
7A	Class 47B-3,000 Concrete for Bridge (North Pedestal)	9.8	CY	\$ 950.00	\$ 9,310.00
10A	Reinforcing Steel for Bridge (North Pedestal)	600	LBS	\$ 2.50	\$ 1,500.00
27	Traffic Control Adjustment (Additional Days for Change Order Work)	31	DAY	\$ 300.00	\$ 9,300.00
28	Bridge Median Preparation	1000	SF	\$ 30.00	\$ 30,000.00
29	Construct Bridge Median	293	SY	\$ 175.00	\$ 51,275.00
30	Class 47B-3,500 Concrete for Bridge Median	40	CY	\$ 180.00	\$ 7,200.00
31	Remove & Construct 10" Doweled Concrete (for joints at bottom of bridge)	36.7	SY	\$ 160.00	\$ 5,872.00
32	Precompressed Polyurethane Foam Joint	110	LF	\$ 110.00	\$ 12,100.00

Notes:

- Concrete Bridge Deck Repair was reduced to exclude median patch work.
- Item 20 was removed since median replacement was concurrent with Phase 1.
- 10 days added for steel plate installation and North Abutment Pedestal Construction.
- 14 days added for Bridge Median Reconstruction.
- 7 days added for Precompressed Polyurethane Foam Joints at the bottom of the bridge.
- Items 2B and 2C will be paid a maximum of 115 and 87 days respectively.

CONTRACT PRICE Adjustment:

Original Contract Amount:	\$	915,169.05
Net Adjustment by Change Order:	\$	121,193.00
Adjustment including previous Change Orders:	\$	121,193.00
Adjusted Contract Amount:	\$	1,036,362.05

CONTRACT TIME Adjustment:

The CONTRACT TIME will be increased by 31 days.

ACCEPTANCE: Work changes referenced in Article 11 of the General Conditions.

Contractor: WILKE CONTRACTING CORP.

By: *Don Wilke* Date: 9/06/2022

Engineer:

By: *Alex Lindenstein* Date: 9/6/2022

Owner:

By: _____ Date: _____

CONTRACTOR REQUEST FOR PAYMENT

Project:
 2020 Part 3 Improvements, 2nd Ave Overpass Exp. Jt. Repair
 Oak Creek Engineering, Project #9-M1-8

Application No. 3
 Period To: September 6, 2022

Owner:
 City of Kearney
 P.O. Box 1180
 Kearney, NE 68848

Contractor:
 Wilke Contracting Corp.
 P.O. Box 1205
 Kearney, NE 68848

Original Contract Amount	\$	915,169.05
Net Change by Change Orders	\$	121,193.00
Adjusted Contract Amount	\$	1,036,362.05
Total Completed and Stored To Date	\$	507,229.54
Retainage 10%	\$	50,722.95
Completed and Stored Less Retainage	\$	456,506.59
Less Previous Payments	\$	363,671.18
Payment Due	\$	92,835.41

Change Order Summary	Additions	Deductions	Description
Approved Previously			
Requested this Estimate	\$ 146,693.00	\$ 25,500.00	Change Order #1
Totals	\$ 146,693.00	\$ 25,500.00	
Net Changes	\$	121,193.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief of Work covered by this Request for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Request for Payments were issued and payments received from the Owner, and that current payment shown herein is now due.

Contractor: WILKE CONTRACTING CORP.

By: Dave Wilke

Date: 9/06/2022

Attest: Karen Wilke

Date: 9.6.22

Engineer: Alex Lindenstra

Date: 9/6/2022

Owner:
 By: _____

Date: _____

Contract Date: May 11, 2022

Substantial Completion Date: December 16, 2022

CONTINUATION SHEET

Project:
2020 Part 3 Improvements, 2nd Ave Overpass Exp. Jt. Repair
Oak Creek Engineering, Project #9-M1-8

Application No.
Period To:

3
September 6, 2022

Item No.	Description	Plan Quantity	Unit	Unit Price	Completed Quantity	Cost
<i>Base Bid</i>						
1	Mobilization	1	LS	\$ 55,500.00	1	\$ 55,500.00
2	Traffic Control	1	LS	\$ 41,500.00	1	\$ 41,500.00
2A	Traffic Control (Added Concrete Barriers)	1	LS	\$ 1,800.00	1	\$ 1,800.00
2B	Traffic Control (Signage Added 6/20)	115	DAY	\$ 6.00	78	\$ 468.00
2C	Traffic Control (Signage Added 7/18)	87	DAY	\$ 8.00	50	\$ 400.00
3	Preparation of Bridge at Sta. 127+09.80	1	EA	\$ 57,500.00	0.5	\$ 28,750.00
3A	Preparation of Bridge (North Pedestal Removal & Steel Plate)	1	LS	\$ 16,950.00	0.6	\$ 10,170.00
4	Remove and Haul 8" Reinf. Concrete Approach Pavement	290	SY	\$ 8.95	150	\$ 1,342.50
5	Remove and Haul 14" Reinf. Concrete Approach Pavement	290	SY	\$ 10.25	150	\$ 1,537.50
6	Crushed Concrete Base Course (Approach Slabs Only)	106	CY	\$ 59.00	27	\$ 1,593.00
7	Class 47B-3,000 Concrete for Bridge	7.8	CY	\$ 950.00	4	\$ 3,800.00
7A	Class 47B-3,000 Concrete for Bridge (North Pedestal)	9.8	CY	\$ 950.00	4.7	\$ 4,465.00
8	Class 47BD-4,000 Concrete for Bridge	16	CY	\$ 1,650.00	5.8	\$ 9,570.00
9	Steel Superstructure at Sta. 127+09.80	1	LS	\$ 45,640.00	0.5	\$ 22,820.00
10	Epoxy Coated Reinforcing Steel for Bridge	9895	LBS	\$ 2.98	4948	\$ 14,745.04
10A	Reinforcing Steel for Bridge (North Pedestal)	600	LBS	\$ 2.50	400	\$ 1,000.00
11	Concrete for Pavement Approaches, Class 47BD-4,000	228.5	CY	\$ 698.00	31	\$ 21,638.00
12	Epoxy Coated Rein Steel for Pavement Approaches	34430	LBS	\$ 2.40	13300	\$ 31,920.00
13	Expansion Bearing, PTFE Type	16	EA	\$ 2,450.00	8	\$ 19,600.00

14	Concrete Bridge Deck Repair	350.50	SF	\$ 55.00		\$ -
15	Strip Seals	124.5	LF	\$ 398.00	45	\$ 17,910.00
16	Penetrating Concrete Sealer	4527	SF	\$ 1.85		\$ -
17	Painting Structure (Zone Coat) at Sta. 127+09.80	985	SF	\$ 87.00	493	\$ 42,891.00
18	Temporary Supports	2	EA	\$ 18,500.00	2	\$ 37,000.00

<i>Alternate Bid (Median Replacement)</i>						
19	Mobilization	1	LS	\$ 12,500.00	1	\$ 12,500.00
20	Traffic Control Adjustment (If Needed)	30	DAY	\$ 300.00		\$ -
21	Remove and Haul Wire Mesh Reinf. Concrete Pavement	608	SY	\$ 18.00	608	\$ 10,944.00
22	Excavation, E.Q.	207	CY	\$ 15.00	207	\$ 3,105.00
23	Drill and Epoxy Tiebar	918	EA	\$ 10.50	824	\$ 8,652.00
24	Crushed Concrete Base Course	165	CY	\$ 59.00	165	\$ 9,735.00
25	Construct 8" Pavement for Median	228	SY	\$ 82.50	187	\$ 15,427.50
26	Construct Reinforced Combination Curb and Gutter	1368	LF	\$ 62.00	1233	\$ 76,446.00
<i>Additional Change Order Work</i>						
27	Traffic Control Adjustment (Additional Days for Change Order Work)	31	DAY	\$ 300.00		\$ -
28	Bridge Median Preparation	1000	SF	\$ 30.00		\$ -
29	Construct Bridge Median	293	SY	\$ 175.00		\$ -
30	Class 47B-3,500 Concrete for Bridge Median	40	CY	\$ 180.00		\$ -
31	Remove & Construct 10" Doweled Concrete (for joints at bottom of bridge)	36.7	SY	\$ 160.00		\$ -
32	Precompressed Polyurethane Foam Joint	110	LF	\$ 110.00		\$ -
	Subtotal					\$ 507,229.54



COUNCIL AGENDA MEMO

ITEM NO. IV - #12

FROM: Sarah Sawin, Assistant Director of Utilities

MEETING: September 13, 2022

SUBJECT: Development Agreement for Elken Subdivision

PRESENTER: No Presenter – Consent Agenda

Discussion:

Mary Classen, President of D & M Cowpoke Inc. (current property owner) and Paul LaFave, Manager of GPEAR, LLC (future property owner) have agreed to enter into a new Development Agreement for Lot 1 of Elken Subdivision as required by the Revised Planned District Development (PD) Plan for the site. This Development Agreement aligns with the deviations found in the PD Plan (Resolution No. 2022-175) previously presented at tonight's Council meeting.

This Development Agreement shall supersede all previous development agreements (Resolution Nos. 2012-087 and 2008-12). Following approval of this Agreement, the City will file the document at the Buffalo County Register of Deeds Office.

Fiscal Note:

The City is not aware of any undue financial obligations affecting the City that may be associated with this Development Agreement.

Recommended Action:

Staff recommends Council approve the Resolution authorizing the Mayor to sign the Development Agreement for Elken Subdivision on behalf of the City.

RESOLUTION NO. 2022-186

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Development Agreement on behalf of the City of Kearney, Nebraska with Mary Classen, President of D & M Cowpoke Inc., a Nebraska Corporation, being Sole Owner and Paul LaFave, Manager of GPEAR, LLC, a Nebraska Limited Liability Company, being future land owner and developer, for development of Lot 1, Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P. M., Buffalo County, Nebraska, a copy of the Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

**PEGGY EYNETICH
DEPUTY CITY CLERK**

**Development Agreement For
Lot 1, Elken Subdivision,
a subdivision being part of the Southeast Quarter of the Southeast
Quarter of Section 14, Township 9 North, Range 16 West of the 6th
P.M., Buffalo County, Nebraska**

WHEREAS, Mary Classen, President of D & M Cowpoke Inc., a Nebraska Corporation, being Sole Owner, and Paul LaFave, Manager of GPEAR, LLC, a Nebraska limited liability company, being the future land owner and developer (hereinafter referred to as “Owner” or “Developer”), being the Owner of the following described tract of land;

LEGAL DESCRIPTION

Lot 1, Elken Subdivision, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 14, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.

WHEREAS, the Owner’s representative has met with the City of Kearney Development Review Team (DRT) and the DRT has assigned the development, DRT No. 06-069; and

WHEREAS, the Owner will develop the property in accordance with the Revised Planned Development (PD) Plan, Resolution 2022-____ further detailed below; and

WHEREAS, the land is located outside the City’s corporate boundary, but within the City’s Two- Mile Extraterritorial Jurisdiction and is not currently contiguous to said corporate boundary, and;

WHEREAS, this agreement titled "Development Agreement for Elken Subdivision, An Addition to Buffalo County, Nebraska" shall supersede and replace all previously executed Subdivision Agreement (Res. 2008-012) and Development Agreement (Res. 2012-087) such that the previous agreement is null and void, and this new Development Agreement will be in full force and effect accepted by the Kearney City Council; and

WHEREAS, this Development Agreement shall run with the land and be binding upon and inure to the benefit of the parties hereto and shall be binding upon heirs, executors, administrators, and subsequent title owners in interest, devisees, assignees and successors of the Owner hereto;

NOW, THEREFORE, the undersigned Owner and the City of Kearney, Nebraska (hereinafter referred to as the “City”), in consideration of the mutual covenants and agreements herein contained, agree as follows.

OWNER AGREES AS FOLLOWS:

- 1) To waive the right to protest annexation into corporate limits at the request of the City.
- 2) To waive all rights of protest of future improvement districts that may be created for the installation of sanitary sewer main or water main in or along any option of the subdivision, or paving located along the west side of the subdivision.
- 3) To develop the property in accordance with the Revised Planned Development (PD) Plan, Resolution 2022-____, approved by City Council on September 13, 2022.
 - a) To construct and maintain the unpaved portion of 74th Street, until the completion of pavement is required, as an all-weather roadway surface ending in a cul-de-sac. The all-weather roadway surface ending in a cul-de-sac as provided in the Revised PD Plan is required to be built before a Certificate of Occupancy will be issued.
 - b) To plant the minimum requirement of street trees along 74th Street and 2nd Avenue along with an additional 8 streets trees along 2nd Avenue, an additional 11 street trees along the east side of the outdoor storage area, and an additional 5 trees all as indicated on the approved Revised PD Plan Landscape Plan.
 - c) To install underground irrigation to maintain all landscaping on site.
 - d) To provide 33 off-street parking stalls as indicated on the approved Revised PD Plan.
- 4) To construct, in accordance with the City of Kearney's most current Standards and Specifications, the remaining unpaved portion of 74th Street to the west lot line of Lot 1 of Elken Subdivision, when the adjacent properties to the north or west of the Elken Subdivision are platted or when required by the City Council.
 - a) That by signing this Development Agreement, the Owner hereby agrees to enter into a Developer Constructed Infrastructure Agreement with the City of Kearney, at a future date, to construct unpaved portion of 74th Street and other associated infrastructure in accordance with the City of Kearney Standard Specifications and in accordance with the terms and conditions of Sections 1301 through 1319 inclusive of Chapter 9 of the Kearney City Code.
- 5) To construct the required four-foot (4') wide public sidewalk along 74th Street and 2nd Avenue, to City standards, concurrent with the construction of the unpaved portion of 74th Street or at such time it is reasonably required by the City Council to connect to adjacent sidewalk development.
- 6) To connect to City water and sanitary sewer, at which time the Owner's water or sanitary sewer facilities become unusable and the respective City main is available within three-hundred-feet (300') of the Owner's property.
- 7) The cost to maintain and the maintenance of all open spaces in the subdivision, including stormwater detention cells, un-paved road right-of-way, roadway medians, boulevards, public sidewalks and other public right-of-way and open spaces, will be the obligation and responsibility of the Owner or an association of property Owners.

- 8) To indemnify and hold harmless the City and its agents and employees against all claims, damages, loses, or expenses, including reasonable attorney's fees that arise or allegedly arise out of the design or construction of the public improvements and the stormwater management facilities, not due to the negligence or omissions on the part of the City, its agents and employees. Further, Owners agree to indemnify the City for any claims, damages, or expenses, including reasonable attorney's fees that arise out of or allegedly arise out of the design or construction of said stormwater management facilities, such as damaging stormwater runoffs that are caused by Owner's negligence or omission, or that of its agents or employees.

CITY AGREES AS FOLLOWS:

- 1) To prepare a Developer Constructed Infrastructure Agreement for the Developer's review and approval.
- 2) To comply with Sections 1301 through 1319 inclusive of Chapter 9 of the City Code as it applies to the public improvements for the subdivision set forth in this agreement.
- 3) To own, operate and maintain the developer constructed public improvements as described in this agreement after property has been annexed and the infrastructure has been accepted as part of the City of Kearney's public infrastructure.
- 4) To annex Elken Subdivision into the corporate limits of the City of Kearney in the future, when it becomes legally allowable and the City Council determines that annexation is in the best interest of the City.
- 5) To waive the requirement, at this time, to construct 74th Street to City Standards, and instead to allow the Owner to install a crushed rock surface with cul-de-sac turnaround.
- 6) To waive the requirement, as approved in the Revised PD Plan (Res. 2022-_____), to pave the surface for the outdoor storage area. Such requirement was waived with the approved increase in standards as shown on the Revised PD Plan.

THE PARTIES AGREE AS FOLLOWS:

- 1) This instrument is the final expression of the agreement between the parties hereto and such agreement may not be contradicted by evidence of any prior oral agreement or of a contemporaneous oral agreement between parties that allegedly exists.
- 2) This instrument contains the entire agreement between the parties, and no statements, promises or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by both parties and endorsed on this agreement.
- 3) This agreement shall run with the land and be binding upon and inure to the benefit of the parties hereto and shall be binding upon heirs, executors, administrators, and subsequent title owners in interest, devisees, assignees and successors of the Owner hereto.

Dated this _____ day of _____, 2022

CITY OF KEARNEY, NEBRASKA

By _____
Stanley A. Clouse
President of the Council and Ex-Officio Mayor

STATE OF NEBRASKA)
) ss
COUNTY OF BUFFALO)

The foregoing instrument was acknowledged before me this _____ day of _____, 2022, by Stanley A. Clouse, President of the City Council of the City of Kearney, Nebraska, a Municipal Corporation, known to me to be the identical person who signed the foregoing signature to be his voluntary act and deed and that its municipal corporate seal was thereto affixed by proper authority.

Notary Public



COUNCIL AGENDA MEMO

ITEM NO. IV - #13

FROM: *Scott Hayden, Director of Recreational Services*

MEETING: *September 13, 2022*

SUBJECT: *Harmon Park Sonatorium Restoration*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

The Harmon Park Sonatorium is scheduled for restoration and enhancement. The project includes: permanent stage roof, power/electrical upgrades, improved lighting and sound, façade restoration, ADA accessibility, backstage improvements, and south park lighting. The improvements allow the Sonatorium to be more functional, while maintaining its unique architectural qualities. Design work and construction documents were created by Wilkens ADP of Kearney. On December 21, 2021, RMV Construction, LLC, of Kearney was awarded the project in the amount of \$1,301,400.

RMV Construction has submitted Change Order No. 3 increasing the contract in the amount of \$12,401.00 for floor leveling, footing modifications and a support beam. Additionally, this change order increases the Substantial Completion Date by one day to January 1, 2023. With this change order, the new contract total is \$1,220,042. Application and Certificate for Payment No. 3 in the amount of \$202,751.00 for work completed and stored materials was also submitted the Contractor. Wilkins ADP, who is the architect for the project has reviewed and approved these change order and payment application requests.

Fiscal Note:

\$850,000 of the project is funded through community fundraising efforts and grants. The City of Kearney contributed \$500,000 utilizing special sales tax funds and CARES Act funds.

Recommended Action:

Staff and the project's architect, Wilkins ADP, recommend adoption of the resolution approving Change Order No. 3 increasing the contract in the amount of \$12,401.00, increasing the Substantial Completion Date by one day to January 1, 2023 and Application and Certificate for Payment No. 3 in the amount of \$202,751.00 to RMV Construction.

RESOLUTION NO. 2022-187

WHEREAS RMV Construction, LLC of Kearney, Nebraska has performed services in connection with Harmon Park Sonatorium Restoration, and the City's architect, Wilkins ADP, have filed with the City Clerk Change Order No. 3 showing an increase in the amount of \$12,401.00 and increasing the Substantial Completion Date by one day to January 1, 2023 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, RMV Construction, LLC and Wilkins ADP have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$202,751.10 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 1,301,400.00</u>
Change Order No. 1 (12-21-2021)	- 97,325.00
Change Order No. 2 (7-26-2022)	+ 3,566.00
Change Order No. 3 (12-21-2021)	<u>+ 12,401.00</u>
Contract Sum To Date	1,220,042.00
Gross Amount Due	348,479.00
Retainage (10%)	<u>- 34,847.90</u>
Amount Due to Date	313,631.10
Less Previous Certificates for Payment	<u>- 110,880.00</u>
Current Payment Due	\$ 202,751.10

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. 3, as shown on Exhibit "A" and Application and Certificate for Payment No. 3, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

STANLEY CLOUSE
PRESIDENT OF THE COUNCIL
EX-OFFICIO MAYOR

PEGGY EYNETICH
DEPUTY CITY CLERK



AIA® Document G701™ – 2017

Change Order

PROJECT: <i>(Name and address)</i> 2117 Harmon Park Sonatorium Restoration Kearney, NE	CONTRACT INFORMATION: Contract For: General Construction Date: May 25, 2021	CHANGE ORDER INFORMATION: Change Order Number: 003 Date: August 17, 2022
OWNER: <i>(Name and address)</i> City of Kearney, Nebraska 18 East 22nd St Kearney, NE 68847	ARCHITECT: <i>(Name and address)</i> Wilkins Architecture Design Planning, LLC 2908 West 39th St, Ste A Kearney, NE 68845	CONTRACTOR: <i>(Name and address)</i> RMV Construction LLC 1515 E 11th Street Kearney, NE 68847

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

ITEM 1 : Per PR 002 Fill and Level main floor area of Backstage for an ADD of \$3,768.00

ITEM 2 : Per PR 003 Structural Fixes for an ADD of \$8,633.00

The original Contract Sum was	\$ 1,301,400.00
The net change by previously authorized Change Orders	\$ -93,759.00
The Contract Sum prior to this Change Order was	\$ 1,207,641.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 12,401.00
The new Contract Sum including this Change Order will be	\$ 1,220,042.00

The Contract Time will be increased by One (1) days.

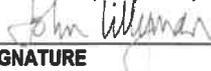
The new date of Substantial Completion will be January 1, 2023

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Wilkins Architecture Design Planning
LLC

ARCHITECT *(Firm name)*



SIGNATURE

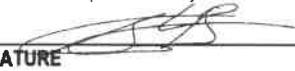
John Lillyman, Project Architect
PRINTED NAME AND TITLE

August 17, 2022

DATE

RMV Construction

CONTRACTOR *(Firm name)*



SIGNATURE

Steven Buckley / Project Manager

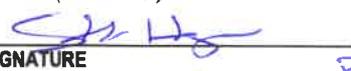
PRINTED NAME AND TITLE

August 19, 2022

DATE

City of Kearney, Nebraska

OWNER *(Firm name)*



SIGNATURE

Scott Hayden, Director
PRINTED NAME AND TITLE

8-22-22

DATE

 **AIA**® Document G709™ – 2018

Proposal Request

PROJECT: *(name and address)*
2117 Harmon Park Sonatorium
Restoration
Kearney, NE

OWNER: *(name and address)*
City of Kearney, Nebraska

18 East 22nd St
Kearney, NE 68847

CONTRACT INFORMATION:
Contract For: General Construction

Date: May 25, 2021

ARCHITECT: *(name and address)*
Wilkins Architecture
Design Planning, LLC
2908 West 39th St, Ste A
Kearney, NE 68845

Architect's Project Number: 2117
Proposal Request Number: 002

Proposal Request Date: August 4, 2022

CONTRACTOR: *(name and address)*
RMV Construction LLC

1515 E 11th Street
Kearney, NE 68847

The Owner requests an itemized proposal for changes to the Contract Sum and Contract Time for proposed modifications to the Contract Documents described herein. The Contractor shall submit this proposal within Five (5) days or notify the Architect in writing of the anticipated date of submission.

(Insert a detailed description of the proposed modifications to the Contract Documents and, if applicable, attach or reference specific exhibits.)

Item #1: Cost to fill and level to main floor level in area of Backstage demolition which is 4”-6” lower than main floor level.

THIS IS NOT A CHANGE ORDER, A CONSTRUCTION CHANGE DIRECTIVE, OR A DIRECTION TO PROCEED WITH THE WORK DESCRIBED IN THE PROPOSED MODIFICATIONS.

REQUESTED BY THE ARCHITECT:

John Lillyman, Project Architect
PRINTED NAME AND TITLE



RMV Construction LLC

1515 E 11th Street
Kearney, NE 68847
Phone: 308-893-2010 Fax: 308-238-0910

PROPOSAL REQUEST

No. 002

TITLE: PR #002 - Concrete Infill
PROJECT: Harmon Park Sonatorium Restoration
TO: Wilkins Architecture Design Planning, LLC
2908 W 39th St., Ste A
Kearney, NE 68845

DATE: August 9, 2022
JOB #: 2127

ATTN: John Lillyman

**COR void if not accepted
within 15 days.**

DESCRIPTION OF PROPOSAL

Per Wilkins ADP PR #002 Dated 8/4/2022.

Cost to fill and level to main floor level in area of Backstage demolition which is 4"-6" lower than main floor level.

Item	Description	Net Amount
00001	Material	\$ 1,081
00002	Labor	\$ 1,464
00003	Small Tools	\$ 64
00004	Equipment	\$ 250
00005	Site Supervision	\$ 300
00006	Project Management	\$ 85
00007	Profit/Fee - RMV Construction LLC	\$ 487
00008	Bond / Insurance	\$ 37
00009		\$ -
00010		\$ -
00011		\$ -
00012		\$ -
00013		\$ -
00014		\$ -
00015		\$ -
Total:		\$ 3,768

APPROVAL: By approval of authorized parties below, RMV Construction LLC is authorized to proceed with this work and the cost listed above will be incorporated into a Change Order.

By: 
Steven Buckley
Date: 8/10/2022

By: 
John Lillyman
Date: 08/16/2022

By: 
Scott Hayden
Date: 8-17-22

RMV Construction LLC

PROPOSAL REQUEST PRICE BREAKDOWN

Project Name: Harmon Park Sonatorium Restoration CCD # _____
 Job #: 2127 PR # 002
 RFI # _____
 Other _____

Title PR #002 - Concrete Infill
 Discription of Change Cost to fill and level to main floor level in area of Backstage demolition which is 4"-6" lower than main floor level.

RMV Construction LLC Labor / Material / Equipment

Item	Description	Value
Materials	Reinforcing - Concrete	\$ 1,081
Labor	Prep - Place - Finish Concrete	\$ 1,464
Small Tools		\$ 64
Equipment		\$ 250
Site Supervision	4 Hr x \$75.00	\$ 300
Project Management	1 Hr x \$85.00	\$ 85
General Conditions		
Subtotal RMV Construction LLC		\$ 3,244

Subcontractors / Suppliers

Company	Scope / Description	Value
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
Subtotal Subcontractors / Supplier		\$ -

Subtotal - RMV / Subcontractors / Suppliers		\$ 3,244
Profit / Fee - RMV Construction LLC	15%	\$ 487
Profit / Fee - Subcontractors / Suppliers	5%	\$ -
Bond / Insurance	1%	\$ 37
Total Change Order Request		\$ 3,768

Additonal Days Requested to Contract 0 days

Approved By: 

Date: 8/10/2022



AIA[®]

Document G709™ – 2018

Proposal Request

PROJECT: <i>(name and address)</i> 2117 Harmon Park Sonatorium Restoration Kearney, NE	CONTRACT INFORMATION: Contract For: General Construction Date: May 25, 2021	Architect's Project Number: 2117 Proposal Request Number: 003 Proposal Request Date: August 11, 2022
OWNER: <i>(name and address)</i> City of Kearney, Nebraska 18 East 22nd St Kearney, NE 68847	ARCHITECT: <i>(name and address)</i> Wilkins Architecture Design Planning, LLC 2908 West 39th St, Ste A Kearney, NE 68845	CONTRACTOR: <i>(name and address)</i> RMV Construction LLC 1515 E 11th Street Kearney, NE 68847

The Owner requests an itemized proposal for changes to the Contract Sum and Contract Time for proposed modifications to the Contract Documents described herein. The Contractor shall submit this proposal within Five (5) days or notify the Architect in writing of the anticipated date of submission.
(Insert a detailed description of the proposed modifications to the Contract Documents and, if applicable, attach or reference specific exhibits.)

ITEM #1: Provide cost for the work described on the attached marked up Structural Drawing S100.

ITEM #2: Provide the cost to:

Provide a 2-Ply 1 3/4"x12 1/2" (or 11 7/8") LVL beam the spans across the face of the wall.

T.O. Beam should be butted directly against the underside of the joists above (roughly 8'-6" above FF)

Lower joists shall be attached to LVL with face-mount joist hangers

Span is approximately 183" – contractor to verify and coordinate in field.

Assumed LVL properties:

Fb = 2600 psi

E = 1900 ksi

Fv_perp = 285 psi

Fc_perp = 450 psi

Provide a 6x6 SPF No2 or better sawn lumber (or equivalent) post at each end of the LVL.

Connect into the existing slab with a Simpson ABA66Z Post Base. This actually calls for a 5/8"Ø anchor, which won't fit in a 4" slab with minimum embed depths. So use a smaller, appropriately sized and embedded anchor with appropriate washers if possible (for example – 1/2"Ø threaded rods with 2 3/4" epoxied embed would work) – if not possible, plan on pouring a thickened portion of slab under post. If you have to pour a thickened slab anyway, then a 4x4 sawn lumber post is acceptable in place of a 6x6 sawn lumber post.

Connect joists above LVL to LVL with Simpson H2.5A hurricane ties at each joist

Connect lower joists to side of LVL with Simpson LUS26 Face-Mount Joist Hangers at each joist.

See Attached Structural Drawing S100 Detail 16.

THIS IS NOT A CHANGE ORDER, A CONSTRUCTION CHANGE DIRECTIVE, OR A DIRECTION TO PROCEED WITH THE WORK DESCRIBED IN THE PROPOSED MODIFICATIONS.

REQUESTED BY THE ARCHITECT:

John Lillyman, Project Architect
PRINTED NAME AND TITLE



RMV Construction LLC

1515 E 11th Street
Kearney, NE 68847

Phone: 308-893-2010 Fax: 308-238-0910

PROPOSAL REQUEST

No. 003

TITLE: PR #003 - Structural Fixes
PROJECT: Harmon Park Sonatorium Restoration
TO: Wilkins Architecture Design Planning, LLC
2908 W 39th St., Ste A
Kearney, NE 68845

DATE: August 15, 2022
JOB #: 2127

ATTN: John Lillyman

**COR void if not accepted
within 15 days.**

DESCRIPTION OF PROPOSAL

Per Wilkins ADP PR #003 Dated 8/11/2022.

Provide cost for the work described on the attached marked up Structural Drawings S100.

Item	Description	Net Amount
00001	Material	\$ 2,626
00002	Labor	\$ 4,010
00003	Small Tools	\$ 174
00004	Site Supervision	\$ 300
00005	Project Management	\$ 85
00006	General Conditions	\$ 238
00007	Profit/Fee - RMV Construction LLC	\$ 1,115
00008	Bond / Insurance	\$ 85
00009		\$ -
00010		\$ -
00011		\$ -
00012		\$ -
00013		\$ -
00014		\$ -
00015		\$ -
Total:		\$ 8,633

APPROVAL: By approval of authorized parties below, RMV Construction LLC is authorized to proceed with this work and the cost listed above will be incorporated into a Change Order.

By: 
Steven Buckley
Date: 8/16/2022

By: 
John Lillyman
Date: 08/16/2022

By: 
Scott Hayden
Date: 8-17-22

RMV Construction LLC

PROPOSAL REQUEST PRICE BREAKDOWN

Project Name: Harmon Park Sonatorium Restoration CCD # _____
 Job #: 2127 PR # 003
 RFI # _____
 Other _____

Title PR #003 - Structural Fixes
 Discription of Change Cost for the work described on the attached marked up Structural Drawing S100

RMV Construction LLC Labor / Material / Equipment

Item	Description	Value
Materials	Epoxy - LVL Beam - Joist Hangers - Post	\$ 2,626
Labor	Work Described on marked up Structural Drwg S100	\$ 4,010
Small Tools		\$ 174
Equipment		\$ -
Site Supervision	4 Hr x \$75.00	\$ 300
Project Management	1 Hr x \$85.00	\$ 85
General Conditions	1 Additional Days Requested	\$ 238
Subtotal RMV Construction LLC		\$ 7,433

Subcontractors / Suppliers

Company	Scope / Description	Value
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
		\$ -
Subtotal Subcontractors / Supplier		\$ -

Subtotal - RMV / Subcontractors / Suppliers		\$ 7,433
Profit / Fee - RMV Construction LLC	15%	\$ 1,115
Profit / Fee - Subcontractors / Suppliers	5%	\$ -
Bond / Insurance	1%	\$ 85
Total Change Order Request		\$ 8,633

Additional Days Requested to Contract 1 days

Approved By: 

Date: 8/16/2022

Application and Certificate for Payment

TO OWNER: City of Kearney, Nebraska 18 East 22nd St. Kearney, Ne 68847	PROJECT: Harmon Park Sonatorium Project Kearney, Nebraska	APPLICATION NO: 003 PERIOD TO: August 24, 2022 CONTRACT FOR: General Construction CONTRACT DATE: December 22, 2021 PROJECT NOS: 2117 / /	Distribution to: OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input type="checkbox"/> CONTRACTOR: <input type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
FROM CONTRACTOR: RMV Construction LLC. 1515 E 11th St. Kearney, Ne. 68847	VIA ARCHITECT: Wilkins ADP 2809 W 39th St. Suite A Kearney, Ne. 68845		

CONTRACTOR'S APPLICATION FOR PAYMENT

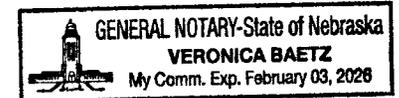
Application is made for payment, as shown below, in connection with the Contract. AIA Document G703®, Continuation Sheet, is attached.

1. ORIGINAL CONTRACT SUM	\$1,301,400.00
2. NET CHANGE BY CHANGE ORDERS	-\$81,358.00
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$1,220,042.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$348,479.00
5. RETAINAGE:	
a. 10.00 % of Completed Work (Column D + E on G703)	\$34,847.90
b. 0 % of Stored Material (Column F on G703)	\$0.00
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$34,847.90
6. TOTAL EARNED LESS RETAINAGE	\$313,631.10
(Line 4 Less Line 5 Total)	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$110,880.00
(Line 6 from prior Certificate)	
8. CURRENT PAYMENT DUE	\$202,751.10
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$906,410.90

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$12,401.00	\$93,759.00
Total approved this Month	\$0.00	\$0.00
TOTALS	\$12,401.00	\$93,759.00
NET CHANGES by Change Order		-\$81,358.00

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: _____
 By: [Signature] Date: August 24, 2022
 State of: Nebraska
 County of: Buffalo
 Subscribed and sworn to before me this 24th day of August, 2022
 Notary Public: Veronica Baetz
 My Commission expires: 2/3/26



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$202,751.10
 (Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT: [Signature]
 By: _____ Date: 08/26/2022

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.



COUNCIL AGENDA MEMO

ITEM NO. IV - #14

FROM: *Scott Hayden, Director Recreational Services*

MEETING: *September 13, 2022*

SUBJECT: *Yanney Heritage Park Pavilion & Parking Lot Project*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

At the May 24, 2022 Council meeting, the City Council awarded the contract for construction of a new pavilion, and associated parking lot to RMV Construction in the amount of \$3,653,600, as the next phase of The Gardens at Yanney Park. The pavilion is 9,790 square foot and is designed as rental facility to accommodate various functions. The facility includes a large event room, large covered patio, catering kitchen, restrooms, changing room, storage room, and office space. The facility overlooks the gardens. Wilkins ADP, of Kearney, is the architect for the project.

The contractor has submitted Change Order No. 2 increasing the contract in the amount of \$17,883 for a vent pipe, roller shades and plumbing changes. With this change order, the new contract total is \$3,694,916. Additionally, Application and Certificate for Payment No. 3 in the amount of \$145,946.70 was also submitted by the contractor.

Fiscal Note:

Project is funded by donations and grants through the Yanney Heritage Park Foundation.

Recommended Action:

Staff and the City's architect for the project, Wilkins ADP, recommend adoption of the resolution approving Change Order No. 2 increasing the contract in the amount of \$17,883 and Application and Certificate for Payment No. 3 in the amount of \$145,946.70 to RMV Construction.

RESOLUTION NO. 2022-188

WHEREAS RMV Construction, LLC of Kearney, Nebraska has performed services in connection with Yanney Heritage Park Pavilion and Parking Lot, and the City's architect, Wilkins ADP, have filed with the City Clerk Change Order No. 2 showing an increase in the amount of \$17,883.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, RMV Construction, LLC and Wilkins ADP have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$145,946.70 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 3,653,600.00
Change Order No. 1 (7-26-2022)	+ 23,433.00
Change Order No. 2 (9-13-2022)	+ 17,883.00
Contract Sum To Date	<u>3,694,916.00</u>
Gross Amount Due	391,468.00
Retainage (10%)	- 39,146.80
Amount Due to Date	<u>352,321.20</u>
Less Previous Certificates for Payment	- 206,374.50
Current Payment Due	\$ 145,946.70

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. 2, as shown on Exhibit "A" and Application and Certificate for Payment No. 3, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

STANLEY CLOUSE
PRESIDENT OF THE COUNCIL
EX-OFFICIO MAYOR

PEGGY EYNETICH
DEPUTY CITY CLERK



AIA® Document G701™ – 2017

Change Order

PROJECT: (Name and address)
2175 City of Kearney Yanney Park Pavilion
2020 W 11th Street
Kearney, NE 68845

CONTRACT INFORMATION:
Contract For: General Construction
Date: May 24, 2022

CHANGE ORDER INFORMATION:
Change Order Number: 02
Date: August 4, 2022

OWNER: (Name and address)
City of Kearney
18 East 22nd Street
Kearney, NE 68847

ARCHITECT: (Name and address)
Wilkins Architecture Design Planning, LLC
2908 W 39th St, Ste A
Kearney, NE 68845

CONTRACTOR: (Name and address)
RMV Construction LLC
1515 E 11th Street
Kearney, NE 68847

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

- ITEM 1: COR 002 add Vent Pipe ADD \$1,220.00
- ITEM 2: COR 003 Motorized Roller Shades ADD \$14,656.00
- ITEM 3: COR 005 Mechanical Changes ADD \$2,007.00

For a Total of \$17,883.00

The original Contract Sum was	\$ 3,653,600.00
The net change by previously authorized Change Orders	\$ 23,433.00
The Contract Sum prior to this Change Order was	\$ 3,677,033.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 17,883.00
The new Contract Sum including this Change Order will be	\$ 3,694,916.00

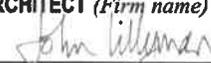
The Contract Time will be increased by Zero (0) days.
The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Wilkins Architecture
Design Planning LLC

ARCHITECT (Firm name)



SIGNATURE

John Lillyman, Project Architect

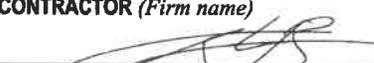
PRINTED NAME AND TITLE

August 4, 2022

DATE

RMV Construction LLC

CONTRACTOR (Firm name)



SIGNATURE

Steven Buckley / Project Manager

PRINTED NAME AND TITLE

August 5, 2022

DATE

City of Kearney

OWNER (Firm name)



SIGNATURE

Scott Hayden

PRINTED NAME AND TITLE

8-11-22

DATE

RMV Construction LLC**CHANGE ORDER REQUEST**1515 E 11th Street
Kearney, NE 68847No. 002

Phone: 308-893-2010 Fax: 308-238-0910

TITLE: PR #002 - Added Vent Pipe **DATE:** 6/29/2022
PROJECT: City of Kearney Yanney Park Pavilion **JOB #:** 2215
TO: Wilkins Architecture Design Planning, LLC
 2908 W 39th St., Ste A
 Kearney, NE 68845

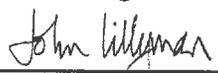
**COR void if not accepted
within 15 days.****ATTN:** John Lillyman**DESCRIPTION OF PROPOSAL**

Per Wilkins ADP PR #002 Dated 6/17/2022. Added Vent Pipe on Sump Pump

Item	Description	Net Amount
00001	Site Supervision	\$ 75
00002	Project Management	\$ 85
00003	Double JJ	\$ 975
00004	Profit / Fee - RMV Construction LLC	\$ 24
00005	Profit / Fee - Subcontractor / Supplier	\$ 49
00006	Bond / Insurance	\$ 12
00007		
00008		
00009		
00010		
00011		
00012		
00013		
00014		
00015		
Total:		\$ 1,220

APPROVAL: By approval of authorized parties below, RMV Construction LLC is authorized to proceed with this work and the cost listed above will be incorporated into a Change Order.

By: 
 Kenneth Taylor
 Date: 6/29/2022

By: 
 John Lillyman
 Date: 7/25/2022

By: 
 Scott Hayden
 Date: 7-25-22

RMV Construction LLC

CHANGE ORDER REQUEST

1515 E 11th Street

Kearney, NE 68847

Phone: 308-893-2010

Fax: 308-238-0910

No. 003

TITLE: Motorized Roller Shades

DATE: 7/8/2022

PROJECT: City of Kearney Yanney Park Pavilion

JOB #: 2215

TO: Wilkins Architecture Design Planning, LLC
2908 W 39th St., Ste A
Kearney, NE 68845

ATTN: John Lillyman

**COR void if not accepted
within 15 days.**

DESCRIPTION OF PROPOSAL

Cost difference of the Motorized Roller Shades per voluntary allowance of \$10,000 on Bid Form

Item	Description	Net Amount
00001	Site Supervision	\$ 75
00002	Project Management	\$ 85
00003	Drapery Den	\$ 24,398
00004	Profit / Fee - RMV Construction LLC	\$ 24
00005	Profit / Fee - Subcontractor / Supplier	\$ 1,220
00006	Bond / Insurance	\$ 258
00007	Voluntary Allowance per Bid Form	\$ (10,000)
00008		\$ -
00009		\$ -
00010		\$ -
00011		\$ -
00012		\$ -
00013		\$ -
00014		\$ -
00015		\$ -
Total:		\$ 16,060 14,656

APPROVAL: By approval of authorized parties below, RMV Construction LLC is authorized to proceed with this work and the cost listed above will be incorporated into a Change Order.

SAB
8/3/2022

By: 

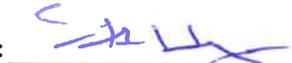
Steven Buckley

Date: 7/8/2022

By: 

John Lillyman

Date: 08/03/2022

By: 

Scott Hayden

Date: 8-9-2022

RMV Construction LLC**CHANGE ORDER REQUEST**

1515 E 11th Street

Kearney, NE 68847

Phone: 308-893-2010

Fax: 308-238-0910

No. 005**TITLE:** PR #003 - Mechanical Changes**DATE:** 7/29/2022**PROJECT:** City of Kearney Yanney Park Pavilion**JOB #:** 2215**TO:** Wilkins Architecture Design Planning, LLC
2908 W 39th St., Ste A
Kearney, NE 68845**COR void if not accepted
within 15 days.****ATTN:** John Lillyman**DESCRIPTION OF PROPOSAL**

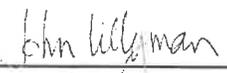
Per Wilkins ADP PR #003 Dated 7/12/2022. Changes to Sheets M2.1, M2.2, and M3.1.

Item	Description	Net Amount
00001	Site Supervision	\$ 300
00002	Project Management	\$ 85
00003	Double JJ	\$ 1,470
00004	Profit / Fee - RMV Construction LLC	\$ 58
00005	Profit / Fee - Subcontractor / Supplier	\$ 74
00006	Bond / Insurance	\$ 20
00007		\$ -
00008		\$ -
00009		\$ -
00010		\$ -
00011		\$ -
00012		\$ -
00013		\$ -
00014		\$ -
00015		\$ -
Total:		\$ 2,007

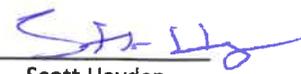
APPROVAL: By approval of authorized parties below, RMV Construction LLC is authorized to proceed with this work and the cost listed above will be incorporated into a Change Order.

By: 

Steven Buckley

Date: 7/29/2022By: 

John Lillyman

Date: 08/01/2022By: 

Scott Hayden

Date: 8-3-22

Application and Certificate for Payment

TO OWNER: City of Kearney, Nebraska **PROJECT:** City of Kearney Yanney Park Pavilion
 2020 West 11th St **APPLICATION NO:** 003
PERIOD TO: August 24, 2022
CONTRACT FOR: General Construction
CONTRACT DATE: May 24, 2022
PROJECT NOS: Wilkins ADP / RMV Construction LLC. / City of Kearney

Distribution to:
 OWNER:
 ARCHITECT:
 CONTRACTOR:
 FIELD:
 OTHER:

FROM **VIA**
CONTRACTOR: RMV Construction LLC **ARCHITECT:** Wilkins ADP

CONTRACTOR'S APPLICATION FOR PAYMENT

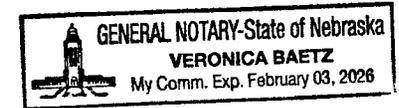
Application is made for payment, as shown below, in connection with the Contract. AIA Document G703®, Continuation Sheet, is attached.

1. ORIGINAL CONTRACT SUM	\$3,653,600.00
2. NET CHANGE BY CHANGE ORDERS	\$41,316.00
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$3,694,916.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$391,468.00
5. RETAINAGE:	
a. <u>10.00</u> % of Completed Work (Column D + E on G703)	\$39,146.80
b. <u>0</u> % of Stored Material (Column F on G703)	\$0.00
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$39,146.80
6. TOTAL EARNED LESS RETAINAGE	\$352,321.20
(Line 4 Less Line 5 Total)	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$206,374.50
(Line 6 from prior Certificate)	
8. CURRENT PAYMENT DUE	\$145,946.70
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$3,342,594.80

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$0.00	\$0.00
Total approved this Month	\$41,316.00	\$0.00
TOTALS	\$41,316.00	\$0.00
NET CHANGES by Change Order		\$41,316.00

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: _____
 By: [Signature] Date: August 24, 2022
 State of: Nebraska
 County of: Buffalo
 Subscribed and sworn to before me this 24th day of August, 2022
 Notary Public: Veronica Baetz
 My Commission expires: 2/3/26



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED

\$145,946.70

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT: _____
 By: [Signature] Date: 08/26/2022

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

A	B	C	D	E	F	G	H
item	description of work	scheduled value	work completed	work completed	material stored	total completed &	balance to finish
#			from previous	this period	(not in D or E)	stored to date	(C-G)
			applications			(D + E + F)	
			(D + E)				
1	General Conditions	\$ 80,221.00	\$ 14,800.00	\$ 5,000.00	\$ -	\$ 19,800.00	\$ 60,421.00
2	Earthwork	\$ 63,525.00	\$ 50,820.00	\$ -	\$ -	\$ 50,820.00	\$ 12,705.00
3	Concrete/Precast	\$ 507,903.00	\$ 22,001.00	\$ 39,233.00	\$ -	\$ 61,234.00	\$ 446,669.00
4	Masonry	\$ 79,365.00	\$ 572.00	\$ -	\$ -	\$ 572.00	\$ 78,793.00
5	Structural Steel	\$ 530,832.00	\$ -	\$ -	\$ -	\$ -	\$ 530,832.00
6	Metal Framing	\$ 105,966.00	\$ -	\$ -	\$ -	\$ -	\$ 105,966.00
7	Rough Carpentry	\$ 10,755.00	\$ -	\$ -	\$ -	\$ -	\$ 10,755.00
8	Casework	\$ 43,533.00	\$ -	\$ -	\$ -	\$ -	\$ 43,533.00
9	Inslations	\$ 29,149.00	\$ -	\$ -	\$ -	\$ -	\$ 29,149.00
10	EIFS	\$ 46,390.00	\$ -	\$ -	\$ -	\$ -	\$ 46,390.00
11	Metal Roof/Soffit	\$ 345,015.00	\$ -	\$ -	\$ -	\$ -	\$ 345,015.00
12	Sealants	\$ 8,500.00	\$ -	\$ -	\$ -	\$ -	\$ 8,500.00
13	Doors and Hardware	\$ 45,143.00	\$ -	\$ -	\$ -	\$ -	\$ 45,143.00
14	Coiling/Sectional Doors	\$ 20,095.00	\$ -	\$ -	\$ -	\$ -	\$ 20,095.00
15	Alum. C.wall/Storefronts	\$ 96,645.00	\$ -	\$ -	\$ -	\$ -	\$ 96,645.00
16	GWB	\$ 41,344.00	\$ -	\$ -	\$ -	\$ -	\$ 41,344.00
17	Tiling	\$ 37,130.00	\$ -	\$ -	\$ -	\$ -	\$ 37,130.00
18	Acoustical Ceilings	\$ 36,325.00	\$ 4,200.00	\$ -	\$ -	\$ 4,200.00	\$ 32,125.00
19	Flooring	\$ 27,000.00	\$ -	\$ -	\$ -	\$ -	\$ 27,000.00
20	Painting	\$ 29,748.00	\$ -	\$ -	\$ -	\$ -	\$ 29,748.00
21	Specialties	\$ 23,688.00	\$ -	\$ -	\$ -	\$ -	\$ 23,688.00
22	Roller Shade Allowance	\$ 10,000.00	\$ -	\$ -	\$ -	\$ -	\$ 10,000.00
23	Signage	\$ 10,770.00	\$ -	\$ -	\$ -	\$ -	\$ 10,770.00
24	Fire Suppression	\$ 25,900.00	\$ -	\$ -	\$ -	\$ -	\$ 25,900.00
25	Mechanical	\$ 211,860.00	\$ 54,000.00	\$ -	\$ -	\$ 54,000.00	\$ 157,860.00
26	Electrical	\$ 477,650.00	\$ -	\$ -	\$ -	\$ -	\$ 477,650.00
27	Plumbing	\$ 242,250.00	\$ 34,000.00	\$ -	\$ -	\$ 34,000.00	\$ 208,250.00
28	Site Utilites	\$ 137,982.00	\$ -	\$ 82,789.00	\$ -	\$ 82,789.00	\$ 55,193.00
29	Site Improvements	\$ 31,126.00	\$ -	\$ -	\$ -	\$ -	\$ 31,126.00

30	Supervision	\$ 84,000.00	\$ 5,000.00	\$ 5,000.00	\$ -	\$ 10,000.00	\$ 74,000.00
31	Fee's	\$ 176,283.00	\$ 10,061.00	\$ 6,708.00	\$ -	\$ 16,769.00	\$ 159,514.00
32	Bond	\$ 37,507.00	\$ 33,851.00	\$ -	\$ -	\$ 33,851.00	\$ 3,656.00
32	CO #1	\$ 23,433.00	\$ -	\$ 23,433.00	\$ -	\$ 23,433.00	\$ -
32	CO #2	\$ 17,883.00	\$ -	\$ -	\$ -	\$ -	\$ 17,883.00
						\$ -	
	Contract amount	\$ 3,694,916.00	\$ 229,305.00	\$ 162,163.00	\$ -	\$ 391,468.00	\$3,303,448.00
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Total	\$ 3,694,916.00	\$ 229,305.00	\$ 162,163.00	\$ -	\$ 391,468.00	\$3,303,448.00



COUNCIL AGENDA MEMO

ITEM NO. IV - #15

FROM: *Jim Lynaugh, Airport Director*

MEETING: *September 13, 2022*

SUBJECT: *Award Bid for Kearney Regional Airport Terminal Expansion Re-Bid*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

On April 26, 2022 bids were received, publicly opened, and read aloud at City Hall for the Kearney Regional Airport (KRA) Terminal Expansion. On June 14, 2022 the lone bid for the KRA Terminal Expansion was rejected due to the lone bid received exceeding the Engineer's Opinion of Probably Construction Cost by \$7,622,269.00. City Staff then began working with Alfred Benesch & Company and their Architect, Wilkins ADP, on a smaller addition to the terminal building and on August 9, 2022 Council approved the Plans and Specifications for the smaller addition for both the Kearney Regional Airport (KRA) Terminal Expansion project and the KRA Expansion furniture, fixtures, and equipment.

On September 1, 2022 at 2:00 p.m., sealed bids were received, opened and publicly read aloud with the Deputy City Clerk receiving two (2) bids for the KRA Terminal Expansion Re-Bid. The bids received are summarized below:

BIDDER	BASE BID TOTAL
RMV Construction, LLC – Kearney, NE	\$4,773,394.00
Sampson Construction Co., Inc. – Kearney, NE	\$5,627,900.00

RMV Construction, LLC's total bid price is approximately 34% less (\$2,491,309.50) than the Engineer's Opinion of Probably Cost of \$7,264,703.50. Therefore, Benesch, the City's engineer for the project, recommends the project be awarded to RMV Construction, LLC of Kearney, Nebraska in the amount of \$4,773,394.00, subject to FAA concurrence and RMV Construction, LLC's submittal of FAA's approval of the Buy American Waiver Request and DBE percentage acceptance. A letter of recommendation from Benesch, has been attached along with the bid tabulations.

Fiscal Note:

This project will be funded by fully funded with proceeds from the City of Kearney CARES Act grant for airport facilities development.

ITEM NO. IV - #15

Recommended Action:

Staff and the City's Engineer on the project, Benesch, recommend accepting the bids received and award the bid for the KRA Terminal Expansion Re-Bid to RMV Construction, LLC in the amount of \$4,773,394.00, subject to FAA concurrence and RMV Construction, LLC's submittal of FAA's approval of the Buy American Waiver Request and DBE percentage acceptance.

RESOLUTION NO. 2022-189

WHEREAS, Alfred Benesch and Company and the City of Kearney have reviewed the sealed bids which were opened on September 1, 2022 at 2:00 p.m. for the Terminal Expansion project at the Kearney Regional Airport Re-Bid (Airport Improvement Program/CARES Act Project No. 3-31-0045-036); and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$7,264,703.50; and

WHEREAS, Alfred Benesch and Company and the City have recommended the bid offered by RMV Construction, LLC of Kearney, Nebraska in the amount of \$4,773,394.00 be accepted as the lowest responsible bid for Terminal Expansion project at the Kearney Regional Airport Re-Bid (Airport Improvement Program/CARES Act Project No. 3-31-0045-036), contingent upon RMV Construction, LLC submitting and FAA approval of the Buy American Waiver Request and DBE percentage acceptance and FAA concurrence; and

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer's recommendation is hereby accepted, that RMV Construction, LLC be and is the lowest responsible bidder for the Terminal Expansion project at the Kearney Regional Airport Re-Bid (Airport Improvement Program/CARES Act Project No. 3-31-0045-036) to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of RMV Construction, LLC in the amount of \$4,773,394.00, contingent upon RMV Construction, LLC submitting and FAA approval of the Buy American Waiver Request and DBE percentage acceptance and FAA concurrence, be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$7,264,703.50 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 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

**PEGGY EYNETICH
DEPUTY CITY CLERK**



Alfred Benesch & Company
 825 "M" Street, Suite 100
 Lincoln, NE 68508-2958
 www.benesch.com
 P 402-479-2200
 F 402-479-2276

September 7, 2022

City of Kearney
 Kearney Regional Airport
 Attn: Mr. James Lynaugh, Airport Manager
 Mr. Eric Hellriegel, Assistant City Manager
 18 East 22nd Street
 Kearney, NE 68848

REFERENCE: Kearney Regional Airport (EAR), Kearney, NE
 Terminal Expansion Re-Bid (AIP/CARES Act Grant 3-31-0045-036)
Letter of Recommendation for Award of Bid (Re-Bid)

Dear Mr. Lynaugh / Mr. Hellriegel:

On Thursday, September 1, 2022, bids for the above referenced project were received, opened, and read aloud. Two (2) bids were received for the work. The bids have been checked and the bid tabulation is attached.

The bid consisted of a Base Bid (Items 1 – 58). Summarized directly below are the contractor’s total bid amounts.

Bidder

RMV Construction, LLC (*herein after called RMV*)
 1515 East 11th St., Kearney, NE, 68847

Total Base Bid (Items 1 - 58): **\$4,773,394.00***
 * *Benesch Corrected Total from Bidder’s proposal sheet of \$4,773,398.00*

Sampson Construction Co., Inc. (*herein after called Sampson*)
 119 Central Avenue, Kearney, NE, 68847

Total Base Bid (Items 1 - 58): **\$5,627,900.00**

For comparative purposes, the **Engineers Estimate** was:

Total Base Bid (Items 1 - 58): **\$7,264,703.50**

The detailed Engineer’s Estimate is also included in the bid tabulation attached.

The following paragraphs discuss in detail how the bidders filled out the various required pages of the proposal form.

Pages P-1 thru P-3 (Unit Prices/Extensions/Total Base Bid Amounts)

RMV’s proposal had an error in their total bid price (see note above). **RMV’s** base bid was below the Engineer’s Estimate by \$2,491,309.50. **Sampson’s** proposal did not have any errors in their extension prices or totals. **Sampson’s** base bid was below the Engineer’s Estimate by \$1,636,803.50.

Page P-6 (Addendum Acknowledgement)

There were two (2) addendums issued during the bidding phase of this project. Both **RMV** and **Sampson** provided an Addendum Acknowledgement for both addendums.

Page P-8 (Additional Insurance Charge)

Bidders are required to note if there is an additional insurance charge for naming the City of Kearney and the Engineer (Benesch) as additional insured on the contractor insurance policy for the project. Both **RMV** and **Sampson** did not indicate that an additional insurance charge would apply to this project.

Pages P-9 thru P-12 (DBE Utilization Statement & DBE Letter of Intent)

As required by the contract documents, Both **RMV** and **Sampson** completed and submitted with their bid, a signed DBE Utilization Statement.

RMV indicated that they would not be able to meet the project DBE contract goal (0.98%) and would only be able to provide a 0.63% DBE commitment. With their bid proposal, **RMV** submitted a DBE Letter of Intent that was filled-out but not signed. Bidders have the option to submit signed Letter of Intent form(s) up to five (5) days after receiving the Owner's notice of low bid. As allowed, a signed Letter of Intent was formally requested from **RMV** following the bid opening and was received back from **RMV** on 9/6/2022. **RMV** did not provide Good Faith Effort (GFE) documentation with their bid. In a follow-up phone conversation between Benesch and **RMV**, the DBE participation was discussed: **RMV** stated they solicited for DBE's and received 3 bids. Two of the DBE/WBE bids were for the same line item. The third was only for part of the landscaping, not all. **RMV** stated they solicited from one other known DBE prior to the project rebid and received positive feedback; however, when they contacted the DBE during bidding, they received no response. A post-bid call by **RMV** to the DBE revealed that the DBE did not submit a bid to either bidder. **RMV** is open to reaching out to DBE's during the project to try to attain more DBE participation.

Sampson indicated that they would not be able to meet the project DBE contract goal (0.98%) and did not list a DBE % commitment on the DBE Utilization Statement nor did they list a DBE firm/amount on the DBE Letter of Intent. With their bid proposal, **Sampson** submitted a DBE Letter of Intent that was signed by **Sampson** but did not list any DBE Firm information. Due to not meeting the project contract goal, **Sampson** provided a Good Faith Effort (GFE) spreadsheet with their bid. Since **Sampson** is not the apparent low bid received, a detailed review of **Sampson's** GFE submitted was not completed and completed/signed DBE Letter(s) of Intent were not requested.

Page P-13 thru P-14 (Tentative List of Subcontractors)

Both **RMV** and **Sampson** completed and signed the required Tentative List of Subcontractors.

Pages P-15 thru P-22 (Buy American)

As required by the contract documents, Both **RMV** and **Sampson** submitted a signed "Certificate of Buy American Compliance for Total Facility" form. Both **RMV** and **Sampson** checked the box certifying that they cannot comply with the 100% Buy American Preferences but may qualify for either a Type 3 or Type 4 waiver. Both **RMV** and **Sampson** submitted a signed "Buy American Waiver Request" form, checking the Type 3 waiver box. **RMV** submitted a "Buy American Component Cost Calculation Table"; however, not all dollar amounts were completed. **Sampson** submitted a "Buy American Component Cost Calculation Table" that was dated and signed, but not completed. Both the "Buy American Waiver Request" and "Buy American Component Cost Calculation Table" forms are only required to be submitted within 14 days of the bid opening. Since **RMV** is the apparent low bidder, a full Buy American Waiver package has been requested by Benesch from **RMV**.

Both **RMV** and **Sampson** submitted a signed "Buy American Conformance Listing" form. **RMV** listed "N/A" in the form's table. **Sampson** did not list anything in the form's table.

Page P-22 thru P-23 (Certificate of Bidder Regarding Tax Delinquency And Felony Convictions)

RMV successfully filled out and signed the Tax Delinquency and Felony Convictions certification form. **RMV** stated that their firm does not have any tax delinquency or felony convictions.

Sampson successfully signed the Tax Delinquency and Felony Convictions certification form. **Sampson** did not check a box stating if they do or do not have any tax delinquency or felony convictions.

Pages P-25 thru P-28 (Bidder Signature Pages)

RMV submitted a properly signed proposal. **RMV** signed under the “Corporation” section of the signature pages and attached the Certificate of Organization showing evidence/authority to sign.

Sampson submitted a properly signed proposal. **Sampson** signed under the “Corporation” section of the signature pages. No evidence/authority to sign was submitted.

Miscellaneous Other Requirements

Mobilization Limit

As required by the contract documents under specification Item C-105 “Mobilization”, mobilization costs are limited to 10% of the total project cost. Both **RMV** and **Sampson’s** proposed “Site Preparation & Mobilization” bid item (Item #29) was well below 10% of their total project cost.

Pre-Bid Meeting

A non-mandatory virtual pre-bid meeting was held on Tuesday August 23, 2022, in conjunction with this project. Contractors were not required to attend the pre-bid meeting in order to be eligible to bid the project, though both **RMV** and **Sampson** representatives did attend the virtual pre-bid meeting.

Bid Guaranty

The contract documents require that **“Each separate proposal shall be accompanied by a bid guaranty (per 49 CFR Part 18.36(h)(1)) in the amount of not less than five (5) percent of the total amount of the bid. The bid guaranty may be by certified check on a solvent bank or bid bond made payable to the City of Kearney, Kearney, Nebraska”**.

Both **RMV** and **Sampson** successfully submitted a 5% bid guaranty to the City of Kearney, Kearney, Nebraska.

Pre-Qualification

The contract documents did not have a Nebraska Department of Transportation (NDOT) pre-qualification requirement but did require that the contractors submitting bids must be qualified to do the work. The City and Benesch’s Architect (Wilkins) have worked with **RMV** in the past and the past completed work by **RMV** was satisfactory and is considered by Benesch to be a good illustration of their capabilities to complete building type projects.

Benesch Recommendation

As applicable, the Kearney Regional Airport/City of Kearney, NE should be aware that according to the contract documents, the **“right is reserved, by the Owner, to reject any and all bids and to waive any or all irregularities, technicalities, informality or any information in the bids received.”**

Due to the tight project timeline, and the follow-up documentation required that has been requested, but not received, from **RMV** to date, **Benesch recommends that the City of Kearney formally accept RMV’s bid contingent upon RMV submitting and FAA approval of the Buy American Waiver Request and DBE percentage acceptance.**

Benesch's opinion is that the bid received from **RMV** represents a fair and reasonable price. **RMV’s** total bid price is \$2,491,309.50 (approximately 34%) less than the Engineer’s Estimate.

In summary, Benesch recommends that the City of Kearney/Kearney Regional Airport award the Total Base Bid (Items 1 – 58) for a total contract award in the amount of **\$4,773,394.00** to **RMV** for construction to commence in the late fall of 2022. If the City of Kearney/Kearney Regional Airport chooses to award the work to **RMV**, Benesch recommends that the award be made contingent upon:

1. FAA’s concurrence in award and the offer of an Airport Improvement Program / CARES Act grant if such concurrence and offer have not been received prior to the meeting.
2. **RMV’s** submittal and FAA’s approval of the Buy American Waiver Request and DBE percentage acceptance.

Summary of Attachments (per current FAA requirements/request):

- Bid Tabulation Sheet with Engineer's Estimate (2 Pages)
- **RMV's** complete bid proposal information (Includes Bid Bond) (39 Pages)
- Final Plan Holders List (1 Page)
- DBE Signed Letter of Intent (received after bid opening) (1 Page)

If you have any questions or comments, please contact us at your convenience.

Sincerely,
Alfred Benesch & Company



Andrew W. Beil, P.E., Project Manager

*Cc w/Attachments: Steve Whitton (FAA),
Lauren Brandt & Peggy Eynetich (City of Kearney)*

**KEARNEY REGIONAL AIRPORT (EAR)
KEARNEY, NE**

**TERMINAL EXPANSION
(AIP 3-31-0045-036)**

BID TABULATION

BID TABULATION
Kearney Regional Airport (EAR)
Kearney, Nebraska
CARES Act / AIP 3-31-0045-036
Terminal Building Expansion
Date: 9/1/2022

Contractor				Engineer's Estimate		RMV Construction LLC		Sampson Construction Co., Inc		
				September 1, 2022		1515 East 11th St. Kearney, NE 68847		119 Central Avenue Kearney, Nebraska 68847		
Bid Security (5% Min.)						5 %		5 %		
DBE % (Goal 0.98%)						0.63 %		-		
Acknowledged Addenda (2 issued)						YES		YES		
ITEM NO.	FAA SPEC ITEM NO.	DESCRIPTION	APPROX. QUANT.	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
BASE BID										
1	B-101-5.1	Airport Safety Measures	1	LS	\$ 150,000.00	\$ 150,000.00	\$ 86,651.00	\$ 86,651.00	\$ 48,530.00	\$ 48,530.00
2	B-102-4.1	Construction Staking	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 4,540.00	\$ 4,540.00	\$ 35,324.00	\$ 35,324.00
3	B-103-5.1	Remove Existing Sign & Base	1	EA	\$ 1,200.00	\$ 1,200.00	\$ 1,283.00	\$ 1,283.00	\$ 520.00	\$ 520.00
4	B-103-5.2	Remove Existing Chain Link Fence, Posts, & Foundations	279	LF	\$ 17.50	\$ 4,882.50	\$ 17.00	\$ 4,743.00	\$ 16.00	\$ 4,464.00
5	B-103-5.3	Remove Existing Light Pole, Including Foundation	1	EA	\$ 2,200.00	\$ 2,200.00	\$ 3,735.00	\$ 3,735.00	\$ 2,080.00	\$ 2,080.00
6	B-103-5.4	Remove Existing Bollard	2	EA	\$ 300.00	\$ 600.00	\$ 178.00	\$ 356.00	\$ 1,560.00	\$ 3,120.00
7	B-104-2.1	Tap Existing Water Line (Tapping Tee)	1	EA	\$ 5,000.00	\$ 5,000.00	\$ 8,752.00	\$ 8,752.00	\$ 7,800.00	\$ 7,800.00
8	B-104-2.2	6" DIP (Fire Protection Line)	200	LF	\$ 265.00	\$ 53,000.00	\$ 123.00	\$ 24,600.00	\$ 110.00	\$ 22,000.00
9	B-104-2.3	6" Gate Valve & PIV	1	EA	\$ 5,000.00	\$ 5,000.00	\$ 5,252.00	\$ 5,252.00	\$ 4,680.00	\$ 4,680.00
10	B-104-2.4	90 Degree Bend (6")	4	EA	\$ 500.00	\$ 2,000.00	\$ 817.00	\$ 3,268.00	\$ 728.00	\$ 2,912.00
11	B-104-2.5	22.5 Degree Bend (6")	2	EA	\$ 500.00	\$ 1,000.00	\$ 818.00	\$ 1,636.00	\$ 728.00	\$ 1,456.00
12	B-104-2.6	6" X 6" X 6" Tee	1	EA	\$ 500.00	\$ 500.00	\$ 1,168.00	\$ 1,168.00	\$ 1,040.00	\$ 1,040.00
13	B-104-2.7	Install Fire Hydrant	1	EA	\$ 6,000.00	\$ 6,000.00	\$ 12,834.00	\$ 12,834.00	\$ 11,440.00	\$ 11,440.00
14	B-105-2.1	Connect To Existing Sanitary Sewer	1	EA	\$ 4,500.00	\$ 4,500.00	\$ 4,085.00	\$ 4,085.00	\$ 3,640.00	\$ 3,640.00
15	B-105-2.2	4" Sanitary Sewer	97	LF	\$ 500.00	\$ 48,500.00	\$ 99.00	\$ 9,603.00	\$ 89.00	\$ 8,633.00
16	B-105-2.3	4" Cleanout (Single Sweep)	2	EA	\$ 2,500.00	\$ 5,000.00	\$ 2,918.00	\$ 5,836.00	\$ 2,600.00	\$ 5,200.00
17	B-106-3.1	Concrete Sidewalk (5")	265	SY	\$ 55.00	\$ 14,575.00	\$ 69.00	\$ 18,285.00	\$ 48.00	\$ 12,720.00
18	B-106-3.2	24" Curb & Gutter	236	LF	\$ 35.00	\$ 8,260.00	\$ 9.00	\$ 2,124.00	\$ 9.00	\$ 2,124.00
19	B-106-3.3	ADA Ramp (W/ Truncated Dome)	2	EA	\$ 2,500.00	\$ 5,000.00	\$ 409.00	\$ 818.00	\$ 520.00	\$ 1,040.00
20	B-107-5.1	New Traffic Signs and Posts	1	EA	\$ 1,200.00	\$ 1,200.00	\$ 1,169.00	\$ 1,169.00	\$ 1,040.00	\$ 1,040.00
21	B-108-1	Landscaped Areas (Including Sprinklers) Complete	1	LS	\$ 25,000.00	\$ 25,000.00	\$ 26,715.00	\$ 26,715.00	\$ 29,016.00	\$ 29,016.00
22	B-109-4.1	Install Car Stop	4	EA	\$ 450.00	\$ 1,800.00	\$ 88.00	\$ 352.00	\$ 624.00	\$ 2,496.00
23	B-110-2.1	Concrete Pavement (6")	434	SY	\$ 60.00	\$ 26,040.00	\$ 80.00	\$ 34,720.00	\$ 53.00	\$ 23,002.00
24	B-110-2.2	Concrete Pavement (7")	396	SY	\$ 65.00	\$ 25,740.00	\$ 83.00	\$ 32,868.00	\$ 57.00	\$ 22,572.00
25	B-110-2.3	Concrete Pavement (12")	208	SY	\$ 90.00	\$ 18,720.00	\$ 114.00	\$ 23,712.00	\$ 80.00	\$ 16,640.00
26	C-102-5.1	Installation, Maintenance, and Removal of Filter Socks	678	LF	\$ 35.00	\$ 23,730.00	\$ 5.00	\$ 3,390.00	\$ 5.00	\$ 3,390.00
27	C-102-5.2	Installation, Maintenance, and Removal of Inlet Protection	4	EA	\$ 750.00	\$ 3,000.00	\$ 292.00	\$ 1,168.00	\$ 182.00	\$ 728.00
28	C-102-5.3	Installation, Maintenance, and Removal of Construction Entrance	2	EA	\$ 8,000.00	\$ 16,000.00	\$ 1,751.00	\$ 3,502.00	\$ 5,200.00	\$ 10,400.00
29	C-105-6.1	Site Preparation and Mobilization	1	LS	\$ 225,000.00	\$ 225,000.00	\$ 59,496.00	\$ 59,496.00	\$ 50,000.00	\$ 50,000.00
30	P-101-5.1	Remove Existing Pavement, Full Depth	1536	SY	\$ 25.00	\$ 38,400.00	\$ 26.00	\$ 39,936.00	\$ 24.00	\$ 36,864.00
31	P-101-5.2	Remove Existing Raised Median, Including Curb & Gutter	247	SY	\$ 16.00	\$ 3,952.00	\$ 30.00	\$ 7,410.00	\$ 26.00	\$ 6,422.00
32	P-101-5.3	Remove Base Course	881	SY	\$ 15.00	\$ 13,215.00	\$ 9.00	\$ 7,929.00	\$ 9.00	\$ 7,929.00
33	P-101-5.4	Gravel & Landscape Removal	1	LS	\$ 6,500.00	\$ 6,500.00	\$ 3,502.00	\$ 3,502.00	\$ 4,888.00	\$ 4,888.00
34	P-152-4.1	Unclassified Excavation	515	CY	\$ 40.00	\$ 20,600.00	\$ 87.00	\$ 44,805.00	\$ 78.00	\$ 40,170.00
35	P-152-4.2	Borrow Embankment (In Place)	625	CY	\$ 40.00	\$ 25,000.00	\$ 88.00	\$ 55,000.00	\$ 78.00	\$ 48,750.00
36	P-209-5.1	Crushed Aggregate Base Course (4")	442	SY	\$ 25.00	\$ 11,050.00	\$ 35.00	\$ 15,470.00	\$ 32.00	\$ 14,144.00
37	P-209-5.2	Crushed Aggregate Base Course (6")	664	SY	\$ 27.00	\$ 17,928.00	\$ 35.00	\$ 23,240.00	\$ 34.00	\$ 22,576.00
38	P-209-5.3	Separation Geotextile	664	SY	\$ 15.00	\$ 9,960.00	\$ 6.00	\$ 3,984.00	\$ 16.00	\$ 10,624.00
39	P-620-5.1	Pavement Marking Removal (Airside)	790	SF	\$ 6.00	\$ 4,740.00	\$ 6.00	\$ 4,740.00	\$ 6.00	\$ 4,740.00
40	P-620-5.2	Pavement Marking Removal (Landside)	55	SF	\$ 6.00	\$ 330.00	\$ 5.00	\$ 275.00	\$ 5.00	\$ 275.00
41	P-620-5.3	Airside Pavement Marking (Yellow)	82	SF	\$ 5.00	\$ 410.00	\$ 20.00	\$ 1,640.00	\$ 16.00	\$ 1,312.00
42	P-620-5.4	Airside Pavement Marking (White)	266	SF	\$ 5.00	\$ 1,330.00	\$ 20.00	\$ 5,320.00	\$ 16.00	\$ 4,256.00
43	P-620-5.5	Airside Pavement Marking (Red)	156	SF	\$ 5.00	\$ 780.00	\$ 20.00	\$ 3,120.00	\$ 16.00	\$ 2,496.00
44	P-620-5.6	Airside Pavement Marking (Black)	275	SF	\$ 5.00	\$ 1,375.00	\$ 20.00	\$ 5,500.00	\$ 16.00	\$ 4,400.00
45	P-620-5.7	Landside Pavement Marking (White)	160	SF	\$ 5.00	\$ 800.00	\$ 51.00	\$ 8,160.00	\$ 16.00	\$ 2,560.00

Contractor				Engineer's Estimate September 1, 2022		RMV Construction LLC 1515 East 11th St. Kearney, NE 68847		Sampson Construction Co., Inc 119 Central Avenue Kearney, Nebraska 68847		
Bid Security (5% Min.)						5 %		5 %		
DBE % (Goal 0.98%)						0.63 %		-		
Acknowledged Addenda (2 issued)						YES		YES		
ITEM NO.	FAA SPEC ITEM NO.	DESCRIPTION	APPROX. QUANT.	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
46	P-620-5.8	Reflective Media	42	LB	\$ 8.00	\$ 336.00	\$ 8.00	\$ 336.00	\$ 11.00	\$ 462.00
47	P-620-5.9	ADA Pavement Marking (Blue)	1	EA	\$ 350.00	\$ 350.00	\$ 177.00	\$ 177.00	\$ 156.00	\$ 156.00
48	P-620-5.10	Preformed Symbol (Through Lane Arrow) (White)	1	EA	\$ 750.00	\$ 750.00	\$ 936.00	\$ 936.00	\$ 208.00	\$ 208.00
49	P-620-5.11	Preformed Symbol (Cross Walk) (White)	4	EA	\$ 750.00	\$ 3,000.00	\$ 876.00	\$ 3,504.00	\$ 208.00	\$ 832.00
50	F-162-5.1	Chain-Link Fence, 8' High with 3 Strands Barbed Wire	205	LF	\$ 150.00	\$ 30,750.00	\$ 148.00	\$ 30,340.00	\$ 13.00	\$ 2,665.00
51	D-701-5.1	24" RCP, Class III	326	LF	\$ 200.00	\$ 65,200.00	\$ 175.00	\$ 57,050.00	\$ 156.00	\$ 50,856.00
52	D-701-5.2	Downspout Connection	86	LF	\$ 175.00	\$ 15,050.00	\$ 128.00	\$ 11,008.00	\$ 115.00	\$ 9,890.00
53	D-705-5.1	4" Perforated Corrugated Polyethylene Pipe	119	LF	\$ 50.00	\$ 5,950.00	\$ 82.00	\$ 9,758.00	\$ 73.00	\$ 8,687.00
54	D-705-5.2	Subdrain Riser	2	EA	\$ 2,000.00	\$ 4,000.00	\$ 2,334.00	\$ 4,668.00	\$ 2,080.00	\$ 4,160.00
55	D-705-5.3	Field Tap	2	EA	\$ 2,500.00	\$ 5,000.00	\$ 1,751.00	\$ 3,502.00	\$ 1,560.00	\$ 3,120.00
56	D-751-5.1	Inlet	3	EA	\$ 14,000.00	\$ 42,000.00	\$ 15,166.00	\$ 45,498.00	\$ 13,520.00	\$ 40,560.00
57	T-901-5.1	Seeding & Mulching	0.5	AC	\$ 15,000.00	\$ 7,500.00	\$ 16,334.00	\$ 8,167.00	\$ 6,656.00	\$ 3,328.00
58	APPX 2	Building & Building Equipment	1	LS	\$ 6,225,000.00	\$ 6,225,000.00	\$ 3,981,758.00	\$ 3,981,758.00	\$ 4,952,563.00	\$ 4,952,563.00
TOTAL BASE BID (ITEMS 1 TO 58)					\$ 7,264,703.50		\$ 4,773,394.00		\$ 5,627,900.00	

**KEARNEY REGIONAL AIRPORT (EAR)
KEARNEY, NE**

**TERMINAL EXPANSION
(AIP 3-31-0045-036)**

CONSTRUCTORS' PROPOSAL

OFFICIAL PROPOSAL FORM

Terminal Expansion

Kearney Regional Airport (EAR)

AIP NO: 3-31-0045-036 (CARES)

BENESCH PROJECT NO: 112045.00



CITY OF
KEARNEY
HEART OF NEBRASKA



OFFICIAL PROPOSAL FORM

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PROPOSAL SUBMITTAL CHECKLIST

Airport: Kearney Regional Airport (EAR), Kearney, NE
Project: Terminal Expansion
AIP No.: 3-31-0045-036

The "Proposal Submittal Checklist" below is to help identify the documents that need to be completed and/or submitted when submitting a proposal. The itemized list below does not relieve prospective bidders from ensuring compliance with all the bid submittal requirements of the Contract Documents and Specifications.

PROPOSAL SUBMITTAL CHECKLIST

****Note:** *The entire bound bid booklet shall be submitted. Do NOT detach any of the booklet pages. Any additions added to the booklet (such as bid guaranty, evidence of authority to sign, etc.) should be stapled inside the bid booklet.*

The following items need to be completed and/or submitted by prospective bidders with their proposal unless otherwise stated below

PROPOSAL FORM (pages P.1 TO P.28)

UNIT PRICE AMOUNTS, EXTENSION AMOUNTS, TOTAL BID AMOUNTS (Pages P.1 – P.3)

ADDENDUM ACKNOWLEDGMENT (Page P.6)

ADDITIONAL INSURANCE CHARGE AMOUNT (Page P.8)

DBE UTILIZATION STATEMENT (Page P.9)

DBE LETTER OF INTENT (For each DBE firm utilized.) (Page P.11)

(If multiple sheets are needed make necessary copies and staple additional sheets into proposal booklet)

(If DBE firms are utilized, the Letter of Intent form does not have to be signed at time of the bid submittal, but the successful low bidder will be required to provide written confirmation, by providing letter of intent(s) signed by each DBE firm(s) utilized, from all participating DBE firms verifying their intent to participate in the project within the timeframe specified in the "Disadvantaged Business Enterprise" section of the FAA's current "Supplementary Provisions" provided in Article 2.

TENTATIVE LIST OF SUBCONTRACTORS (Page P.13)

CERTIFICATE OF BUY AMERICAN COMPLIANCE FOR TOTAL FACILITY (Pages P.15 & P.16)

BUY AMERICAN WAIVER REQUEST (Page P.17)

(If required, the low bidder agrees to prepare and submit to the Owner the B.A. waiver request form within the timeframe specified on the Buy American Certification form in the proposal.

BUY AMERICAN COMPONENT COST CALCULATION TABLE (Page P.19)

(If required, the low bidder agrees to prepare and submit to the Owner the B.A. cost calculation table within the timeframe specified on the Buy American Certification form in the proposal.

BUY AMERICAN CONFORMANCE LISTING (Page P.21)

(If required, the low bidder agrees to prepare and submit to the Owner the B.A. conformance listing within the timeframe specified on the Buy American Certification form in the proposal.

CERTIFICATE OF BIDDER REGARDING TAX DELIQUENCY AND FELONY CONVICTIONS
(Page P.23)

SIGNATURE OF BIDDER (Attach Evidence Of Authority To Sign, If Required) (Page P.25, P.26, or P.27)

OFFICIAL PROPOSAL FORM

Kearney Regional Airport (EAR)
Terminal Expansion (2022)

OTHER

BID GUARANTEE

DBE GOOD FAITH EFFORT (GFE) DOCUMENTATION (*GFE Documentation Is Only Required If Minimum DBE Contract Goal Can NOT Be Met*)

PROPOSAL FORM
AIP Project No: 3-31-0045-036

DO NOT DETACH ANY OF THESE PROPOSAL PAGES
SUBMIT ENTIRE BOUND OFFICIAL PROPOSAL FORM BOOKLET

TO: City of Kearney
18 East 22nd Street
Kearney, NE 68848

The undersigned, in compliance with the request for bids for construction of the following Project:

Terminal Expansion

hereby proposes to furnish all labor, permits, material, machinery, tools, supplies and equipment to faithfully perform all work required for construction of the Project in accordance with the Contract Documents and Specifications, project drawings, and issued Addenda within the specified time of performance for the following prices on this proposal.

Sealed bids will be received by the Owner, the City of Kearney, Nebraska, at the City Clerk's Office, at City Hall, 18 East 22nd Street, Kearney, NE 68848 until 2:00 p.m. local time, on **Thursday, September 1, 2022** and then publicly opened and read aloud, for furnishing all labor, materials and equipment, and performing all work necessary for completing the "Terminal Expansion," AIP 3-31-0045-036.

The undersigned understands that it is the intent of the Owner issue a Notice To Proceed (NTP) for construction to begin in the fall of 2022. Furthermore, the undersigned understands that, it is the intent of the Owner to award (assuming responsive and responsible bids are received) the project under a Federal CARES Act grant. Prior to issuance of the formal NTP, a start date will be coordinated with the Contractor, with the intent to have all work completed in calendar year 2023.

ITEM NO.	SPEC NO.	DESCRIPTION	EST. QUANT.	UNIT	BID PRICE	AMOUNT
BASE BID						
1	B-101-5.1	Airport Safety Measures	1	LS	\$ 86,651. ⁰⁰	\$ 86,651. ⁰⁰
2	B-102-4.1	Construction Staking	1	LS	\$ 4,540. ⁰⁰	\$ 4,540. ⁰⁰
3	B-103-5.1	Remove Existing Sign & Base	1	EA	\$ 1,283. ⁰⁰	\$ 1,283. ⁰⁰
4	B-103-5.2	Remove Existing Chain Link Fence, Posts, & Foundations	279	LF	\$ 17. ⁰⁰	\$ 4,743. ⁰⁰
5	B-103-5.3	Remove Existing Light Pole, Including Foundation	1	EA	\$ 3735	\$ 3,735. ⁰⁰
6	B-103-5.4	Remove Existing Bollard	2	EA	\$ 178	\$ 356
7	B-104-2.1	Tap Existing Water Line (Tapping Tee)	1	EA	\$ 8,752. ⁰⁰	\$ 8,752. ⁰⁰
8	B-104-2.2	6" DIP (Fire Protection Line)	200	LF	\$ 123	\$ 24,600. ⁰⁰
9	B-104-2.3	6" Gate Valve & PIV	1	EA	\$ 5,252. ⁰⁰	\$ 5,252. ⁰⁰
10	B-104-2.4	90 Degree Bend (6")	4	EA	\$ 817	\$ 3,268. ⁰⁰
11	B-104-2.5	22.5 Degree Bend (6")	2	EA	\$ 818	\$ 1,636. ⁰⁰

(CONTINUED ON NEXT PAGE)

OFFICIAL PROPOSAL FORM

Kearney Regional Airport (EAR)
Terminal Expansion (2022)

ITEM NO.	SPEC NO.	DESCRIPTION	EST. QUANT.	UNIT	BID PRICE	AMOUNT
BASE BID (CONTINUED)						
12	B-104-2.6	6" X 6" X 6" Tee	1	EA	\$ 1,168 ⁰⁰	\$ 1,168. ⁰⁰
13	B-104-2.7	Install Fire Hydrant	1	EA	\$ 12,834	\$ 12,834. ⁰⁰
14	B-105-2.1	Connect To Existing Sanitary Sewer	1	EA	\$ 4,085	\$ 4,085
15	B-105-2.2	4" Sanitary Sewer	97	LF	\$ 99	\$ 9,603
16	B-105-2.3	4" Cleanout (Single Sweep)	2	EA	\$ 2,918	\$ 5,836
17	B-106-3.1	Concrete Sidewalk (5")	265	SY	\$ 69	\$ 18,285
18	B-106-3.2	24" Curb & Gutter	236	LF	\$ 9	\$ 2,124
19	B-106-3.3	ADA Ramp (W/ Truncated Dome)	2	EA	\$ 409	\$ 818
20	B-107-5.1	New Traffic Signs and Posts	1	EA	\$ 1169	\$ 1169
21	B-108-1	Landscaped Areas (Including Sprinklers) Complete	1	LS	\$ 26,715	\$ 26,715
22	B-109-4.1	Install Car Stop	4	EA	\$ 88	\$ 352
23	B-110-2.1	Concrete Pavement (6")	434	SY	\$ 80	\$ 34,720
24	B-110-2.2	Concrete Pavement (7")	396	SY	\$ 83	\$ 32,868
25	B-110-2.3	Concrete Pavement (12")	208	SY	\$ 114	\$ 23,712
26	C-102-5.1	Installation, Maintenance, and Removal of Filter Socks	678	LF	\$ 5	\$ 3,390
27	C-102-5.2	Installation, Maintenance, and Removal of Inlet Protection	4	EA	\$ 292	\$ 1,168
28	C-102-5.3	Installation, Maintenance, and Removal of Construction Entrance	2	EA	\$ 1,751	\$ 3,502
29	C-105-6.1	Site Preparation and Mobilization	1	LS	\$ 59,496	\$ 59,496
30	P-101-5.1	Remove Existing Pavement, Full Depth	1536	SY	\$ 26	\$ 39,936
31	P-101-5.2	Remove Existing Raised Median, Including Curb & Gutter	247	SY	\$ 30	\$ 7,410. ⁰⁰
32	P-101-5.3	Remove Base Course	881	SY	\$ 9	\$ 7,929
33	P-101-5.4	Gravel & Landscape Removal	1	LS	\$ 3,502	\$ 3,502
34	P-152-4.1	Unclassified Excavation	515	CY	\$ 87	\$ 44,805
35	P-152-4.2	Borrow Embankment (In Place)	625	CY	\$ 88	\$ 55,000
36	P-209-5.1	Crushed Aggregate Base Course (4")	442	SY	\$ 35	\$ 15,470
37	P-209-5.2	Crushed Aggregate Base Course (6")	664	SY	\$ 35	\$ 23,240
38	P-209-5.3	Separation Geotextile	664	SY	\$ 6	\$ 3,984

(CONTINUED ON NEXT PAGE)

OFFICIAL PROPOSAL FORM

Kearney Regional Airport (EAR)
Terminal Expansion (2022)

ITEM NO.	SPEC NO.	DESCRIPTION	EST. QUANT.	UNIT	BID PRICE	AMOUNT
BASE BID (CONTINUED)						
39	P-620-5.1	Pavement Marking Removal (Airside)	790	SF	\$ 6	\$ 4,740 ⁰²
40	P-620-5.2	Pavement Marking Removal (Landside)	55	SF	\$ 5	\$ 275 ⁰⁰
41	P-620-5.3	Airside Pavement Marking (Yellow)	82	SF	\$ 20	\$ 1640
42	P-620-5.4	Airside Pavement Marking (White)	266	SF	\$ 20	\$ 5320
43	P-620-5.5	Airside Pavement Marking (Red)	156	SF	\$ 20	\$ 3120
44	P-620-5.6	Airside Pavement Marking (Black)	275	SF	\$ 20	\$ 5500
45	P-620-5.7	Landside Pavement Marking (White)	160	SF	\$ 51	\$ 8160
46	P-620-5.8	Reflective Media	42	LB	\$.8	\$ 336
47	P-620-5.9	ADA Pavement Marking (Blue)	1	EA	\$ 177	\$ 177
48	P-620-5.10	Preformed Symbol (Through Lane Arrow) (White)	1	EA	\$ 936	\$ 936
49	P-620-5.11	Preformed Symbol (Cross Walk) (White)	4	EA	\$ 876	\$ 3504
50	F-162-5.1	Chain-Link Fence, 8' High with 3 Strands Barbed Wire	205	LF	\$ 148	\$ 30340
51	D-701-5.1	24" RCP, Class III	326	LF	\$ 175	\$ 57050
52	D-701-5.2	Downspout Connection	86	LF	\$ 128	\$ 11008
53	D-705-5.1	4" Perforated Corrugated Polyethylene Pipe	119	LF	\$ 82	\$ 9758
54	D-705-5.2	Subdrain Riser	2	EA	\$ 2334	\$ 4668
55	D-705-5.3	Field Tap	2	EA	\$ 1751	\$ 3502
56	D-751-5.1	Inlet	3	EA	\$ 15166	\$ 45498
57	T-901-5.1	Seeding & Mulching	0.5	AC	\$ 16334	\$ 8167
58	APPX 2	Building & Building Equipment	1	LS	\$ 3,981,758	\$ 3,981,758
TOTAL BASE BID (ITEMS 1 THROUGH 58):						\$ 4,773,398 ⁰²

Four million seven hundred seventy-three thousand three hundred ninety-eight dollars and ^{no}/₁₀₀

ACKNOWLEDGEMENTS BY BIDDER

- a. By submittal of a proposal, the BIDDER acknowledges and accepts that the quantities established by the OWNER are an approximate estimate of the quantities required to fully complete the Project and that the estimated quantities are principally intended to serve as a basis for evaluation of bids. The BIDDER further acknowledges and accepts that payment under this contract will be made only for actual quantities and that quantities will vary in accordance with the General Provisions subsection entitled "Alteration of Work and Quantities".
- b. The BIDDER acknowledges and accepts that the Bid Documents are comprised of the following documents:
- Requests For Bids/Invitation For Bids (Newspaper Advertisement) (Article 1)
 - Notice-to-Bidders (Article 1)
 - Instructions-to-Bidders (Article 1)
 - This Proposal Form (including DBE and Buy American Forms) (Article 1)
 - Any Authorized Addenda Issued (Article 1)
 - Form of Contract and Performance/Payment Bonds (Article 1)
 - Supplementary Provisions (Article 2)
 - Davis Bacon Wage Determinations (Article 3)
 - FAA General Contract Provisions (Article 4)
 - Benesch Generated Specifications (Article 5)
 - City of Kearney Standard Specifications for Municipal Construction (Article 6)
 - FAA Standard Specifications (Appendix 1)
 - Architectural and MEP Specifications (Appendix 2)
 - Construction Safety and Phasing Plan (CSPP) (Appendix 3)
 - Sample Contractor Safety Plan Compliance Document (SPCD) (Appendix 4)
 - FAA AC 150/5370-2G (Operational Safety On Airports During Construction) (Appendix 5)
 - Nationwide Buy American Waivers Issued (Appendix 6)
 - Contractor Shop Drawing Submittal Cover Page (Appendix 7)
 - Geotechnical Report Boring Logs (Appendix 8)
 - Plan Drawings
 - Any Other Document Incorporated In Whole Or In Part By Reference.

The BIDDER further acknowledges that each of the individual documents that comprise the Bid Documents are complementary to one another and together establish the complete terms, conditions and obligations of the successful BIDDER.

- c. As evidence of good faith in submitting this proposal, the undersigned encloses a bid guaranty in the form of a certified check or bid bond in the amount of 5% of the Total Bid.
- d. The BIDDER acknowledges and accepts the OWNER'S right to reject any or all bids and to waive any minor informality in any Bid or solicitation procedure.
- e. The BIDDER acknowledges and accepts the OWNER'S right to hold all Proposals for purposes of review and evaluation and not issue a notice-of-award for a period not to exceed ninety (90) calendar days from the stated date for receipt of bids.
- f. The undersigned agrees that upon written notice of award of contract, he or she will execute the contract and furthermore provide executed payment and performance bonds within the timeframes specified in the instructions-to-bidders. The undersigned acknowledges and accepts that refusal or failure to accept the award and execute a contract and bonds within the terms and conditions established herein will result in forfeiture of the bid guaranty to the Owner as a liquidated damage.
- g. Time of Performance: By submittal of this proposal, the undersigned acknowledges and agrees to commence work within ten (10) calendar days of the date specified in the written "Notice-to-Proceed" as issued by the

OFFICIAL PROPOSAL FORM

Kearney Regional Airport (EAR)
Terminal Expansion (2022)

OWNER. The undersigned agrees to complete work **within the contract time allowances as specified in the Notice-To-Bidders** from the commencement date specified in the Notice-To-Proceed(s).

- h. The undersigned acknowledges and accepts that failure to complete each Phase or Element within the respective specified calendar day allowance, the Contractor shall pay the non-penal sum prescribed in the Notice-To-Bidders (NTB) as a liquidated damage to the Owner.
- i. The BIDDER acknowledges that the OWNER has established a contract Disadvantaged Business Enterprise goal of **0.98 percent** for this project. The BIDDER acknowledges and accepts the requirement to apply and document good faith efforts, as defined in Appendix A, 49 CFR Part 26, for subcontracting a portion of the prime contract to certified Disadvantaged Business Enterprises (DBE), as defined in 49 CFR Part 26 for purposes of meeting the OWNER'S established goal. The BIDDER, in complying with this requirement, proposes participation by Disadvantaged Business Enterprises as stated on the forms, "Utilization Statement" and "Letter of Intent".
- j. The BIDDER, by submission of a proposal, acknowledges that award of this contract is subject to the provisions of the Davis Bacon Act. The BIDDER accepts the requirement to pay prevailing wages for each classification and type of worker as established in the attached wage rate determination as issued by the United States Department of Labor. The BIDDER further acknowledges and accepts their requirement to incorporate the provision to pay the established prevailing wages in every subcontract agreement entered into by the Bidder under this project.
- k. Compliance Reports (41 CFR Part 60-1.7): Within 30 days after award of this contract, the Contractor/Subcontractor shall file a compliance report (Standard Form 100) if s/he has not submitted a complete compliance report within 12 months preceding the date of award. This report is required if the Contractor/Subcontractor meets all of the following conditions:
 - 1. Contractors/Subcontractors are not exempt based on 41 CFR 60-1.5.
 - 2. Has 50 or more employees.
 - 3. Is a prime contractor or first tier subcontractor.
 - 4. There is a contract, subcontract, or purchase order amounting to \$50,000 or more.
- l. Bidder must demonstrate that they made good faith efforts to achieve participation with DBE firms. This requires that the bidder show that it took all necessary and reasonable steps to secure participation by certified DBE firms. Mere pro forma efforts will not be considered as a good faith effort.
 - Actions constituting evidence of good faith efforts are described in Appendix A of 49 CFR Part 26.
- m. The bidder must specifically agree not to discriminate against any recipients of services on the basis of race, color, sex, religion, creed, age, marital status, physical or mental disability, political affiliation, national origin or ancestry and not to discriminate against any employees or applicant for employment on the basis of race, color, sex, religion, creed, age, marital status, physical or mental disability, political affiliation, national origin or ancestry.
- n. The undersigned agrees to comply with all current and applicable Federal, State, and local rules and regulations governing the safety of men and materials during its operations including observing the requirements of the Occupational Safety and Health Administration (OSHA).
- o. The undersigned acknowledges that the project is subject to the FAA's current Federal Provisions as provided in Article 2 "Supplementary Provisions". The undersigned furthermore hereby certifies that they, and their subcontractors, comply with the Federal Provisions as incorporated herein.
- p. The undersigned states that they are complying with and will continue to comply with fair labor standards, as defined in Neb.Rev.Stat. § 73-104, (reissue 2016), in the pursuit of their business and in the execution of the contract pursuant to this bid.

OFFICIAL PROPOSAL FORM

q. The undersigned acknowledges receipt of the following addenda:

Addendum Number: 1 Addendum Date: 8-25-2022 Date Received: 8-25-2022
Addendum Number: 2 Addendum Date: 8-30-2022 Date Received: 8-30-2022
Addendum Number: Addendum Date: Date Received:
Addendum Number: Addendum Date: Date Received:

REPRESENTATIONS BY BIDDER

By submittal of a proposal (bid), the BIDDER represents the following:

- a. The BIDDER has read and thoroughly examined the bid documents including all authorized addenda.
b. The BIDDER has a complete understanding of the terms and conditions required for the satisfactory performance of project work.
c. The BIDDER has fully informed themselves of the project site, the project site conditions and the surrounding area.
d. The BIDDER has familiarized themselves of the requirements of working on an operating airport and understands the conditions that may in any manner affect cost, progress or performance of the work
e. The BIDDER has correlated their observations with that of the project documents.
f. The BIDDER has found no errors, conflicts, ambiguities or omissions in the project documents, except as previously submitted in writing to the owner that would affect cost, progress or performance of the work.
g. The BIDDER is familiar with all applicable Federal, State and local laws, rules and regulations pertaining to execution of the contract and the project work.
h. The BIDDER has complied with all requirements of these instructions and the associated project documents.

CERTIFICATIONS BY BIDDER

- a. The undersigned hereby declares and certifies that the only parties interested in this proposal are named herein and that this proposal is made without collusion with any other person, firm or corporation. The undersigned further certifies that no member, officer or agent of OWNER'S has direct or indirect financial interest in this proposal.
b. Certification of Non-Segregated Facilities: (41 CFR Part 60-1.8)
The BIDDER, as a potential federally-assisted construction contractor, certifies that it does not maintain or provide, for its employees, any segregated facilities at any of its establishments and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The BIDDER certifies that it will not maintain or provide, for its employees, segregated facilities at any of its establishments and that it will not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Bidder agrees that a breach of this certification is a violation of the Equal Opportunity Clause, which is to be incorporated in the contract.

As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms, and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated on the basis of race, color, religion, or national origin because of habit, local custom, or any other reason. The Bidder agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity Clause and that it will retain such certifications in its files.

OFFICIAL PROPOSAL FORM

c. Trade Restriction Certification: (49 CFR Part 30)

The Bidder, by submission of an offer certifies that it:

1. is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms published by the Office of the United States Trade Representative (USTR);
2. has not knowingly entered into any contract or subcontract for this project with a person that is a citizen or national of a foreign country on said list, or is owned or controlled directly or indirectly by one or more citizens or nationals of a foreign country on said list;
3. has not procured any product nor subcontracted for the supply of any product for use on the project that is produced in a foreign country on said list.

d. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: (49 CFR Part 29)

The Bidder certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. It further agrees by submitting this proposal that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts, and subcontracts. Where the Bidder or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this solicitation/proposal.

e. Certification Regarding Lobbying: (49 CFR Part 20)

The Bidder certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. It further agrees by submitting this proposal that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts, and subcontracts. Where the Bidder or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this solicitation/proposal. The Bidder or Offeror certifies by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Bidder or Offeror, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

f. Buy American Certification: (Title 49 U.S.C. Chapter 501)

As a condition of bid responsiveness, the bidder must state how it intends to comply with the Buy American preferences established under Title 49 U.S.C. Section 50101. Bidder must complete the Buy American certification attached herein. If the bidder requests a permissible waiver to the Buy America requirements, the Bidder identified as with the successful bid must submit the required forms (within the prescribed time) identified in the attached Buy American Certification.

OFFICIAL PROPOSAL FORM

g. **Additional Insurance Charge:**

If there is an additional charge for the insurance for naming the City of Kearney and the Engineer as additional insured, the amount must be shown here. The amount shown will not change the total bid. A blank or inserting a zero will mean the Bidder's insurance company does not charge an extra fee for naming the City of Kearney and the Engineer as an additional insured per GP 70-21.

\$ None

CITY OF KEARNEY REQUIREMENTS

a. **Independent Contractor**

Contractor is an independent contractor for all purposes. Contractor shall not be considered the agent or employee of the City for any purpose and shall not hold itself out as such.

b. **Sexual Harassment**

The contractor warrants and represents that it has policies in place governing the actions of the contractor and any employee or agent of the contractor, prohibiting sexual harassment. The contractor agrees to defend, indemnify and hold harmless the City of Kearney for actions of the contractor, or any employee or agent of the contractor which constitute or allegedly constitute sexual harassment, in or during the execution of this agreement with the City of Kearney and its officers, employees, agents and the public. The contractor also understands and agrees that any violation of this provision will constitute sufficient cause for the City to unilaterally terminate the agreement.

ATTACHMENTS TO THIS BID

The following documents are attached to and made a part of this Bid:

1. Bid Guaranty;
2. Good Faith Efforts (if applicable).

DBE UTILIZATION STATEMENT
Disadvantage Business Enterprise

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner.
(Please check the appropriate box)

- The bidder/offeror is committed to a minimum of 0.98 % DBE utilization on this contract.
- The bidder/offeror, while unable to meet the DBE goal of 0.98 %, hereby commits to a minimum of _____ % DBE utilization on this contract and also submits documentation, as an attachment, demonstrating good faith efforts (GFE).

The undersigned hereby further assures that the information included herein is true and correct, and that the DBE firm(s) listed herein have agreed to perform a commercially useful function in the work items noted for each firm. The undersigned further understands that no changes to this statement may be made without prior approval from the Civil Right Staff of the Federal Aviation Administration.

RMY Construction LLC
Bidder's/Offeror's Firm Name

[Signature]
Signature

9-1-2022
Date

Note: In order to meet the minimum DBE contract goal % for all potential award options (if applicable), the Bidder should base their below DBE dollar participation on the Bidder's largest bid amount for the various award options.

DBE UTILIZATION SUMMARY

	<u>Contract Amount</u>		<u>DBE Amount</u>	<u>Contract Percentage</u>
DBE Prime Contractor	\$ _____	x 1.00 =	\$ _____	_____ %
DBE Subcontractor	\$ <u>30,000</u>	x 1.00 =	\$ <u>30,000</u>	<u>0.0063</u> %
DBE Supplier	\$ <u>—</u>	x 0.60 =	\$ _____	_____ %
DBE Manufacturer	\$ <u>—</u>	x 1.00 =	\$ _____	_____ %
Total Amount DBE			\$ _____	_____ %
DBE Goal			\$ _____	<u>0.98</u> %

*If the total proposed DBE participation is less than the established DBE goal, you must provide written documentation of the good faith efforts as required by 49 CFR Part 26.

OFFICIAL PROPOSAL FORM

Kearney Regional Airport (EAR)
Terminal Expansion (2022)

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DBE LETTER OF INTENT
Disadvantaged Business Enterprise
(This page shall be submitted for each DBE firm)

Bidder/Offer Name: RMV Construction LLC
Address: 1515 East 11th St.
City: Kearney State: NE Zip: 68547

DBE Firm: DBE Firm: All Road Barricades, Inc.
Address: P.O. Box 29196
City: Lincoln State: NE Zip: 68529

DBE Contact Person: Name: Jeff Phone: 402-467-2553

DBE Certification Agency: _____ Expiration Date: _____

Each DBE Firm shall submit evidence (such as a photocopy) of their certification status submitted with the Letter of Intent.

Classification: Prime Contractor Subcontractor Joint Venture
 Manufacturer Supplier

Work items to be performed by DBE	Description	Quantity	Total
Airport Safety Measures	Type I Barricades		
	Type II Barricades		
	Type III Barricades	251	30,000.00

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated participation is as follows:

DBE contract amount: \$ _____ Percent of total contract: _____ %

Affirmation
The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By: _____
(Signature) (Title)

In the event the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

OFFICIAL PROPOSAL FORM

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TENTATIVE LIST OF SUBCONTRACTORS
(To Be Completed With Execution of Contract)

AIP Project: 3-31-0045-036
Project Name: Terminal Expansion
Airport: Kearney Regional Airport (EAR)
Location: Kearney, Nebraska

The Airport Sponsor is required to submit subcontract information about DBE and non-DBE subcontractors who perform work on their federally-assisted contracts. Therefore the Airport Sponsor requires that the prime contractor submit the following information related to this project. The DBE rules described in the Information to Bidders and Special Provisions must be followed in regards to the firms listed on the DBE Participation Statement.

Proposed Subcontractors			
	Subcontractor	Work To Be Performed	Approximate Dollar Value
1)	Bigzby Concrete	Concrete	146,000. ⁰⁰
2)	Blessing	earthwork demo	190,000. ⁰⁰
3)	Midlands	site-utilities	200,000. ⁰⁰
4)	JJ Plumbing	building plumbing	175,000
5)	Denner	Summit Mas	120,000
6)	Tri-City	Roofing	280,000
7)	Kidwell	Electrical	830,000
8)	A-1	HVAC	130,000
9)			
10)			
11)			
12)			
13)			

9-1-2022
Date
RMV Construction
Company Name

[Signature]
Signature
manager
Title

OFFICIAL PROPOSAL FORM

Kearney Regional Airport (EAR)
Terminal Expansion (2022)

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CERTIFICATE OF BUY AMERICAN COMPLIANCE FOR TOTAL FACILITY

As a matter of bid responsiveness, the bidder or offeror must complete, sign, date, and submit this certification statement with its proposal. The bidder or offeror must indicate how it intends to comply with 49 USC § 50101 by selecting one of the following certification statements. These statements are mutually exclusive. Bidder must select one or the other (i.e. not both) by inserting a checkmark (✓) or the letter “X”.

- Bidder or offeror hereby certifies that it will comply with 49 USC § 50101 by:
 - a) Only installing steel and manufactured products produced in the United States; or
 - b) Installing manufactured products for which the Federal Aviation Administration (FAA) has issued a waiver as indicated by inclusion on the current FAA Nationwide Buy American Waivers Issued listing; or
 - c) Installing products listed as an Excepted Article, Material or Supply in Federal Acquisition Regulation Subpart 25.108.

By selecting this certification statement, the bidder or offeror agrees:

- To provide to the Owner evidence that documents the source and origin of the steel and manufactured product.
- To faithfully comply with providing U.S. domestic products.
- To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.

- The bidder or offeror hereby certifies it cannot comply with the 100 percent Buy American Preferences of 49 USC § 50101(a) but may qualify for either a Type 3 or Type 4 waiver under 49 USC § 50101(b). By selecting this certification statement, the apparent bidder or offeror with the apparent low bid agrees:
 - a) To submit to the Owner within 15 calendar days of the bid opening, a formal waiver request and required documentation that supports the type of waiver being requested.
 - b) That failure to submit the required documentation within the specified timeframe is cause for a non-responsive determination that may result in rejection of the proposal.
 - c) To faithfully comply with providing U.S. domestic products at or above the approved U.S. domestic content percentage as approved by the FAA.
 - d) To furnish U.S. domestic product for any waiver request that the FAA rejects.
 - e) To refrain from seeking a waiver request after establishment of the contract, unless extenuating circumstances emerge that the FAA determines justified.

Required Documentation

Type 3 Waiver – The cost of components and subcomponents produced in the United States is more than 60 percent of the cost of all components and subcomponents of the “facility”. The required documentation for a Type 3 waiver is:

- a) Listing of all manufactured products that are not comprised of 100 percent U.S. domestic content (excludes products listed on the FAA Nationwide Buy American Waivers Issued listing and products excluded by Federal Acquisition Regulation Subpart 25.108; products of unknown origin must be considered as non-domestic products in their entirety).
- b) Cost of non-domestic components and subcomponents, excluding labor costs associated with final assembly and installation at project location.
- c) Percentage of non-domestic component and subcomponent cost as compared to total “facility” component and subcomponent costs, excluding labor costs associated with final assembly and installation at project location.

Type 4 Waiver – Total cost of project using U.S. domestic source product exceeds the total project cost using non-domestic product by 25 percent. The required documentation for a Type 4 of waiver is:

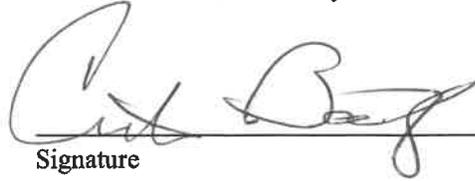
- a) Detailed cost information for total project using U.S. domestic product

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b) Detailed cost information for total project using non-domestic product

False Statements: Per 49 USC § 47126, this certification concerns a matter within the jurisdiction of the Federal Aviation Administration and the making of a false, fictitious or fraudulent certification may render the maker subject to prosecution under Title 18, United States Code.

9-1-2022
Date


Signature

RMV Construction
Company Name

manager
Title

BUY AMERICAN WAIVER REQUEST
Title 49 U.S.C Section 50101 (b)

For Airfield Development Projects funded under the Airport Improvement Program

Type of Waiver Request:

The bidder may request a waiver subject to the provisions of Section 50101(b)(3) or Section 50101(b)(4). The bidder may not request a waiver under Section 50101(b)(1) or Section 50101(b)(2). Bidder is hereby advised that the Owner’s approval with the bidder’s waiver request is contingent upon FAA approval. The bidder must select one of the following applicable waiver provisions:

- Section 50101(b)(3):** Bidder hereby requests a waiver to Buy America preferences based upon Section 50101(b)(3) for the equipment identified below. The bidder certifies that ___% of the cost of components and subcomponents comprising the equipment are produced in the United States and that final assembly occurs within the United States. *(Bidder must attach a copy of the component cost calculation table)*
- Section 50101(b)(4):** Bidder hereby requests a waiver to Buy America preferences based upon Section 50101(b)(4). The bidder asserts provision of domestic material increases the cost of the overall project by more than 25%. *(Note: This type of waiver is very rare)*

Certification Signature

In accordance with Section 50101(b), we request a waiver to the Buy America provisions based on the above certification and attached documentation.

RMV Construction LLC 9-1-2022
 Bidder's Firm Name Date

[Signature]
 Signature

Signature Instructions for Section 50101(b)(3) Waiver:

1. "Equipment" in Section 50101 shall mean the following:
 - a) Individual type "L" items (Airfield Lighting Equipment) as listed in FAA Advisory Circular 150/5345-53.
 - b) Individual bid items as established within FAA Advisory Circular 150/5370-10. The bid item application may not be applied for the type "L" items listed in AC 150/5345-53.
 - c) A waiver request may only address one specific equipment item. Submit separate requests for each equipment item for which a waiver.
 - d) Items listed under the Nationwide Waiver do not require further review. Please refer to the following webpage:
http://www.faa.gov/airports/aip/procurement/federal_contract_provisions/media/buy_american_waiver.xls
2. The bidder must base the U.S. percentage upon the value that results from completing a component cost calculation table similar to the attached format. Bidder shall avoid mere pro forma efforts to establish the waiver request percentage. The Bidder must submit the component cost calculation table as an attachment to the waiver request.
3. Components/subcomponents are the material and products composing the "equipment".
4. The final assembly of the AIP-funded "equipment" must be within the USA (*Section 50101(b)(3)(B)*). Final assembly is the substantial transformation of the components and subcomponents into the end product.
5. All steel used in the "Equipment" must be produced in the United States.
6. The Buy American requirements apply to all tier contractors and subcontractors. All contractors/subcontractors are required to provide appropriate documentation that indicates origin of manufacturer and percentage of domestic made product.
7. The bidder is hereby advised there is no implied or expressed guarantee that a requested waiver will be issued by the Federal Aviation Administration (FAA). Less than 60% USA component/subcomponent proposed for this facility CANNOT be waived. Products made with foreign steel are not eligible for a waiver.

Instructions for Section 50101(b)(4) Waiver:

1. The 25% cost increase waiver is rarely applicable. Consult Owner before making this request.

North America Free Trade Act (NAFTA)
 The NAFTA does not apply to the AIP. Products and material made in Canada or Mexico must be considered as foreign made products.

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- CONFIDENTIAL -

BUY AMERICAN COMPONENT COST CALCULATION TABLE

- *In lieu of completing this table, bidder may prepare a spreadsheet that addresses the same information and calculations as presented herein.*
- *An authorized person shall attest under signature and date that the submitted information is accurate and complete.*
- *The bidder/contractor shall submit the signed component cost calculation table to the Owner as an attachment to the waiver request*
- *The component breakout shall be along major components of the equipment.*
- *Submit separate calculation for each different equipment types. Do not combine the component cost calculations of different types of equipment. Refer to the requirements on the bottom of the Buy American Waiver Request form.*

Equipment Type: _____

Component/Subcomponents	Name of Manufacturer	Country of Origin	Cost of Foreign Manufactured Components/Subcomponents	Cost of USA Manufactured Components/Subcomponents
Lumber	VARIOUS	Canada	\$ 33,000	N/A
Various electrical devices		Various	N/A	N/A
Various lighting	Lighting devices	Various	N/A	N/A

Sum of US Manufactured Component/Subcomponent Costs: _____

Sum of all Equipment Components and Subcomponents: _____

Percentage of Equipment Components Manufactured in the United States: _____

Place of Final Assembly: _____

Certification Signature

I hereby certify the above information is accurate and complete.

RMY Construction *9-1-2022*
Bidder's Firm Name Date

[Signature]
Signature

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OFFICIAL PROPOSAL FORM

Kearney Regional Airport (EAR)
Terminal Expansion (2022)

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CERTIFICATE OF BIDDER REGARDING TAX DELIQUENCY AND FELONY CONVICTIONS

The Contractor must complete the following two certification statements. The Contractor must indicate its current status as it relates to tax delinquency and felony conviction by inserting a checkmark (✓) in the space following the applicable response. The Contractor agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification in all lower tier subcontracts.

Certifications

- 1) The Contractor represents that it is () / is not (✓) a corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.
- 2) The Contractor represents that it is () / is not (✓) a corporation that was convicted of a criminal violation under any Federal law within the preceding 24 months.

Note

If an Contractor responds in the affirmative to either of the above representations, the Contractor is ineligible to receive an award unless the sponsor has received notification from the agency suspension and debarment official (SDO) that the SDO has considered suspension or debarment and determined that further action is not required to protect the Government's interests. The Contractor therefore must provide information to the owner about its tax liability or conviction to the Owner, who will then notify the FAA Airports District Office, which will then notify the agency's SDO to facilitate completion of the required considerations before award decisions are made.

Term Definitions

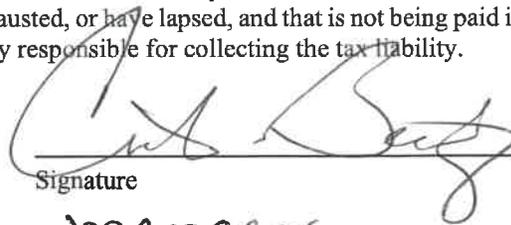
Felony conviction: Felony conviction means a conviction within the preceding twenty four (24) months of a felony criminal violation under any Federal law and includes conviction of an offense defined in a section of the U.S. code that specifically classifies the offense as a felony and conviction of an offense that is classified as a felony under 18 U.S.C. § 3559.

Tax Delinquency: A tax delinquency is any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

9-1-2022

 Date
 RMV Construction LLC

 Company Name



 Signature
 manager

 Title

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Terminal Expansion (2022)

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SIGNATURE OF BIDDER

IF AN INDIVIDUAL

Name: N/A
By: N/A
(Signature Of Individual)

Doing Business As: _____
Email Address: _____
Business Address: _____

Telephone Number: _____

IF A PARTNERSHIP

Partnership Name: N/A
By: N/A
(Authorized Signature)
(Attach Evidence Of Authority To Sign As A Partnership)

Name And Title: _____
Email Address: _____
Business Address: _____

Telephone Number: _____

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IF A CORPORATION

Corporation Name: RMV Construction LLC

By: [Signature]
(Authorized Signature)

(Attach Evidence Of Authority To Sign)

Name And Title: Curtis Baetz

Email Address: curtis@rmvconst.com

Business Address: 1515 East 1515 St.

Kearney NE 68847

Telephone Number: 308-893-2010

**CORPORATE
SEAL**

ATTEST:

By: [Signature]
(Authorized Signature)

Name And Title: Ken Taylor project manager / stock holder

OFFICIAL PROPOSAL FORM

IF A JOINT VENTURE: (Attach A Copy Of Joint Venture Agreement)

Joint Venture Name: N/A
By: N/A
(Authorized Signature)
(Attach Evidence Of Authority To Sign)

~~Name And Title: _____
Email Address: _____
Business Address: _____
Telephone Number: _____~~

Joint Venture Name: N/A
By: N/A
(Authorized Signature)
(Attach Evidence Of Authority To Sign)

~~Name And Title: _____
Email Address: _____
Business Address: _____
Telephone Number: _____~~

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OFFICIAL PROPOSAL FORM

Alfred Benesch & Company
402.479.2200



**CERTIFICATE OF ORGANIZATION
OF
RMV CONSTRUCTION, LLC**

This Certificate of Organization of RMV Construction, LLC is being executed by the undersigned for the purpose of forming a limited liability company pursuant to the Nebraska Uniform Limited Liability Company Act, Neb. Rev. Stat. 21-101 *et seq.*

1. Name. The name of the limited liability company is RMV Construction, LLC (the "Company").

2. Registered Agent and Address. The name and address of the Company's registered agent for service of process in the State of Nebraska is Curtis G. Baetz, 1515 East 11th Street, Kearney, Nebraska 68847.

3. Initial Designated Office. The initial designated office of the Company is 1515 East 11th Street, Kearney, Nebraska 68847.

IN WITNESS WHEREOF, the undersigned, an authorized person of the Company, has caused this Certificate of Organization to be duly executed as of the 16th day of December, 2020.



Curtis G. Baetz, Organizer

IN WITNESS WHEREOF, this Operating Agreement is effective as of the 16th day of December, 2020.

SOLE MEMBER:

BAETZ ENTERPRISES, INC., a Nebraska corporation

By:  _____
Curtis G. Baetz, President



AIA Document A310™ – 2010

Bid Bond

CONTRACTOR:

(Name, legal status and address)

RMV Construction, LLC
1515 East 11th Street
Kearney, NE 68847

SURETY:

(Name, legal status and principal place of business)

Hudson Insurance Company
100 William Street, 5th Floor
New York, NY 10038

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

OWNER:

(Name, legal status and address)

City of Kearney
18 East 22nd Street
Kearney, NE 68847

BOND AMOUNT: Five Percent of the Amount Bid (5%)

PROJECT:

(Name, location or address, and Project number, if any)

City of Kearney, Nebraska Kearney Regional Airport Terminal Expansion Project Number, if any:

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

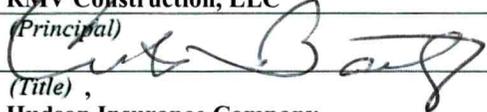
When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 1st day of September, 2022


(Witness)


(Witness)

RMV Construction, LLC
(Principal) (Seal)


(Title),

Hudson Insurance Company
(Surety) (Seal)


(Title) James M. King, Attorney-in-Fact

Init.



BID BOND POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That HUDSON INSURANCE COMPANY, a corporation of the State of Delaware, with offices at 100 William Street, New York, New York, 10038, has made, constituted and appointed, and by these presents, does make, constitute and appoint

Robert T. Cirone, James M. King, Jacob J. Buss, Thomas L. King, Tamala J. Hurlbut, Seth Weedin

its true and lawful Attorney(s)-in-Fact, at New York City in the State of New York, each of them alone to have full power to act without the other or others, to make, execute and deliver on its behalf, as Surety, bid bonds for any and all purposes.

Such bid bonds, when duly executed by said Attorney(s)-in-Fact, shall be binding upon said Company as fully and to the same extent as if signed by the President of said Company under its corporate seal attested by its Secretary.

In Witness Whereof, HUDSON INSURANCE COMPANY has caused these presents to be of its Senior Vice President thereunto duly authorized, on this 5th day of July, 20 22 at New York, New York.



Dina Daskalakis
Attest.....

Dina Daskalakis, Corporate Secretary

HUDSON INSURANCE COMPANY

By *Michael P. Cifone*
Michael P. Cifone, Senior Vice President

STATE OF NEW YORK
COUNTY OF NEW YORK SS.

On the 5th day of July, 20 22 before me personally came Michael P. Cifone to me known, who being by me duly sworn did depose and say that he is a Senior Vice President of HUDSON INSURANCE COMPANY, the Company described herein and which executed the above instrument, that he knows the seal of said Company, that the seal affixed to said instrument is the corporate seal of said Company, that it was so affixed by order of the Board of Directors of said Company, and that he signed his name thereto by like order.

(Notarial Seal)



Ann M. Murphy
ANN M. MURPHY
Notary Public, State of New York
No. 01MU6067553
Qualified in Nassau County
Commission Expires December 10, 2025

CERTIFICATION

STATE OF NEW YORK
COUNTY OF NEW YORK SS.

The undersigned Dina Daskalakis hereby certifies:

THAT the original resolution, of which the following is a true and correct copy, was duly adopted by unanimous written consent of the Board of Directors of Hudson Insurance Company dated July 27th, 2007, and has not since been revoked, amended or modified:

“RESOLVED, that the President, the Executive Vice Presidents, the Senior Vice Presidents and the Vice Presidents shall have the authority and discretion, to appoint such agent or agents, or attorney or attorneys-in-fact, for the purpose of carrying on this Company’s surety business, and to empower such agent or agents, or attorney or attorneys-in-fact, to execute and deliver, under this Company’s seal or otherwise, bonds obligations, and recognizances, whether made by this Company as surety thereon or otherwise, indemnity contracts, contracts and certificates, and any and all other contracts and undertakings made in the course of this Company’s surety business, and renewals, extensions, agreements, waivers, consents or stipulations regarding undertakings so made; and

FURTHER RESOVLED, that the signature of any such Officer of the Company and the Company’s seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seal when so used whether heretofore or hereafter, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.”

THAT the above and foregoing is a full, true and correct copy of Power of Attorney issued by said Company, and of the whole of the original and that the said Power of Attorney is still in full force and effect and has not been revoked, and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney is now in force.

Witness the hand of the undersigned and the seal of said Company this 1st day of September, 20 22.



Dina Daskalakis
By.....
Dina Daskalakis, Corporate Secretary

GENE LILLY SURETY BONDS INC.

+REVIEW BID BOND FOR ACCURACY PRIOR TO SUBMITTING+

PLEASE PROVIDE BID RESULTS AS REQUESTED BY YOUR SURETY COMPANY

THIS FORM IS FOR YOUR CONVENIENCE OR FEEL FREE TO USE OWN FORMAT

FAX TO (402) 475-5043 OR E-MAIL bonds@glbinc.com

CONTRACTOR: RMV Construction, LLC

REQUESTED: Ken Taylor

BID DATE: 9/1/2022

OBLIGEE: City of Kearney

DESCRIPTION: City of Kearney, Nebraska Kearney Regional Airport Terminal Expansion

SURETY COMPANY: Hudson Insurance Company

Please advise of the bid results by noting the information in the area below and fax or e-mail to us within 48 hours of the bid, as your bonding capacity will be better maximized.

1st Bidder: _____ Bid Amount: _____

2nd Bidder: _____ Bid Amount: _____

3rd Bidder: _____ Bid Amount: _____

4th Bidder: _____ Bid Amount: _____

Total Number of Bidders: _____

If your Bid was not in the top 4, please indicate your bid amount \$ _____

Any comments regarding this bid and results _____

735 South 56th Street, Lincoln, NE 68510
(402) 475-7700 or 800-659-4445

**KEARNEY REGIONAL AIRPORT (EAR)
KEARNEY, NE**

**TERMINAL EXPANSION
(AIP 3-31-0045-036)**

PLAN HOLDER LIST

AIRPORT NAME:	Kearney Regional Airport (EAR)
ASSOCIATED CITY, STATE:	Kearney, NE
PROJECT NAME:	Terminal Expansion

Date of Bid Opening:	9/1/2022
Time of Bid Opening	2:00 PM
Benesch Job Number:	112045.02
AIP No.:	3-31-0045-036, CARES

Plans & Specifications:								Official Proposal Form		Addendum Confirm		Email Address
Contractor	Add #1	City	State	Zip	Phone #	Fax #	View Plans & Specs	Received "Yes"	Date Sent	No. 01	No. 02	
Kearney Regional Airport (Office of The Airport Manager)	Office of the Airport Manager	Kearney	NE	68848	308-234-2318		Yes					JLynaugh@kearneygov.org
City of Kearney (City Hall)	18 East 22nd St.	Kearney	NE	68848	308-233-3216		Yes			Yes 8/25	Yes 8/30	LBrandt@kearneygov.org
FAA	901 Locust St., ACE-600, Room 364	Kansas City	MO	64106	816-329-2630	816-329-2610	Yes					Steve.Whitton@faa.gov
Lincoln Builders Bureau	5910 S. 58th St. Suite C	Lincoln	NE	68516	402-421-8332	402-421-8334	Yes					builders@comhusker.net
Omaha Builders Exchange	4159 S 94th St	Omaha	NE	68127	402-991-6906	402-884-7055	Yes					lisa.shockey@omahaplanroom.com
Dodge Reports (McGraw Hill)	830 3rd Avenue, 6th floor	New York	NY	10022	800-393-6343	402-496-7410	Yes					support@construction.com
Construct Connect					323-602-5079		Yes					desirree.sibala@constructconnect.com
Nebraska Department of Aeronautics	3431 Aviation Road, Suite 150	Lincoln	NE	68524	402-471-2371		Yes					anna.lannin@nebraska.gov
RMV Construction	1515 E 11th St	Kearney	NE	68847	308-240-0144		Yes 8/10	8/12/2022	8/10/2022			ken@rmvconst.com
Lacy Construction Company	4566 Gold Core Drive, Suite C	Grand Island	NE	68801	308-384-2866		Yes 8/11					ashkay.chavan@lacyqc.com
Watts Electric Company	13351 Dovers Street	Waverly	NE	68462	402-786-2270		Yes 8/15					projects@gowatts.com
CSI Services Inc.	1320 East 8th Street	North Platte	NE		308-530-3761		Yes 8/15					jordan@csitrafic.com
Beckenbauer Construction Inc.	1901 Riverside Blvd	Norfolk	NE	687010	402-371-5363		Yes 8/15	8/18/2022	8/17/2022			joeb@beckenbauerconstruction.com
MCL Construction	4111 4th Avenue, Ste 32	Kearney	NE	68845	402-290-6809		Yes 8/15					zach.wetzel@mclconstruction.com
Central Contracting	4407 First Ave Place	Kearney	NE	68848	308-234-2421		Yes 8/15					sbeall@centralcontracting.net
Sampson Construction	5825 S 14th St	Lincoln	NE	68512	402-434-5420		Yes 8/15	8/16/2022	8/15/2022			estimating@sampson-construction.com
Midlands Contracting Inc.					308-237-7979		Yes 8/16					susan@midlandscontracting.com
Kidwell					402-473-7760		Yes 8/16					tjonas@kidwellinc.com
R&M Steel	PO Box 580	Caldwell	ID	83606	208-454-1800		Yes 8/16					kerby@rmsteel.com
Venetian Cast Stone	2171 Magnum Circle	Lincoln	NE	68522	402-470-0020		Yes 8/16					zachc@venetiancs.com
Pruss Excavation							Yes 8/16					annette@prussexavation.com
Lovci Construction & Fabrication LLC					402-942-1698		Yes 8/16					codie@lovconstruction.com
AMAX Contracting, Inc.	3509 Antelope Ave	Kearney	NE	68847	308-236-5667		Yes 8/17					amax.gail@gmail.com
Verne Simmons Company	8445 Madison Street	Omaha	NE	68127	402-827-8085	402-592-0853	Yes 8/18					briand@v-s-c.com
Horizon Boring & Tunneling Co.	PO Box 429	Exeter	NE	68351	402-266-5347		Yes 8/19			Yes 8/26		horizontalboring@hbtrenchless.com
Five Star Airport Alliance	1630 South 4800 West Suite D	Salt Lake City	UT	84104	801-69-1602		Yes 8/22					Danielle.Coombs@fivestaraa.com
Access Electrical Systems Inc	701 W. 4th Street	Grand Island	NE	68801	308-390-6274		Yes 8/26					john@accesselectricalsystemsinc.com
Bauer Infrastructure LLC							Yes 8/30	8/30/2022	8/30/2022			truhge@bauerinfrastructure.com
Ramos Construction	105 East Railroad St	Shelton	NE	68878	308-216-0010		Yes 9/1					ramosconstruction@live.com

ADDENDUMS	DATE ADDENDUM MAILED
No. 01	August 25, 2022
No. 02	August 30, 2022
No. 03	---
No. 04	---

**KEARNEY REGIONAL AIRPORT (EAR)
KEARNEY, NE**

**TERMINAL EXPANSION
(AIP 3-31-0045-036)**

**DBE SIGNED
LETTER OF INTENT**

DBE LETTER OF INTENT
Disadvantaged Business Enterprise
(This page shall be submitted for each DBE firm)

Bidder/Offer Name: RMV Construction LLC
Address: 1515 East 11th Street
City: Kearney State: NE Zip: 68847

DBE Firm: DBE Firm: All Road Barricades, Inc.
Address: 5700 Ballard Ave.
City: Lincoln State: NE Zip: 68507

DBE Contact Person: Name: Tammy Bremer Phone: (402) 467-2553

DBE Certification Agency: NDOT Expiration Date: N/A

Each DBE Firm shall submit evidence (such as a photocopy) of their certification status submitted with the Letter of Intent.

Classification: Prime Contractor Subcontractor Joint Venture
 Manufacturer Supplier

Work items to be performed by DBE	Description	Quantity	Total
1 Airport safety measures	Type 1 Barricades, type II Barricades Type III	1 LS	\$30,000.00

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated participation is as follows:

DBE contract amount: \$ 30,000.00 Percent of total contract: .63 %

Affirmation
The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By: Tammy Bremer President
(Signature) (Title)

In the event the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.



COUNCIL AGENDA MEMO

ITEM NO. IV - #16

FROM: *Jim Lynaugh, Airport Manager*

MEETING: *September 13, 2022*

SUBJECT: *Award Bid for Kearney Regional Airport Terminal Expansion Furniture, Fixtures and Equipment*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

To correspond with the Kearney Regional Airport (KRA) Terminal Expansion project, a separate bid package was developed to provide furniture, fixtures, and equipment (FF&E) necessary to outfit the new terminal. On April 26, 2022 bids were received, publicly opened, and read aloud at City Hall from the following suppliers encompass and Eakes Office Solutions, on a unit cost basis. On June 14, 2022 the lone bid for the KRA Terminal Expansion was rejected and subsequently on June 28, 2022 the FF&E package bid was rejected. City staff then began working with the design team on a smaller addition to the terminal building and FF&E package and on August 9, 2022 Council approved the Plans and Specifications for the smaller addition for both the KRA Terminal Expansion project and the KRA Expansion furniture, fixtures, and equipment.

On September 1, 2022 at 2:00 p.m., sealed bids were received, opened and publicly read aloud with the Deputy City Clerk receiving two (2) bids for the FF&E package. The bids received are summarized below:

BIDDER	BASE BID TOTAL
Eakes Office Solutions – Kearney, NE	\$19,456.11
Encompass – Omaha, NE	\$21,829.31

The Engineer's Opinion of Probable Cost was \$26,441.49.

Wilkins ADP, the City's Architect on the project have reviewed the bids and has submitted a letter of recommendation. The low bid in the amount of \$19,456.11 submitted by Eakes Office Solutions did not acknowledge the "no bid" response to line item Accessory (A1) Total Quantity (6), deeming the bid as unresponsive. As a result, Wilkins ADP recommends awarding the bid submitted by encompass in the amount of \$21,829.31.

Fiscal Note:

This project will be funded by fully funded with proceeds from the City of Kearney CARES Act grant for airport facilities development.

ITEM NO. IV - #16

Recommended Action:

Staff and the City's Architect on the project, Wilkins ADP, recommend accepting the bids received and awarding the bid for the project submitted by encompas in the amount of \$21,829.31.



September 13, 2022

City of Kearney
18 East 22nd Street
Kearney, Nebraska 68847

Re: Kearney Regional Airport Furniture, Fixtures, and Equipment Package

Dear City Council Members,

Wilkins Architecture Design Planning recommends that the City of Kearney reject the apparent low bid for the Kearney Regional Airport Furniture, Fixtures, and Equipment Package bid, submitted on September 1st, 2022 by Eakes Office Solutions, acknowledging the “no bid” response to line item Accessory (A1) – Total Quantity (6), deeming the bid as unresponsive.

Wilkins Architecture Design Planning recommends that the City of Kearney award the Kearney Regional Airport Furniture, Fixtures, and Equipment Package bid, submitted on September 1st, 2022 by encompas, in the total bid amount of \$21,829.31, acknowledging the furniture pieces as outlined in the specification and addenda (2) dated August 24th 2022, and August 29th, 2022.

The awarded items can be summarized as followed:

- **L1**- QTY 4
- **C1**- QTY 8
- **T1**- QTY 1
- **A1**- QTY 6
- **A2**- QTY 5
- **D1**- QTY 1
- **D2**- QTY 3

Please advise if you have any questions or comments.

Sincerely,

A handwritten signature in black ink that reads 'Casey Ambrosier'.

Casey Ambrosier, Wilkins Architecture Design Planning
Interior Designer

CC: Kali Eklund, Wilkins Architecture Design Planning
Jacob Sertich, Wilkins Architecture Design Planning
Andy Beil, Benesch

keklund@wilkinsadp.com
jsertich@wilkinsadp.com
ABeil@benesch.com



COUNCIL AGENDA MEMO

ITEM NO. IV - #17

FROM: *Brenda Jensen, Assistant City Manager*

MEETING: *September 13, 2022*

SUBJECT: *Renewal of Manufactured Home Court License for Valley View Mobile Home Park*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

Each year all manufactured home courts are inspected for compliance with City regulations. The Development Services Department has worked directly with all court owners to ensure the requirements are met. Manufactured home courts are required to apply to renew the court's license by the first day of March each year with the license expiring on the last day of May.

Due to on-going violations, Council approved a 30-day extension request during the June 14th Council meeting and a 60-day extension request during the July 12th Council meeting. As of September 6th, Valley View Mobile Home Park has met all compliance requirements.

Fiscal Note:

There are no adverse financial considerations regarding the renewing of manufactured home court licenses.

Recommended Action:

Staff recommends approval for Valley View Mobile Home Park to renew their annual manufactured home court license until May 31, 2023.



COUNCIL AGENDA MEMO

ITEM NO. IV - #18

FROM: *Nate Halliwell, Project Manager*

MEETING: *September 13, 2022*

SUBJECT: *Yanney Park Maintenance Building*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

On October 26, 2021, City Council awarded the bid for construction of the Yanney Park Maintenance Building consisting of structural, mechanical, electrical, and architectural plans to add onto the existing Yanney Park maintenance building with a new 40-foot x 70-foot pre-engineered metal building, to Duncan Theis Construction, Inc. in the amount of \$514,038.00.

The contractor has submitted Change Order No 5 showing a decrease in the amount of \$2,227.00 due to the deduction of reinstalling a 6-foot white vinyl fence and materials used for plumbing. Additionally, the contractor has submitted Application and Certificate of Payment No. 7-Final in the amount of \$82,508.70. The project is now complete and the Certificate of Substantial Completion is attached for your review.

Fiscal Note:

The project will be funded through Special Sales Tax.

Recommended Action:

Staff and the City's engineer for the project, Olsson, recommend the adoption of the resolution approving Change Order No. 5 decreasing the contract in the amount of \$2,227.00, Application and Certificate of Payment No. 7-Final in the amount of \$82,508.70 and accepting the Certificate of Substantial Completion to Duncan Theis Construction, Inc.

RESOLUTION NO. 2022-190

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. 5 showing a decrease to the contract sum in the amount of \$2,227.00 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. 7-Final in the amount of \$82,508.70 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)	+ 1,393.00
Change Order No. 4 (7/12/2022)	+ 577.00
Change Order No. 5 (9/13/2022)	<u>- 2,227.00</u>
Contract Sum To Date	516,927.00
Gross Amount Due	516,927.00
Retainage (0%)	<u>- 0.00</u>
Amount Due to Date	516,927.00
Less Previous Certificates for Payment	<u>- 434,418.30</u>
Current Payment Due	\$ 82,508.70

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of August 19, 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. 5, as shown on Exhibit "A", Application and Certificate for Payment No. 7-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 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

**PEGGY EYNETICH
DEPUTY CITY CLERK**

CHANGE ORDER

No. 5 FINAL



Date of Issuance: 09/01/2022

Effective Date: _____

Project: Yanney Park Maintenance Building - Kearney, Nebraska - 2020	Owner: City of Kearney	Owner's Contract No.:
Contract: Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows: Expanding the existing Yanney Park Maintenance Building by constructing a 40' x 70' pre-engineered metal building. The project includes updating interior layout on a portion of the existing building including a new bathroom. Site development includes earthwork, sidewalks and extending the existing concrete parking lot.		Date of Contract: 10/26/2021
Contractor: Duncan Thols Construction - 1740 West Highway 40, Kearney, NE 68845		Engineer's Project No.: 021-5416

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Copper vs PVC (Credit) Existing Fence Installation (Credit)

Request #10 - Credit For Fence	(\$725.00)
Request #11 - Credit for Copper vs PVC	(\$1,502.00)
Total Credit CO #5	(\$2,227.00)

NOTE:

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: <u>\$ 514,038.00</u>	Original Contract Times: Substantial Completion (days or date): <u>September 1, 2022</u> Ready for Final Payment (days or date): <u>September 15, 2022</u>
[Increase] from previously approved Change Orders No. <u>1</u> to No. <u>4</u> : <u>\$ 5,116.00</u>	[Increase] [Decrease] from previously approved Change Orders No. <u> </u> to No. <u> </u> : Substantial Completion (days or date): <u>NA</u> Ready for Final Payment (days or date): <u>NA</u>
Contract Price prior to this Change Order: <u>\$ 519,154.00</u>	Contract Times prior to this Change Order: Substantial Completion (date): <u>September 1, 2022</u> Ready for Final Payment (date): <u>September 15, 2022</u>
[Decrease] of this Change Order: <u>(\$ 2,227.00)</u>	[Increase] of this Change Order: Substantial Completion (days or date): <u>NA</u> Ready for Final Payment (days): <u>NA</u>
Contract Price incorporating this Change Order: <u>\$ 516,927.00</u>	Contract Times with all approved Change Orders: Substantial Completion (date): <u>October 28, 2022</u> Ready for Final Payment (date): <u>November 11, 2022</u>

RECOMMENDED:

ACCEPTED:

ACCEPTED:

By: Jacob Kitter
Engineer (Authorized Signature)

By: [Signature]
Owner (Authorized Signature)

By: [Signature]
Contractor (Authorized Signature)

Title: Project Engineer

Title: Project Manager

Title: Project Manager

Date: 09.06.2022

Date: 9-6-2022

Date: 9-6-2022

Approved by Funding Agency (if applicable):

By: _____

Title: _____

Date: _____

CERTIFICATE OF PAYMENT: 7 FINAL



Date of Issuance: September 01, 2022

Project Yanney Park Maintenance Building

Project No.: 021-05416

Contractor: Duncan Theis Construction, Inc. - 1740 W Highway 40 - Kearney, NE 68845

DETAILED ESTIMATE

Description	Unit Price	Extension
See Attached.		

PLEASE REMIT PAYMENT TO: DUNCAN THEIS CONSTRUCTION, INC.

Value of Work Completed This Request: \$ 516,929.00

Original Contract Cost: \$ 514,038.00

Approved Change Orders:

No. 1	\$0.00
No. 2	\$ 3,146.00
No. 3	\$ 1,393.00
No. 4	\$ 577.00
No. 5	\$ (2,227.00)

Total Contract Cost: \$ 516,927.00

Value of completed work and materials stored to date \$ 516,927.00

Less retainage percentage 0% \$ -

Net amount due including this estimate \$ 516,927.00

Less: Estimates previously approved:

No. 1	\$29,758.50	No. 3	\$132,872.40	No. 5	\$118,577.70
No. 2	\$35,219.70	No. 4	\$56,485.80	No. 6	\$61,504.20

Total Previous Estimates: \$434,418.30

NET AMOUNT DUE THIS ESTIMATE: \$ 82,508.70

The undersigned hereby certifies, based upon periodic observations as set forth in scope of work and the data included in all applicable payment applications that, to the best of its knowledge, information and belief: (1) the work has progressed as indicated in the applicable payment applications; (2) the work performed and materials delivered by Contractor are in conformance with the plans and specifications; and (3) the Contractor, in accordance with the contract, is entitled to payment as indicated above.

This certification does not constitute a warranty or guarantee of any type. Client shall hold its Contractor solely responsible for the quality and completion of the Project, including construction in accordance with the construction documents. Any duty or obligation of Olsson hereunder is for the sole benefit of the Client and not for any third party, including the Contractor or any Subcontractor.

cc: City of Kearney - Owner
Duncan Theis Construction, Inc. - Contractor
Olsson - RPR
Project File

OLSSON

By: Jacob Letter

Application and Certificate for Payment

TO OWNER: City of Kearney, Nebraska 18 East 22nd Kearney, NE 68848	PROJECT: Yanney Park Maintenance Building	APPLICATION NO: 007 Final	Distribution to:
		PERIOD TO:	OWNER: <input type="checkbox"/>
FROM Duncan Theis Construction, Inc	VIA Olsson	CONTRACT FOR: General Construction	ARCHITECT: <input checked="" type="checkbox"/>
CONTRACTOR: 1740 W. Highway 40 Kearney, NE 68845	ARCHITECT: 6415 Second Ave, Suite 1 Kearney, NE 68847	CONTRACT DATE: October 29, 2021	CONTRACTOR: <input type="checkbox"/>
		PROJECT NOS: 021-05416 / Duncan Theis Construction /	FIELD: <input type="checkbox"/>
			OTHER: <input type="checkbox"/>

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. AIA Document G703®, Continuation Sheet, is attached.

1. ORIGINAL CONTRACT SUM	\$514,038.00
2. NET CHANGE BY CHANGE ORDERS	\$2,889.00
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$516,927.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$516,927.00
5. RETAINAGE:	
a. 0.00 % of Completed Work (Column D + E on G703)	\$0.00
b. 0 % of Stored Material (Column F on G703)	\$0.00
Total Retainage (Lines 5a + 5b or Total in Column I of G703)	\$0.00
6. TOTAL EARNED LESS RETAINAGE	\$516,927.00
(Line 4 Less Line 5 Total)	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$434,418.30
(Line 6 from prior Certificate)	
8. CURRENT PAYMENT DUE	\$82,508.70
9. BALANCE TO FINISH, INCLUDING RETAINAGE	\$0.00
(Line 3 less Line 6)	

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$5,116.00	\$0.00
Total approved this Month	\$0.00	\$2,227.00
TOTALS	\$5,116.00	\$2,227.00
NET CHANGES by Change Order		\$2,889.00

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: _____
 By: [Signature] Date: 9-1-2022
 State of: Nebraska
 County of: Buffalo
 Subscribed and sworn to before
 me this 1st day of September, 2022



GENERAL NOTARY - State of Nebraska
DEBORAA BECKWITH
 My Comm. Expires 06/22/2026

Notary Public: [Signature]
 My Commission expires: 6/22/26

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$82,508.70
 (Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT: _____
 By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.



AIA Document G703® – 1992

Continuation Sheet

AIA Document G702®, Application and Certification for Payment, or G732™, Application and Certificate for Payment, Construction Manager as Adviser Edition, containing Contractor's signed certification is attached.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO:
APPLICATION DATE:
PERIOD TO:
ARCHITECT'S PROJECT NO:

007 Final

021-05416

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		% (G÷C)			
00	Procurement and Contracting Requirements	13,564.00	13,564.00	0.00	0.00	13,564.00	100.00%	0.00	0.00
01	General Requirements	29,108.00	25,152.00	3,956.00	0.00	29,108.00	100.00%	0.00	0.00
02	Existing Conditions	1,653.00	709.00	944.00	0.00	1,653.00	100.00%	0.00	0.00
03	Concrete	95,627.00	95,036.00	591.00	0.00	95,627.00	100.00%	0.00	0.00
04	Masonry	8,048.00	7,339.00	709.00	0.00	8,048.00	100.00%	0.00	0.00
05	Metals	3,661.00	3,100.00	561.00	0.00	3,661.00	100.00%	0.00	0.00
06	Woods, Plastics, Composites	709.00	709.00	0.00	0.00	709.00	100.00%	0.00	0.00
07	Thermal and Moisture Protection	12,313.00	12,313.00	0.00	0.00	12,313.00	100.00%	0.00	0.00
08	Openings	34,878.00	33,874.00	1,004.00	0.00	34,878.00	100.00%	0.00	0.00
09	Finishes	40,358.00	31,765.00	8,593.00	0.00	40,358.00	100.00%	0.00	0.00
10	Specialties	1,982.00	0.00	1,982.00	0.00	1,982.00	100.00%	0.00	0.00
13	Special Construction	135,446.00	135,446.00	0.00	0.00	135,446.00	100.00%	0.00	0.00
22	Plumbing	66,344.00	53,144.00	13,200.00	0.00	66,344.00	100.00%	0.00	0.00
23	HVAC	20,830.00	15,623.00	5,207.00	0.00	20,830.00	100.00%	0.00	0.00
26	Electrical	39,677.00	37,693.00	1,984.00	0.00	39,677.00	100.00%	0.00	0.00
31	Earthwork	12,104.00	12,104.00	0.00	0.00	12,104.00	100.00%	0.00	0.00
Alt #1	Alternate 1	-4,952.00	0.00	-4,952.00	0.00	-4,952.00	100.00%	0.00	0.00
Alt #2	Alternate 2	2,690.00	0.00	2,690.00	0.00	2,690.00	100.00%	0.00	0.00
CO	Change Order 1	0.00	0.00	0.00	0.00	0.00	0.00%	0.00	0.00
CO	Change Order 2	3,146.00	3,146.00	0.00	0.00	3,146.00	100.00%	0.00	0.00
CO	Change Order 3	1,393.00	1,393.00	0.00	0.00	1,393.00	100.00%	0.00	0.00
CO	Change Order 4	577.00	577.00	0.00	0.00	577.00	100.00%	0.00	0.00
CO	Change Order 5	-2,227.00	0.00	-2,227.00	0.00	-2,227.00	100.00%	0.00	0.00

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% (G÷C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
	GRAND TOTAL	\$516,929.00	\$482,687.00	\$34,242.00	\$0.00	\$516,929.00	100.00%	\$0.00	\$0.00

CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner: City of Kearney	Owner's Contract No.:
Contractor: Duncan Theis	Contractor's Project No.:
Engineer: Olsson	Engineer's Project No.: 021-05416
Project: Yanney Park Maintenance Building	Contract Name:

This final Certificate of Substantial Completion applies to:

All Work The following specified portions of the Work:

August 19th, 2022

Date of Substantial Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows: *[Note: Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor; see Paragraph 15.03.D of the General Conditions.]*

Amendments to Owner's responsibilities: None As follows

Amendments to Contractor's responsibilities: None As follows:

The following documents are attached to and made a part of this Certificate: *[punch list; others]*

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

<p>EXECUTED BY ENGINEER:</p> <p>By: <u><i>Jacob Lettner</i></u> (Authorized signature)</p> <p>Title: <u>Project Engineer</u></p> <p>Date: <u>08.19.2022</u></p>	<p>RECEIVED:</p> <p>By: <u><i>Mark Hill</i></u> Owner (Authorized Signature)</p> <p>Title: <u>Project Manager</u></p> <p>Date: <u>8/22/2022</u></p>	<p>RECEIVED:</p> <p>By: <u><i>Bob White</i></u> Contractor (Authorized Signature)</p> <p>Title: <u>Project Manager</u></p> <p>Date: <u>8-22-2022</u></p>
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COUNCIL AGENDA MEMO

ITEM NO. IV - #19

FROM: *Lucas Dutcher, P.E., City Engineer*

MEETING: *September 13, 2022*

SUBJECT: *2021 Part 4 Improvements; 15th Avenue & 11th Street Traffic Signal*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

At the August 10, 2021 Council meeting, the City Council awarded the contract for construction of the 2021 Part 4 Improvements; 15th Avenue and 11th Street Traffic Signal near Kenwood Elementary School to Ensley Electrical Services in the amount of \$231,276.00.

The contractor has submitted Change Order No. 1 to reconcile installed quantities, for a contract deduction in the amount of \$2,072.70. Application and Certificate for Payment No. 4 – Final in the amount of \$89,735.43 has also been submitted in addition to the Certificate of Substantial Completion, which is attached for your review. The project is complete and the new signal is in-service.

Fiscal Note:

Funds necessary to pay for the construction of these improvements have been included in the 2021-2022 year's budget.

Recommended Action:

Staff and the City's engineer for the project, Olsson, recommend adoption of the resolution approving Change Order No. 1 showing a decrease in the amount of \$2,072.70, Application and Certificate for Payment No. 4 - Final in the amount of \$89,735.43 and the Certificate of Substantial Completion to Ensley Electrical Services.

RESOLUTION NO. 2022-191

WHEREAS, Ensley Electrical Services of Grand Island, Nebraska has performed services in connection with 2021 Part 4 Improvements; Traffic Signal at Intersection of 15th Avenue and 11th Street, and the City’s engineer, Olsson, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$2,072.70 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 \$89,735.43 as shown on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 231,276.00</u>
Change Order No. 1 (9/13/2022)	<u>- 2,072.70</u>
Contract Sum To Date	229,203.30
Gross Amount Due	229,203.30
Retainage (0%)	<u>- 0.00</u>
Amount Due to Date	229,203.30
Less Previous Certificates for Payment	<u>- 139,467.87</u>
Current Payment Due	\$ 89,735.43

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of August 23, 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 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

PEGGY EYNETICH
DEPUTY CITY CLERK

CHANGE ORDER



No. 1

Date of Issuance: 08-16-2022

Effective Date: _____

Project: 2021 Part 4 Improvements Traffic Signal At Intersection of 15 th Ave. and 11 th Street - Kearney, Nebraska	Owner: City of Kearney	Owner's Contract No.:
Contract: Traffic Signal at 15 th Ave & 11 th St. - Order #PW-AS-171-OA		Date of Contract: 10-26-2021
Contractor: Ensley Electric Services		Engineer's Project No.: 021-01647

The Contract Documents are modified as follows upon execution of this Change Order:

3. Remove Sidewalk	52 SF	\$4.00	\$208.00
4. Remove Combination Curb and Gutter	16 LF	\$10.00	\$160.00
5. 6" Concrete Class 47B-3500 Sidewalk	56 SF	\$5.00	\$280.00
6. Combination Concrete Curb and Gutter	16 LF	\$20.00	\$320.00
7. Sodding	1,200 SF	\$2.00	\$2,400.00
18. Pull Box Type PB-2	-3 EA	\$1,900.00	(\$5,700.00)
19. Pull Box Type PB-6	3 EA	\$800.00	\$2,400.00
32. Luminaire, Type LED	-3 EA	\$750.00	(\$2,250.00)
34. Concrete For Foundation	1.44 CY	\$400.00	\$576.00
35. Reinforcing Steel	146.66 LB	\$5.00	\$733.30
46. Remove Traffic Sign and Post	-2 EA	\$600.00	(\$1,200.00)

CHANGE IN CONTRACT PRICE

CHANGE IN CONTRACT TIMES

[note changes in Milestones if applicable]

Original Contract Price:

Original Contract Times:

\$ 231,276.00

Substantial Completion (date): August 5, 2022

Ready for Final Payment (date): August 19, 2022

[Increase] [Decrease] from previously approved Change Orders No. 0 to No. 0 :

[Increase] [Decrease] from previously approved Change Orders No. 0 to No. 0 :

\$ 0.00

Substantial Completion (days or date): NA

Ready for Final Payment (days or date): NA

Contract Price prior to this Change Order:

Contract Times prior to this Change Order:

\$ 231,276.00

Substantial Completion (date): August 5, 2022

Ready for Final Payment (date): August 19, 2022

[Decrease] of this Change Order:

[Increase] [Decrease] of this Change Order:

\$ (\$2,072.70)

Substantial Completion (days or date): NA

Ready for Final Payment (days or date): NA

Contract Price incorporating this Change Order:

Contract Times with all approved Change Orders:

\$ 229,203.30

Substantial Completion (date): August 5, 2022

Ready for Final Payment (date): August 19, 2022

RECOMMENDED:

ACCEPTED:

ACCEPTED:

By: ANDREW TOUPIN
Engineer (Authorized Signature)

By: _____
Owner (Authorized Signature)

By: _____
Contractor (Authorized)

Title: _____

Title: _____

Title: _____

Date: 08/17/2022

Date: _____

Date: _____

Approved by Funding Agency (if applicable):

By: _____

Title: _____

Date: _____

CERTIFICATE OF PAYMENT: 4



Date of Issuance: 08/12/2022

Project: 2021 Part 4 Improvements Traffic Signal at Intersection of 15th Avenue and 11th Street, Kearney, Nebraska

Project No.: 021-01647

Contractor: Ensley Electrical Services

DETAILED ESTIMATE

Description	Unit Price	Extension
See Attached.		

PLEASE REMIT PAYMENT TO: Ensley Electrical Services

Value of Work Completed This Request: \$117,523.00

Original Contract Cost: \$231,276.00
 Approved Change Orders:
 No. 1 (\$2,072.70)
 No. 2 \$0.00
 No. 3 \$0.00

Total Contract Cost: \$229,203.30

Value of completed work and materials stored to date \$229,203.30
 Less retainage percentage 0% \$0.00
 Net amount due including this estimate \$229,203.30
 Less: Estimates previously approved:

No. 1 <u>\$74,268.00</u>	No. 3 <u>\$41,324.67</u>	No. 5 <u>\$0.00</u>
No. 2 <u>\$23,875.20</u>	No. 4 <u>\$0.00</u>	No. 6 <u>\$0.00</u>

Total Previous Estimates: \$139,467.87

NET AMOUNT DUE THIS ESTIMATE: \$89,735.43

The undersigned hereby certifies, based upon periodic observations as set forth in scope of work and the data included in all applicable payment applications that, to the best of its knowledge, information and belief: (1) the work has progressed as indicated in the applicable payment applications; (2) the work performed and materials delivered by Contractor are in conformance with the plans and specifications; and (3) the Contractor, in accordance with the contract, is entitled to payment as indicated above.

This certification does not constitute a warranty or guarantee of any type. Client shall hold its Contractor solely responsible for the quality and completion of the Project, including construction in accordance with the construction documents. Any duty or obligation of Olsson hereunder is for the sole benefit of the Client and not for any third party, including the Contractor or any Subcontractor.

cc: City of Kearney - Owner
 Ensley Electrical Services
 Project File

OLSSON

By: ANDREW TOUPIN

Progress Estimate - Unit Price Work

Contractor's Application

For (Contract): Traffic Signal at 15th Ave & 11th St - Order #PW-AS-171-OA						Application Number:					
Application Period: Final						Application Date: 44785					
A				B	C	D	E	F			
Item		Contract Information				Estimated Quantity Installed	Value of Work Installed to Date	Materials Presently Stored (not in C)	Total Completed and Stored to Date (D + E)	% (F / B)	Balance to Finish (B - F)
Bid Item No.	Description	Item Quantity	Units	Unit Price	Total Value of Item (\$)						
1	MOBILIZATION	1	L.S.	\$5,000.00	\$5,000.00	1	\$5,000.00		\$5,000.00	100.0%	
2	TRAFFIC CONTROL	1	L.S.	\$2,500.00	\$2,500.00	1	\$2,500.00		\$2,500.00	100.0%	
3	REMOVE SIDEWALK	1061	S.F.	\$4.00	\$4,244.00	1113	\$4,452.00		\$4,452.00	104.9%	-\$208.00
4	REMOVE COMBINATION CURB AND GUTTER	52	L.F.	\$10.00	\$520.00	68	\$680.00		\$680.00	130.8%	-\$160.00
5	6" CONCRETE CLASS 47B-3500 SIDEWALK	1019	S.F.	\$5.00	\$5,095.00	1075	\$5,375.00		\$5,375.00	105.5%	-\$280.00
6	COMBINATION CONCRETE CURB AND GUTTER	52	L.F.	\$20.00	\$1,040.00	68	\$1,360.00		\$1,360.00	130.8%	-\$320.00
7	SODDING	650	S.F.	\$2.00	\$1,300.00	1850	\$3,700.00		\$3,700.00	284.6%	-\$2,400.00
8	REMOVE PULL BOX	2	EA.	\$300.00	\$600.00	2	\$600.00		\$600.00	100.0%	
9	REMOVE MAST ARM SIGNAL POLE AND FOUNDATION	2	EA.	\$1,500.00	\$3,000.00	2	\$3,000.00		\$3,000.00	100.0%	
10	REMOVE STREET LIGHT POLE AND FOUNDATION	1	EA.	\$1,200.00	\$1,200.00	1	\$1,200.00		\$1,200.00	100.0%	
11	REMOVE CABLE	961	L.F.	\$1.00	\$961.00	961	\$961.00		\$961.00	100.0%	
12	RELOCATE PEDESTAL POLE	2	EA.	\$1,400.00	\$2,800.00	2	\$2,800.00		\$2,800.00	100.0%	
13	COMBINATION MAST ARM SIGNAL & LIGHTING POLE, TYPE CMP-20-12	1	EA.	\$15,700.00	\$15,700.00	1	\$15,700.00		\$15,700.00	100.0%	
14	COMBINATION MAST ARM SIGNAL & LIGHTING POLE, TYPE CMP-35-12	1	EA.	\$16,200.00	\$16,200.00	1	\$16,200.00		\$16,200.00	100.0%	
15	COMBINATION MAST ARM SIGNAL & LIGHTING POLE, TYPE CMP-40-12	1	EA.	\$19,100.00	\$19,100.00	1	\$19,100.00		\$19,100.00	100.0%	
16	MAST ARM SIGNAL POLE, TYPE MP-30	1	EA.	\$13,800.00	\$13,800.00	1	\$13,800.00		\$13,800.00	100.0%	
17	TRAFFIC SIGNAL, TYPE TS-1	8	EA.	\$800.00	\$6,400.00	8	\$6,400.00		\$6,400.00	100.0%	
18	PULL BOX, TYPE PB-2	3	EA.	\$1,900.00	\$5,700.00						\$5,700.00
19	PULL BOX, TYPE PB-6	1	EA.	\$800.00	\$800.00	4	\$3,200.00		\$3,200.00	400.0%	-\$2,400.00
20	2 IN. CONDUIT IN TRENCH	372	L.F.	\$6.00	\$2,232.00	372	\$2,232.00		\$2,232.00	100.0%	
21	2 IN. CONDUIT, JACKED	644	L.F.	\$12.00	\$7,728.00	644	\$7,728.00		\$7,728.00	100.0%	
22	3 IN. CONDUIT IN TRENCH	43	L.F.	\$10.00	\$430.00	43	\$430.00		\$430.00	100.0%	
23	3 IN. CONDUIT, JACKED	211	L.F.	\$18.00	\$3,798.00	211	\$3,798.00		\$3,798.00	100.0%	
24	4 IN. CONDUIT IN TRENCH	18	L.F.	\$25.00	\$450.00	18	\$450.00		\$450.00	100.0%	
25	3/C #14 AWG TRAFFIC SIGNAL CABLE	2005	L.F.	\$2.00	\$4,010.00	2005	\$4,010.00		\$4,010.00	100.0%	
26	7/C #14 AWG TRAFFIC SIGNAL CABLE	109	L.F.	\$3.00	\$327.00	109	\$327.00		\$327.00	100.0%	
27	16/C #14 AWG TRAFFIC SIGNAL CABLE	347	L.F.	\$6.00	\$2,082.00	347	\$2,082.00		\$2,082.00	100.0%	
28	GROUND CONDUCTOR NO. 8	893	L.F.	\$1.00	\$893.00	893	\$893.00		\$893.00	100.0%	
29	STREET LIGHTING CABLE, NO. 10 XHHW	778	L.F.	\$1.00	\$778.00	778	\$778.00		\$778.00	100.0%	
30	INSTALL RADAR DETECTOR LEAD-IN CABLE	347	L.F.	\$2.00	\$694.00	347	\$694.00		\$694.00	100.0%	
31	SERVICE CABLE	136	L.F.	\$4.00	\$544.00	136	\$544.00		\$544.00	100.0%	
32	LUMINAIRE, TYPE LED	3	EA.	\$750.00	\$2,250.00						\$2,250.00
33	FOUNDATION DESIGN	4	EA.	\$2,200.00	\$8,800.00	4	\$8,800.00		\$8,800.00	100.0%	
34	CONCRETE FOR FOUNDATION	8	C.Y.	\$400.00	\$3,200.00	9.44	\$3,776.00		\$3,776.00	118.0%	-\$576.00
35	REINFORCING STEEL	500	L.B.	\$5.00	\$2,500.00	646.66	\$3,233.30		\$3,233.30	129.3%	-\$733.30
36	PEDESTAL POLE, TYPE PP-10	5	EA.	\$1,200.00	\$6,000.00	5	\$6,000.00		\$6,000.00	100.0%	
37	PEDESTAL POLE, TYPE PP-12	1	EA.	\$1,300.00	\$1,300.00	1	\$1,300.00		\$1,300.00	100.0%	
38	PEDESTRIAN PUSHBUTTON, TYPE PPB	8	EA.	\$400.00	\$3,200.00	8	\$3,200.00		\$3,200.00	100.0%	
39	PEDESTRIAN SIGNAL, TYPE PS-1	8	EA.	\$700.00	\$5,600.00	8	\$5,600.00		\$5,600.00	100.0%	

Progress Estimate - Unit Price Work

Contractor's Application

For (Contract): Traffic Signal at 15th Ave & 11th St - Order #PW-AS-171-0A						Application Number:				
Application Period: Final						Application Date: 44785				
A				B	C	D	E	F		
Item		Contract Information			Estimated Quantity Installed	Value of Work Installed to Date	Materials Presently Stored (not in C)	Total Completed and Stored to Date (D + E)	% (F / B)	Balance to Finish (B - F)
Bid Item No.	Description	Item Quantity	Units	Unit Price						
40	ILLUMINATED STREET NAME SIGN (FURNISHED BY CITY)	4	EA.	\$900.00	\$3,600.00	4	\$3,600.00	\$3,600.00	100.0%	
41	RADAR VEHICLE DETECTION SYSTEM	1	EA.	\$28,000.00	\$28,000.00	1	\$28,000.00	\$28,000.00	100.0%	
42	TRAFFIC SIGNAL CONTROLLER, TYPE TC-NEMA	1	EA.	\$23,000.00	\$23,000.00	1	\$23,000.00	\$23,000.00	100.0%	
43	100 AMP METER MAIN	1	EA.	\$500.00	\$500.00	1	\$500.00	\$500.00	100.0%	
44	PAVEMENT MARKING REMOVAL	82	L.F.	\$5.00	\$410.00	82	\$410.00	\$410.00	100.0%	
45	PAVEMENT MARKING REMOVAL	140	S.F.	\$5.00	\$700.00	140	\$700.00	\$700.00	100.0%	
46	REMOVE TRAFFIC SIGN AND POST	3	EA.	\$600.00	\$1,800.00	1	\$600.00	\$600.00	33.3%	\$1,200.00
47	REMOVE & RELOCATE SIGN & POST	2	EA.	\$700.00	\$1,400.00	2	\$1,400.00	\$1,400.00	100.0%	
48	4" YELLOW PERMANENT PAVEMENT MARKING, PAINT	300	L.F.	\$5.00	\$1,500.00	300	\$1,500.00	\$1,500.00	100.0%	
49	12" WHITE PERMANENT PAVEMENT MARKING, PAINT	78	L.F.	\$5.00	\$390.00	78	\$390.00	\$390.00	100.0%	
50	24" WHITE PERMANENT PAVEMENT MARKING, PAINT	240	L.F.	\$6.00	\$1,440.00	240	\$1,440.00	\$1,440.00	100.0%	
51	TYPE A SIGN	46	S.F.	\$60.00	\$2,760.00	46	\$2,760.00	\$2,760.00	100.0%	
52	INSTALL TRAFFIC SIGN AND POST	6	EA.	\$500.00	\$3,000.00	6	\$3,000.00	\$3,000.00	100.0%	
Totals					\$231,276.00		\$229,203.30	\$229,203.30	99.1%	\$2,072.70

CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner:	City of Kearney	Owner's Contract No.:	
Contractor:	Ensley Electric Services	Contractor's Project No.:	
Engineer:	Olsson	Engineer's Project No.:	021-01647
Project:	2021 Part 4 Improvements, Traffic Signal At 15 th Ave. & 11 th Street	Contract Name:	

This final Certificate of Substantial Completion applies to:

All Work The following specified portions of the Work:

August 23, 2022

Date of Substantial Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows: *[Note: Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor; see Paragraph 15.03.D of the General Conditions.]*

Amendments to Owner's responsibilities: None
 As follows Change Order No. 1

Amendments to Contractor's responsibilities: None
 As follows: Change Order No. 1

The following documents are attached to and made a part of this Certificate: *[punch list; others]*

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

EXECUTED BY ENGINEER:		RECEIVED:		RECEIVED:	
By:	<u>Shane A. King</u> (Authorized signature)	By:	_____	By:	_____
Title:	<u>Project Manager</u>	Title:	_____	Title:	_____
Date:	<u>9-6-22</u>	Date:	_____	Date:	_____



COUNCIL AGENDA MEMO

ITEM NO. IV - #20

FROM: Sarah Sawin, Assistant Director of Utilities

MEETING: September 13, 2022

SUBJECT: Developer Constructed Infrastructure Agreement for 30th Avenue Storage

PRESENTER: No Presenter – Consent Agenda

Discussion:

The developer for 30th Avenue Storage at 1700 30th Avenue has agreed to enter into a Developer Constructed Infrastructure Agreement to build, public improvements: water main (fire hydrants), meeting City Specifications to serve the property with fire protection. The developer has signed the Developer Constructed Infrastructure Agreement and plans to begin work soon.

The estimated cost of the public improvements is \$24,100 for water infrastructure.

The public infrastructure will be constructed according to the City of Kearney Standard Specifications and will be conveyed to the City to own and operate after it is accepted by the City Council.

Fiscal Note:

The City will reimburse the Developer for infrastructure that would normally be a general obligation cost to the City, if it were built under the improvement district method. The estimated reimbursable cost for the water infrastructure is \$0.00 because the proposed water infrastructure is strictly fire protection for the site and no benefit to the City.

Recommended Action:

Staff recommends that the Council approve the resolution authorizing the Mayor to sign the Developer Constructed Infrastructure Agreement for 30th Avenue Storage on behalf of the City.

RESOLUTION NO. 2022-192

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled “Developer Constructed Infrastructure Agreement for 30th Avenue Storage Water Main (1700 30th Avenue)” between the City of Kearney and Nancy Norwood, Owner of NP Self Storage, LLC, a Nebraska Limited Liability Company for the construction of a water main (fire hydrants) to serve Lot 1, Knapp’s Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the same agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

**PEGGY EYNETICH
DEPUTY CITY CLERK**

Developer Constructed Infrastructure Agreement For Knapp's Addition, Lot 1 (30th Avenue Storage)

WHEREAS, Nancy Norwood, Owner of NP Self Storage, LLC, a Nebraska Limited Liability Company (hereinafter referred to as "Owner" or "Developer"), being an Owner and the Developer of the following described tract of land;

Lot 1, Knapp's Addition, a subdivision being part of the Northeast Quarter of the Southeast Quarter of Section 4, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska.

WHEREAS, the Owner desires to construct the public improvements, water main to serve the previously described property, in accordance with the Construction Plans on file with the City of Kearney, Development Services and Utilities Department; and

WHEREAS, the Owner's representative has met with the City of Kearney Development Review Team (DRT) and the DRT has assigned the development, DRT No. 21-014; and

WHEREAS, the Owner agrees to develop the property according to the Planned Development (PD) Plan (Res. 2022-096) approved by City Council on May 10, 2022 unless otherwise amended through the PD Plan approval process; and

WHEREAS, public improvements must be designed and constructed in compliance with the City of Kearney Subdivision Design Manual and Standard Specifications; and

WHEREAS, the Owner desires to utilize the Developer Constructed Infrastructure process outlined in Chapter 9 of the Kearney City Code to design, construct, and pay for the public improvements; and

WHEREAS, Tax Increment Financing was requested for this project with the total cost of the infrastructure to be built and dedicated to the City of Kearney requested in this financing, the funds were awarded through the Tax Increment Financing approved by the City Council on July 26, 2022;

NOW, THEREFORE, the undersigned Owner and the City of Kearney, Nebraska (hereinafter referred to as the "City"), in consideration of the mutual covenants and agreements herein contained, agree as follows.

OWNER AGREES AS FOLLOWS:

- 1) To comply with the terms and conditions of the City Code, Sections 9-1301 through 9-1319 inclusive: entitled "Developer Constructed Infrastructure," a copy of which is attached hereto and made part hereof by reference. **NO WORK SHALL BE PERMITTED ON THE PUBLIC IMPROVEMENTS UNTIL BONDS AND INSURANCE**

ARE IN PLACE AND APPROVED BY THE CITY. The Owner agrees to construct the following improvements:

- a) Construction of a fire hydrant assembly as follows;
 - i) From the existing sixteen-inch (16") water main located along on the west side of 30th Avenue, westward to the west right of way line, terminating at a fire hydrant located approximately forty-five-feet (45') north of the south property line of Lot 1 of Knapp's Addition.
 - ii) From the existing sixteen-inch (16") water main located along on the west side of 30th Avenue, westward to the west right of way line, terminating at a fire hydrant located approximately eighty-feet (80') south of the north property line of Lot 1 of Knapp's Addition.

Including all appurtenances, paving removal and replacement, water main connections, boring, encasement pipe, fittings, valves, fire hydrants, and water services. Based on the Owner's estimate the assessable cost of the water main is \$24,100.

- b) To retain the services of a licensed Professional Engineer, hereinafter referred to as "Engineer", to design the water improvements. To have the Engineer submit a complete set of plans and specifications for the public improvements to the City's Director of Utilities for formal review.
 - i) Plans and specifications shall be in conformance with the City Code and the City Standard Specifications and all current design policies.
 - ii) All plan and profile sheets shall be scaled 1"=20'.
 - iii) Construction shall not begin until plans have been approved, a preconstruction meeting held, and all bonds and insurance coverages are approved, as set forth in Paragraph 1 under "OWNER AGREES AS FOLLOWS".
 - iv) The Owner shall have the Engineer submit the plans to all applicable authorities for approval as required by State Statutes and Federal mandates. Construction shall not begin until a copy of approval letters from the applicable authorities have been received and are on file with the City's Director of Utilities. Such submissions should include, but are not limited to, water plans to the Nebraska Department of Health and Human Services, 404 permits to the U.S. Army Corp of Engineers, sanitary sewer plans to the Nebraska Department of Environmental and Energy, dam structure plans to the State of Nebraska Department of Natural Resources.
 - v) Preliminary plan submittals must include three (3) sets of 11"x17" drawings and delivered to the City's Utilities Department and Development Services Department.
 - vi) Construction plan submittals must include five (5) complete sets of drawings; one (1) set to be full sized (22"x34") and four (4) sets to be half sized (11"x17"),

and one (1) electronic set in .pdf and one (1) set in .tif format, for all of the public improvements to be constructed.

vii) The Owner shall request a pre-construction meeting with City Staff prior to construction activities.

viii) All construction inspection/observation shall be performed by technicians certified by the American Concrete Institute, the Nebraska Department of Transportation, the National Institute for Certification in Engineering Technologies, or by technicians that have demonstrated adequate testing abilities to the City's Director of Public Works. All construction observation operations shall be under the direction of and Engineer licensed in the State of Nebraska and shall be in conformance with the approved plans and specifications. All underground utilities must be reviewed by the construction observer prior to backfill activities. Full time construction observation is required during all utilities backfill operations and during all continuous concrete pours in excess of 150 square yards. At the City's request, bi-weekly meetings may be required onsite with the Owner's Engineer and construction observation personnel.

Deliverables shall be submitted to the City's Assistant Director of Utilities in accordance with the following schedule:

1. Daily Diary of Construction Activities	Submit Bi-weekly
2. Compaction Test Results	Submit Bi-weekly
3. Concrete Compression Test Results	Submit Bi-weekly
4. Concrete Air and Slump Test Results	Submit Bi-weekly
5. SWPPP required inspections and actions	Submit Bi-weekly
6. Certificate of Substantial Completion	Submit at end of project

These submittals must be sent via electronic email in a .pdf format on the second and fourth Wednesday of each month. The subject line must contain the name of the project development.

SUBMITTAL ADDRESS: ssawin@kearneygov.org

Public Improvements will not be accepted, placed in operation or maintained by the City until the required construction observations and submittals have been completed.

- c) To provide the City with five (5) complete sets of As-Built/As-Recorded drawings; one (1) set to be full sized (22"x34") and four (4) sets to be half sized (11"x17"), and one (1) electronic set in .pdf and one (1) set in .tif format, for all of the public improvements to be constructed.
- d) To sell and convey title of the water main free and clear of any liens, encumbrances, security interests or mortgages to the City for the sum of five dollars (\$5.00), following inspection and acceptance by the City.
- 2) To indemnify and hold harmless the City and its agents and employees against all claims, damages, loses, or expenses, including reasonable attorney's fees that arise

or allegedly arise out of the design or construction of the public improvements and the storm water management facilities, not due to the negligence or omissions on the part of the City, its agents and employees. Further, Owners agree to indemnify the City for any claims, damages, or expenses, including reasonable attorney's fees that arise out of or allegedly arise out of the design or construction of said storm water management facilities, such as damaging storm water runoffs that are caused by Owner's negligence or omission, or that of its agents or employees.

CITY AGREES AS FOLLOWS:

- 1) To comply with City Code, Sections 9-1301 through 9-1319 inclusive: entitled "Developer Constructed Infrastructure," as it applies to the public improvements for this development set forth in this agreement.
- 2) To reimburse the Owner for the infrastructure that would be general obligation cost to the City, if the infrastructure was built through the district process. The estimated reimbursement is \$0.00 for water infrastructure because the proposed water infrastructure is strictly fire protection for the site and no benefit to the City.
- 3) To own, operate and maintain the water main as previously described in this agreement, after the developer constructed infrastructure has been accepted as part of the City water system.

THE PARTIES AGREE AS FOLLOWS:

- 1) This instrument is the final expression of the agreement between the parties hereto and such agreement may not be contradicted by evidence of any prior oral agreement or of a contemporaneous oral agreement between parties that allegedly exists.
- 2) This instrument contains the entire agreement between the parties, and no statements, promises or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding; this contract may not be enlarged, modified, or altered except in writing signed by both parties and endorsed on this agreement.
- 3) This agreement shall run with the land and be binding upon and inure to the benefit of the parties hereto and shall be binding upon heirs, executors, administrators, and subsequent title owners in interest, devisees, assignees, and successors of the Owner hereto.



COUNCIL AGENDA MEMO

ITEM NO. IV - #21

FROM: *Anton Jelinek, Director of Utilities*

MEETING: *September 13, 2022*

SUBJECT: *Water Utility Communication Line Project*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

At the February 22, 2022 City Council meeting the Council awarded the contract to Great Plains Communication of Blair, NE in the amount of \$67,370.00 for the construction of a fiber optics communication line from the Utilities Administration Office at 1220 East 26th Street, to the proposed site of the new two-million-gallon elevated water reservoir to be located east of Avenue N and south of 48th Street. This fiber optics communication line will be utilized for the water systems SCADA system, radio meter reading infrastructure, and other city communications needs between the two sites.

The contractor has submitted Change Order No. 1 in the amount of \$0.00 for additional work consisting of changing the location of where the fiber will cross Avenue N, adjusting pull box locations for equal spacing, moving slice tray location, allowing Great Plains to share the City's conduit from stations 10+45 to 45+15, replace existing vaults with larger vaults in 4 locations, provide 100-feet of slack cable in 24-inch x 36-inch vaults, provide additional slack at Sta 91+32 for future use, and changing of the Substantial Completion Date to September 9, 2022 and Final Completion Date to October 7, 2022.

Fiscal Note:

The Utilities Department is financing the Water Utility Communication Line project with a Drinking Water State Revolving Fund (DWSRF) Loan. The loan will be repaid over 20 years at an interest rate of 0.0%. Water fees will require an increase of approximately three percent each year over the next three years to fund the new debt service incurred for this project.

Recommended Action:

Staff and the City's engineer for the project, Miller and Associates, recommends approving Change Order No. 1 in the amount of \$0.00 which modifies the location of fiber placements, replaces existing vaults, adds slack cable and amends the Substantial and Final Completion dates to Great Plains Communication.

RESOLUTION NO. 2022-193

WHEREAS, Great Plains Communication of Blair, Nebraska has performed services in connection with the Water Utility Communication Line, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing no change in the contract sum but showing additional work consisting of changing the location of where the fiber will cross Avenue N, adjusting pull box locations for equal spacing, moving slice tray location, allowing Great Plains to share the City's conduit from stations 10+45 to 45+15, replace existing vaults with larger vaults in 4 locations, provide 100-feet of slack cable in 24-inch x 36-inch vaults, provide additional slack at Sta 91+32 for future use, and changing of the Substantial Completion Date to September 9, 2022 and Final Completion Date to October 7, 2022, as shown on Exhibit "A" 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" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

**PEGGY EYNETICH
DEPUTY CITY CLERK**

OWNER COPY

Order No. 1
Effective Date: 8/31/2022
Agreement Date: 2/22/2022
Project No. 130-C1-070

NAME OF PROJECT: WATER UTILITY COMMUNICATION LINE
OWNER: CITY OF KEARNEY
CONTRACTOR: GREAT PLAINS COMMUNICATION, LLC

The following changes are hereby made to the CONTRACT DOCUMENTS:

CHANGE ORDER NO. 1

ITEM
NO. DESCRIPTION

ADDITIONS:

- A. Shift alignment between Sta. 45+15 and 49+0-5 to the east side of Avenue N, Make a perpendicular crossing near Sta. 45+15 (will be paid per L.F. with final quantities)
- B. Shift the pull-boxes between Sta. 49+05 and 84+07 for equal spacing. Approximate stationing will be as follows (will be paid per L.F. with final quantities)
 - a. 49+05
 - b. 53+60
 - c. 58+20
 - d. 62+80
 - e. 67+62
 - f. 73+00
 - g. 76+10, 80+20
 - h. 84+12
- C. Move the splice tray from the box at Sta. 48+21 to the box at Sta. 49+05
- D. Between Sta. 10+45 and 45+15, the 12 count Utility Communication line and the Great Plains 288 Fiber may be installed in the existing conduit and pull boxes.
- E. Between Sta. 10+45 and 45+15, replace the existing fiber vaults with 24 x 36" vaults at the following locations:
34th Street, 32nd Street, South of 39th Street, South of 28th Street
- F. Provide 100' of slack cable in the 24x36" vaults in accordance with the manufacturer's recommendations.
- G. Near Sta. 91+32, ample slack for the utility communication shall be furnished and installed for future use.

TOTAL ADJUSTED CHANGE ORDER PRICE **\$0.00**

JUSTIFICATION: Change required in the field, as delineated above, and shown on attachments. The horizontal distance will be measured and final pay quantities will be adjusted for bid items 1 and 2. The remaining work outlined in this change order will be completed with no additional cost to the Owner.

Change to CONTRACT PRICE:

ORIGINAL CONTRACT PRICE:	\$67,380.00
Net increase resulting from this CHANGE ORDER:	\$0.00
The new CONTRACT PRICE including this CHANGE ORDER will be:	\$67,380.00

Change to CONTRACT TIME:

The CONTRACT TIME will be adjusted to reflect a Substantial Completion date of 9/9/22 and a Final Completion date of 10/7/22.

Approvals Required: To be effective, this order must be approved as required by the General Conditions.

Approved by: 

GREAT PLAINS COMMUNICATION, LLC

Approved by: _____

CITY OF KEARNEY

Approved by: 

MILLER & ASSOCIATES



Dear City of Kearney,

Great Plains Communications would like to thank you for giving us the opportunity to work with you on the water utility communication line project. We also want to thank you for the opportunity of letting us work in the city right of way to place our fiber optic cables for the purpose of supplying services to businesses and residential customers.

On the water utility communications line project, the City of Kearney has an existing 2" duct that Great Plains is supposed to install a 12-count fiber. Great Plains Communications would like to propose to the City of Kearney a change order to the project.

1. We would like to pull in a 2-way micro duct into the existing 2" duct. This will allow the city a future spare duct in the existing 2" duct for future projects. If we just pull in the 12 fibers, you would not be able to pull anything back through the existing 2" duct. **Great Plains will supply this at no cost to the City of Kearney.**
2. Great Plains would also like to pull a 288 fiber (own by Great Plains) in the existing 2" duct for the propose of saving city right of way for other utility company to use and it will also be located by Great Plains as we will be in the same duct. These 288 fibers will be used to services customers along the fiber route.
3. Great Plains would also like to change out the smaller fiber vaults that are on the fiber route to larger fiber vaults. The smaller fiber vaults are too small to handle the volume of the fibers that we will be pulling through them. There are a total of 14 small fiber vaults that we would like too changed out. **Great Plains will supply this at no cost to the City of Kearney.**

I hope this help explains the benefits for both of us on the project. Again, Great Plains Communications is very grateful for this opportunity to work with the City of Kearney on this project and hopefully on future ones.

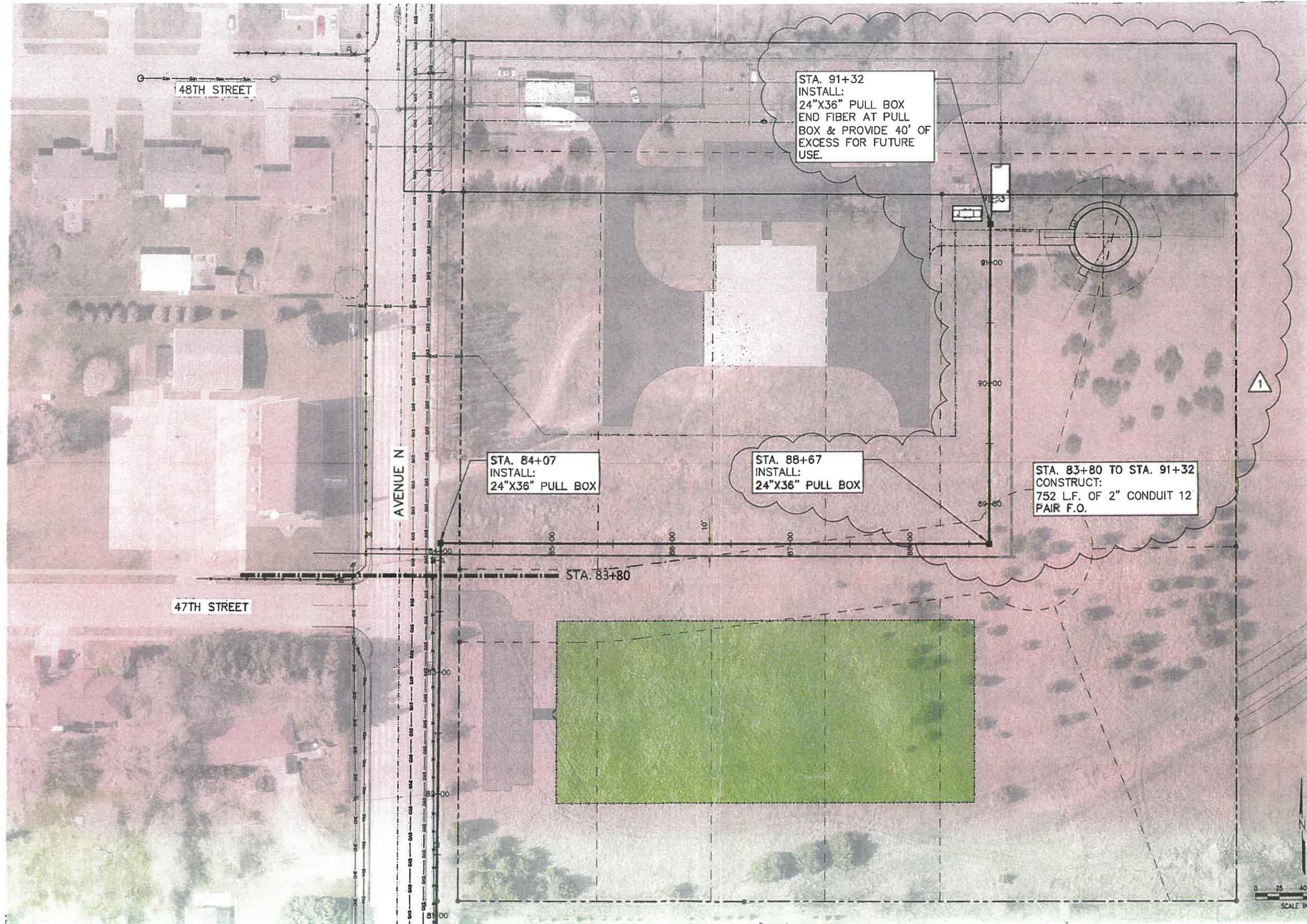
Mark Petersen

Thanks Mark Petersen DSP Engineer



1600 Great Plains Centre
PO Box 500
Blair, NE 68008
1 888 343 8014
www.gpc.com

PLOTTED: 5/20/2022 12:23 PM
 SAVES: 5/20/2022 12:28 PM
 C:\Projects\130-C1-070\DWG\Sheet\Drawings\Sh_Proposed_Fiber.dwg



1

REVISIONS	BY
5-20-22	BLS

M&A
 Miller & Associates
 Consulting Engineers, P.C.
 Kearney, NE (308) 234-6456
 McCook, NE (308) 345-3710

WATER UTILITY COMMUNICATION LINE - BID PROPOSAL
FIBER OPTIC PLAN
 KEARNEY NEBRASKA



VERIFY SCALES
 BAR IS ONE INCH ON ORIGINAL DRAWING
 0 1"
 IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

SCALE:	AS SHOWN
PROJECT NO.	130-C1-070
DATE:	JANUARY 2022
FIELD BOOK	M&A DWG NO. 39689
DRAWN BY:	JHD
APPROVED BY:	
SHEET	FO-4

This document, and the ideas and designs incorporated herein, is the property of Miller & Associates and is not to be used in whole or in part, for any other project without the written authorization of Miller & Associates.



COUNCIL AGENDA MEMO

ITEM NO. IV - #22

FROM: *Anton Jelinek, Director of Utilities*

MEETING: *September 13, 2022*

SUBJECT: *2.0 MG Elevated Water Tower Project*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

At the December 21, 2021 City Council meeting the Council approved the plans and specifications for the construction of a new 2.0 MG Elevated Water Tower project. This project consists of the construction of a new two-million-gallon elevated water reservoir to be located east of Avenue N and south of 48th Street. The new water tower will increase the city's water storage capacity by 1.75 MG. This increase will reduce the number of times the wells within the Platte River Well Filed start and stop, thus reducing maintenance and wear and tear on this infrastructure. The added capacity will also improve the city's overall firefighting capacity and provide room for future growth and development within the city's public water supply system and its master planning. On February 22, 2022 the City Council awarded the bid for the construction of a 2.0 MG elevated water tower to Caldwell Tanks Inc. of Louisville, KY in the amount of \$4,973,000.00.

The contractor has submitted Application and Certificate for Payment No. 4 in the amount of \$654,210.00 for work completed on the project.

Fiscal Note:

The Utilities Department is financing the 2.0 MG Elevated Water Tower project with a Drinking Water State Revolving Fund (DWSRF) Loan. The loan will be repaid over 20 years at an interest rate of 0.0%. Water fees will require an increase of approximately three percent each year over the next three years to fund the new debt service incurred for this project.

Recommended Action:

Staff and the City's engineer for the project, Miller & Associates, recommend approval of Application and Certificate for Payment No. 4 in the amount of \$654,210.00 to Caldwell Tanks, Inc.

RESOLUTION NO. 2022-194

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. 4 in the amount of \$654,210.00 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	1,383,963.50
Retainage (10%)	<u>- 138,396.35</u>
Amount Due to Date	1,245,567.15
Less Previous Certificates for Payment	<u>- 591,357.15</u>
Current Payment Due	\$ 654,210.00

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 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

PEGGY EYNETICH
DEPUTY CITY CLERK

APPLICATION FOR PAYMENT

PROJECT: 2.0 MG ELEVATED WATER TOWER

TO: (OWNER) CITY OF KEARNEY
 PO BOX 1180
 KEARNEY, NE 68847

ATTN: LAUREN BRANDT, CITY CLERK

ENGINEER: MILLER & ASSOCIATES, CONSULTING ENGINEERS, P.C.

ENGINEER'S PROJECT NO. 130-C1-070

CONTRACTOR: CALDWELL TANKS, INC.

CONTRACT FOR: \$4,973,000.00

APPLICATION DATE: 08/31/22

APPLICATION NO.: FOUR (04)

FOR WORK ACCOMPLISHED THROUGH THE DATE OF: August 31, 2022

CHANGE ORDER SUMMARY:

Continuation sheets are attached.

Change orders approved in previous month by Owner.

Application is made for payment, as shown below in connection with the Contract.

The present status of the account is as follows:

CO #	DATE	ADDITIONS	DEDUCTIONS
1			
2			
3			
4			
5			
TOTAL		\$0.00	\$0.00
NET CHANGE		\$0.00	

ORIGINAL CONTRACT PRICE.....	\$4,973,000.00
Net Change by Change Orders & Written Amendments	\$0.00
CURRENT CONTRACT PRICE.....	\$4,973,000.00
TOTAL COMPLETED & STORED TO DATE.....	\$1,383,963.50
LESS RETAINAGE : 10%	-\$138,396.35
TOTAL COMPLETED & STORED TO DATE LESS RETAINAGE	\$1,245,567.15
LESS PREVIOUS APPLICATION FOR PAYMENT.....	\$591,357.15
AMOUNT DUE THIS APPLICATION.....	\$654,210.00

The undersigned CONTRACTOR certifies that: (1) all previous progress payments received from Owner on account of Work done under the Contract referred to above have been applied to discharge CONTRACTOR'S legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered ____, inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

The undersigned certifies that the work has been carefully inspected and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract.

CONTRACTOR: CALDWELL TANKS, INC.

By: Elain Hawk

Date: 08/31/22

ENGINEER: MILLER & ASSOCIATES

By: Chris Miller

<input checked="" type="checkbox"/>	Owner
<input type="checkbox"/>	Contractor
<input type="checkbox"/>	Engineer
<input type="checkbox"/>	NDEE

OWNER: CITY OF KEARNEY

BY: _____

APPLICATION AND CERTIFICATE FOR PAYMENT-CONTINUATION SHEET

APPLICATION NUMBER: FOUR (04)
 APPLICATION DATE: 8/31/2022
 FOR WORK ACCOMPLISHED THROUGH : 8/31/2022
 ENGINEER'S PROJECT #: 130-C1-070

ITEM NO.	DESCRIPTION OF WORK	ESTIMATED QUANTITY	UNIT	UNIT PRICE	QUANTITY COMPLETED TO DATE	TOTAL COMPLETED	STORED TO DATE	TOTAL COMPLETED AND STORED TO DATE
1	2.0 Million Gallon Composite Elevated Water Storage Facility, complete with Foundations, Concrete Support Structure, Piping, Accessories, Paint, Electrical and Appurtenances	1	L.S.	\$4,374,000.00				
1.1	Bonds & Insurance	1	L.S.	\$49,730.00	1.000000	\$49,730.00		\$49,730.00
1.2	Engineering/Draft/Design-Foundation	1	L.S.	\$184,325.00	1.000000	\$184,325.00		\$184,325.00
1.3	Engineering/Draft/Design-Pedestal	1	L.S.	\$184,325.00		\$0.00		\$0.00
1.4	Engineering/Draft/Design-Tank	1	L.S.	\$338,380.00		\$0.00		\$0.00
1.5	Fabricated Material Delivery to Site	1	L.S.	\$1,477,340.00		\$0.00		\$0.00
1.6	Deep Foundation Construction	1	L.S.	\$434,000.00	0.974674	\$423,008.50		\$423,008.50
1.7	Foundation Ringwall Construction	1	L.S.	\$726,900.00	1.000000	\$726,900.00		\$726,900.00
1.8	Pedestal Construction	1	L.S.	\$454,000.00		\$0.00		\$0.00
1.9	Tank Construction	1	L.S.	\$440,000.00		\$0.00		\$0.00
1.1	Electrical Installation	1	L.S.	\$85,000.00		\$0.00		\$0.00
2	Non-destructive Radiograph Testing of Weld Seams	1	L.S.	\$6,500.00		\$0.00		\$0.00
3	Exterior Painting, Paint System B	1	L.S.	\$205,000.00		\$0.00		\$0.00
4	Interior Wet Surfaces Painting					\$0.00		\$0.00
	a. Paint System C	1	L.S.	\$322,000.00		\$0.00		\$0.00
5	Interior Dry Surfaces Painting, Paint System D	1	L.S.	\$10,000.00		\$0.00		\$0.00
6	Painting on One Face of City Name & Logo on One Face	1	L.S.	\$12,000.00		\$0.00		\$0.00
7	Two Year Warranty on Interior and Exterior Paint Systems	1	L.S.	\$3,000.00		\$0.00		\$0.00
8	Site Preparation and Final Site Grading, complete in place	1	L.S.	\$5,000.00		\$0.00		\$0.00
9	Seeding, Mulching and Fertilizer	1	L.S.	\$2,500.00		\$0.00		\$0.00
10	Exterior Specialty Lighting, Mounting and Appurtenances	1	L.S.	\$33,000.00		\$0.00		\$0.00
TOTAL CONSTRUCTION COST						\$1,383,963.50	\$0.00	\$1,383,963.50



COUNCIL AGENDA MEMO

ITEM NO. IV - #23

FROM: *Lucas Dutcher, P.E., City Engineer*

MEETING: *September 13, 2022*

SUBJECT: *2022 Part 3 Improvements; 11th Street from A Avenue to F Avenue*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

At the April 12, 2022 Council meeting, the City Council awarded the contract for construction of the 2022 Part 3 Improvements; 11th Street from A Avenue to F Avenue to Nielsen Contracting, LLC in the amount of \$1,920,274.00. The project includes improvements to the storm sewer and the complete removal and reconstruction of roadway paving. New street lighting will also be included along the entirety of the project.

The Contractor has submitted Application and Certificate for Payment No. 3 in the amount of \$270,293.55.

Fiscal Note:

Funds necessary to pay for the construction of these improvements have been included in the 2021-2022 year's budget.

Recommended Action:

Staff and the City's engineer for the project, Miller & Associates, recommend adoption of the resolution approving Application and Certificate for Payment No. 3 in the amount of \$270,293.55 to Nielsen Contracting, LLC.

RESOLUTION NO. 2022-195

WHEREAS, Nielsen Contracting, LLC of Kearney, Nebraska has performed services in connection with the 2022 Part 3 Improvements; 11th Street from A Avenue to F Avenue, and the City’s engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$270,293.55 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 1,920,274.00</u>
Contract Sum To Date	1,920,274.00
Gross Amount Due	648,207.64
Retainage (10%)	<u>- 64,820.76</u>
Amount Due to Date	583,386.88
Less Previous Certificates for Payment	<u>- 313,093.33</u>
Current Payment Due	\$ 270,293.55

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. 3, as shown on Exhibit “A” be and is hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

PEGGY EYNETICH
DEPUTY CITY CLERK

APPLICATION FOR PAYMENT

PROJECT: 2022 PART 3 IMPROVEMENTS

TO: (OWNER) CITY OF KEARNEY
 P. O. BOX 180
 KEARNEY, NE 68845
ATTN: LAUREN BRANDT

ENGINEER: MILLER & ASSOCIATES, CONSULTING ENGINEERS, P.C.
ENGINEER'S PROJECT NO. 130-A1-275
CONTRACTOR: NIELSEN CONTRACTING, LLC.
CONTRACT FOR: \$1,920,274.00
APPLICATION DATE: 9/6/2022 **APPLICATION NO.:** 3
FOR WORK ACCOMPLISHED THROUGH THE DATE OF: 9/2/2022

CHANGE ORDER SUMMARY:

Continuation sheets are attached.
 Change orders approved in previous month by Owner.

Application is made for payment, as shown below in connection with the Contract.

The present status of the account is as follows:

ORIGINAL CONTRACT PRICE.....	\$1,920,274.00
Net Change by Change Orders & Written Amendments	<u>\$0.00</u>
CURRENT CONTRACT PRICE.....	\$1,920,274.00
TOTAL COMPLETED & STORED TO DATE.....	\$648,207.64
LESS RETAINAGE : 10%	<u>-\$64,820.76</u>
TOTAL COMPLETED & STORED TO DATE LESS RETAINAGE	\$583,386.88
LESS PREVIOUS APPLICATION FOR PAYMENT-----	<u>\$313,093.33</u>
AMOUNT DUE THIS APPLICATION.....	\$270,293.55

CO #	DATE	ADDITIONS	DEDUCTIONS
1			
2			
3			
4			
5			
TOTAL			
NET CHANGE			

The undersigned CONTRACTOR certifies that: (1) all previous progress payments received from Owner on account of Work done under the Contract referred to above have been applied to discharge CONTRACTOR'S legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered __1-2__, inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

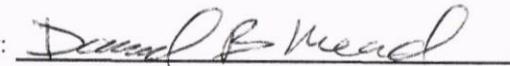
The undersigned certifies that the work has been carefully inspected and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract.

CONTRACTOR: NIELSEN CONTRACTING, LLC

By: 

Date: 9/6/2022

ENGINEER: MILLER & ASSOCIATES

By: 

<input checked="" type="checkbox"/>	Owner
<input type="checkbox"/>	Contractor
<input type="checkbox"/>	Engineer

OWNER: CITY OF KEARNEY

BY: _____

APPLICATION AND CERTIFICATE FOR PAYMENT-CONTINUATION SHEET

APPLICATION NUMBER: 3

APPLICATION DATE: 9/6/22

FOR WORK ACCOMPLISHED THROUGH : 9/2/22

ENGINEER'S PROJECT #:130-A1-275

ITEM NO.	DESCRIPTION OF WORK	ESTIMATED QUANTITY	UNIT	UNIT PRICE	QUANTITY COMPLETED TO DATE	TOTAL COMPLETED	STORED TO DATE	TOTAL COMPLETED AND STORED TO DATE
1	Mobilization	1	L.S.	\$50,000.00	1	\$50,000.00		\$50,000.00
2	Traffic Control	1	L.S.	\$20,000.00	1	\$20,000.00		\$20,000.00
3	Remove & Haul Pavement	12100	S.Y.	\$8.00	12163	\$97,304.00		\$97,304.00
4	Remove & Haul Sidewalk	5500	S.F.	\$4.00	5500	\$22,000.00		\$22,000.00
5	Remove & Haul Inlet	21	Each	\$700.00	16	\$11,200.00		\$11,200.00
6	Remove & Haul Junction Manhole	1	Each	\$1,000.00	1	\$1,000.00		\$1,000.00
7	Remove & Haul Storm Sewer Pipe	1050	L.F.	\$13.00	921	\$11,973.00		\$11,973.00
8	Common Earth Excavation, Established Quantity (E.Q.)	3600	C.Y.	\$18.00	0	\$0.00		\$0.00
9	Overexcavate Unsuitable Base Material and Replace with Crushed Concrete	100	C.Y.	\$55.00	0	\$0.00		\$0.00
10	Construct 6" Thick Crushed Concrete Foundation Course (Measured as Overlying Pavement Area)	12200	S.Y.	\$10.00	0	\$0.00		\$0.00
11	Construct 8" Thick Doweled P.C. Concrete Pavement, Type 47B-3500	12200	S.Y.	\$60.00	0	\$0.00	\$55,192.72	\$55,192.72
12	Construct 6" Thick P.C. Concrete Street Pavement, Type 47B-3500	250	S.Y.	\$54.00	0	\$0.00		\$0.00
13	Construct 8" Thick Doweled High Early Strength P.C. Concrete Pavement, Type 47B-HE-3500	400	S.Y.	\$72.00	0	\$0.00		\$0.00
14	Construct 6" Thick Alley or Driveway Pavement, Type 47B-3500	250	S.Y.	\$54.00	0	\$0.00		\$0.00
15	Construct 6" Thick Concrete Sidewalk	9000	S.F.	\$7.00	0	\$0.00		\$0.00
16	Construct Integral Curb	4020	L.F.	\$3.00	0	\$0.00		\$0.00
17	Drill & Grout Tie Bars	150	Each	\$10.00	0	\$0.00		\$0.00
18	Construct Curb Inlet, 4' Wide Throat	30	Each	\$4,200.00	20	\$84,000.00	\$3,410.00	\$87,410.00
19	Construct Grate Inlet with Deeter No. 2095 Frame & Grate	2	Each	\$5,500.00	0	\$0.00	\$2,364.00	\$2,364.00
20	Construct Junction Manhole	5	Each	\$8,000.00	7	\$56,000.00		\$56,000.00
21	Remove Existing Inlet Top and Reconstruct to Junction Manhole	1	Each	\$4,000.00	0	\$0.00		\$0.00
22	Waterproofing Treatment of Curb Inlet	3	Each	\$2,000.00	3	\$6,000.00		\$6,000.00
23	Furnish & Install Reinforced Concrete Pipe, Class III							
	a) 15" Diameter	365	L.F.	\$73.00	288	\$21,024.00	\$719.20	\$21,743.20
	b) 18" Diameter	80	L.F.	\$77.00	40	\$3,080.00		\$3,080.00
	c) 24" Diameter	30	L.F.	\$95.00	0	\$0.00		\$0.00
	d) 18" Round Equivalent	1840	L.F.	\$85.00	1332	\$113,220.00	\$16,130.72	\$129,350.72

APPLICATION AND CERTIFICATE FOR PAYMENT-CONTINUATION SHEET

APPLICATION NUMBER: 3

APPLICATION DATE: 9/6/22

FOR WORK ACCOMPLISHED THROUGH : 9/2/22

ENGINEER'S PROJECT #:130-A1-275

ITEM NO.	DESCRIPTION OF WORK	ESTIMATED QUANTITY	UNIT	UNIT PRICE	QUANTITY COMPLETED TO DATE	TOTAL COMPLETED	STORED TO DATE	TOTAL COMPLETED AND STORED TO DATE
	e) 24" Round Equivalent	50	L.F.	\$115.00	32	\$3,680.00		\$3,680.00
24	Construct Concrete Collar on RCP							
	a) 15" Diameter	5	Each	\$800.00	4	\$3,200.00		\$3,200.00
	b) 18" Diameter	4	Each	\$1,000.00	1	\$1,000.00		\$1,000.00
	c) 24" Diameter	1	Each	\$1,200.00	0	\$0.00		\$0.00
	d) 18" Round Equivalent	2	Each	\$2,000.00	0	\$0.00		\$0.00
25	Remove & Relocate Mailbox to Temporary Location	3	Each	\$200.00	0	\$0.00		\$0.00
26	Reinstall Mailbox to Permanent Location	3	Each	\$200.00	0	\$0.00		\$0.00
27	Relocate Water Meter Pit, Yolk & Meter	1	Each	\$2,000.00	1	\$2,000.00		\$2,000.00
28	Lower Sanitary Sewer Service (includes Coupling and Concrete Collar and new VCP with Gravel Bedding)							
	a) 4" Diameter	40	L.F.	\$95.00	1	\$95.00	\$29.00	\$124.00
	b) 6" Diameter	40	L.F.	\$100.00	0	\$0.00	\$114.00	\$114.00
29	Lower Water Service	2	Each	\$2,800.00	0	\$0.00		\$0.00
30	Replacement Water Service Items							
	a) Curb Stop & Box	2	Each	\$1,400.00	0	\$0.00	\$642.00	\$642.00
	b) 1" Type 'K' Copper Service Line	100	L.F.	\$42.00	0	\$0.00	\$780.00	\$780.00
31	Waterline Lowering (Includes Fittings and additional makeup Pipe)							
	a) 6" Diameter	1	Each	\$7,500.00	2	\$15,000.00		\$15,000.00
	b) 8" Diameter	1	Each	\$9,000.00	1	\$9,000.00		\$9,000.00
32	Special 6" Waterline Lowering on South Side of 11th Street at Sta. 5+71 Right (includes Fittings and additional makeup Pipe)	1	Each	\$13,500.00	0	\$0.00		\$0.00
33	Furnish & Install Linestop on Waterline							
	a) 6" Diameter	2	Each	\$5,750.00	0	\$0.00		\$0.00
	b) 8" Diameter	1	Each	\$7,250.00	0	\$0.00		\$0.00
34	Relocate Fire Hydrant	1	Each	\$3,000.00	1	\$3,000.00		\$3,000.00
35	Adjust to Grade							
	a) Sanitary Sewer Manhole (includes 6' x 6' x 0.67' concrete support slab)	8	Each	\$1,000.00	0	\$0.00		\$0.00
	b) Storm Sewer Manhole (no support slab)	7	Each	\$600.00	0	\$0.00		\$0.00
	c) Valve Box	12	Each	\$500.00	0	\$0.00		\$0.00
	d) Water Meter Pit	1	Each	\$1,500.00	0	\$0.00		\$0.00

APPLICATION AND CERTIFICATE FOR PAYMENT-CONTINUATION SHEET

APPLICATION NUMBER: 3

APPLICATION DATE: 9/6/22

FOR WORK ACCOMPLISHED THROUGH : 9/2/22

ENGINEER'S PROJECT #:130-A1-275

ITEM NO.	DESCRIPTION OF WORK	ESTIMATED QUANTITY	UNIT	UNIT PRICE	QUANTITY COMPLETED TO DATE	TOTAL COMPLETED	STORED TO DATE	TOTAL COMPLETED AND STORED TO DATE
	e) Curb Stop	2	Each	\$1,200.00	0	\$0.00		\$0.00
36	Furnish, Install, Maintain, & Remove Erosion Control							
	a) Rock Entrance Road	150	S.Y.	\$25.00	150	\$3,750.00		\$3,750.00
	b) Silt Fence	1400	L.F.	\$8.00	350	\$2,800.00		\$2,800.00
	c) Wattle Silt Checks	450	L.F.	\$8.00	0	\$0.00		\$0.00
	d) Concrete Washout Basin	1	L.S.	\$1,000.00	0	\$0.00		\$0.00
37	Furnish & Install Seeding, Mulch, & Fertilizer							
	a) City Type A Mix - Bluegrass Mix	0.20	Acres	\$15,000.00	0	\$0.00		\$0.00
	b) City Type B Mix - Fescue Mix	0.60	Acres	\$15,000.00	0	\$0.00		\$0.00
38	Furnish & Install Bluegrass Sod	14000	S.F.	\$1.00	0	\$0.00		\$0.00
39	Repair/Replace Lawn Sprinkler Systems (Each property/yard)	10	Each	\$1,000.00	0	\$0.00		\$0.00
40	Remove & Reinstall School Crosswalk Signal Pole	4	Each	\$500.00	1	\$500.00		\$500.00
41	Remove & Haul School Crosswalk Signal Pole Foundation	2	Each	\$500.00	2	\$1,000.00		\$1,000.00
42	Construct School Crosswalk Signal Pole Foundation (Pedestal Pole Type PP)	2	Each	\$800.00	0	\$0.00		\$0.00
43	Furnish & Apply Pavement Markings, Grooved & Painted							
	a) 4" Yellow Line	3150	L.F.	\$2.50	0	\$0.00		\$0.00
	b) 4" White Line	860	L.F.	\$2.50	0	\$0.00		\$0.00
	c) 24" Crosswalk Bar	56	L.F.	\$14.00	0	\$0.00		\$0.00
44	Furnish & Place Gravel Surfacing	20	C.Y.	\$25.00	0	\$0.00		\$0.00
45	Furnish & Place Controlled Low Strength Material CLSM (Flowable Fill)	150	C.Y.	\$180.00	150	\$27,000.00		\$27,000.00
46	Furnish & Install Street Lighting Components							
	a) 1 1/4" Diameter Schedule 40 PVC Conduit - Trenched	2500	L.F.	\$9.00	0	\$0.00		\$0.00
	b) 1 1/4" Diameter Schedule 40 PVC Conduit - Bored	100	L.F.	\$22.00	0	\$0.00		\$0.00
	c) 1 1/4" Diameter Schedule 40 PVC Long Sweep Elbow	32	Each	\$30.00	0	\$0.00		\$0.00
	d) 1 1/4" Diameter PVC Cap	32	Each	\$20.00	0	\$0.00		\$0.00
47	Install Only Street Lighting Components (City furnished)							
	a) Street Light Pole with Fixtures/Luminaires (screw-in base)	5	Each	\$1,750.00	0	\$0.00		\$0.00
	b) Street Light Pole with Fixtures/Luminaires (direct bury)	5	Each	\$1,500.00	0	\$0.00		\$0.00
	TOTAL CONSTRUCTION COST					\$568,826.00	\$79,381.64	\$648,207.64



INVOICE

Concrete Industries, Inc.
 6300 Cornhusker Hwy, Lincoln, NE 68529-0529
 Phone: (402) 434-1800 Fax: (402) 434-1899
 www.ConcreteIndustries.com

Remit to: P.O. Box 80268
 Lincoln, NE 68501

Job: 9372 2022 PART 3 IMP 11TH ST
 11TH STR. FROM AVE A TO AVE F
 KEARNEY NE

Page 1

Account Number	66637
Invoice Date	08/11/22
Invoice Amount	55,192.72
Invoice Number	CI 417675
Amount Paid	

Bill To: NIELSEN CONTRACTING LLC
 2003 H AVENUE
 KEARNEY NE 68847

Invoice Terms: Net 30

To insure proper credit, please detach and return top portion of invoice with remittance.

Line	Item Description	Quantity	Unit Price	Misc.	Extension
	MATERIAL SHIPPED DIRECT FROM SUPPLIER				
1	CNTRCT BSKT 8.5"P 1-1/4X18" 7105025 EPOXY 12" OC W/TECTYL	6204 FT	8.5800	0.00	53,230.32
2	12" BASKET STAKES 71050	4460 EA	.4400	0.00	1,962.40

Item #11

ENTERED

Account: 66637 NIELSEN CONTRACTING LLC
 Job: 9372 2022 PART 3 IMP 11TH ST
 Tax Code: CINTE Nebraska Tax Exempt

Sub Total	55,192.72
Sales Tax	0.00
Total Amount	55,192.72

Returns: No returns w/o invoice. No returns on unusable material, seconds, architectural, decorative, all special order materials, and fractional units. All returnable materials subject to 50% restocking charge. No returns accepted after 30 days from date of purchase.

Terms: All invoices must be paid within 30 days of invoice. Past due accounts will be charged an interest rate of 1.33% per month which is 16% per year.



Concrete Industries, Inc.
 6300 Cornhusker Hwy, Lincoln, NE 68529-0529
 Phone: (402) 434-1800 Fax: (402) 434-1899
 www.ConcreteIndustries.com

STORED MATERIALS LIST

1417

06-Sep-22

As of: 02-Sep-22

Sales Tax Rate: 0.0%

BID ITEM	BID QTY.	ITEM DESCRIPTION	STORED QTY.	UNIT	TAX	UNIT PRICE	SUBTOTAL	TAX AMT.	TOTAL
18	30	Construct 4' Throat Curb Inlet	10	EA	N	\$341.00	\$3,410.00	\$0.00	\$3,410.00
19	2	Construct Grate Inlet w/D2095 Grate	2	EA	N	\$1,182.00	\$2,364.00	\$0.00	\$2,364.00
23A	365	F & I - 15" CLIII RCP	32	LF	N	\$21.40	\$684.80	\$0.00	\$684.80
23A	365	F & I - 15" CLIII RCP	4	EA	N	\$8.60	\$34.40	\$0.00	\$34.40
23D	1840	F & I - 18" CLIII REQ RCP	64	EA	N	\$7.25	\$464.00	\$0.00	\$464.00
23D	1840	F & I - 18" CLIII REQ RCP	508	LF	N	\$30.84	\$15,666.72	\$0.00	\$15,666.72
28A	40	Lower Sanitary Sewer Service 4" - Complete	1	EA	N	\$29.00	\$29.00	\$0.00	\$29.00
28B	40	Lower Sanitary Sewer Service 6" - Complete	2	EA	N	\$54.00	\$108.00	\$0.00	\$108.00
28B	40	Lower Sanitary Sewer Service 6" - Complete	2	LF	N	\$3.00	\$6.00	\$0.00	\$6.00
30A	2	Rem/Replace 1" Curb Stop & Box	6	EA	N	\$27.50	\$165.00	\$0.00	\$165.00
30A	2	Rem/Replace 1" Curb Stop & Box	2	EA	N	\$23.50	\$47.00	\$0.00	\$47.00
30A	2	Rem/Replace 1" Curb Stop & Box	2	EA	N	\$53.00	\$106.00	\$0.00	\$106.00
30A	2	Rem/Replace 1" Curb Stop & Box	2	EA	N	\$17.00	\$34.00	\$0.00	\$34.00
30A	2	Rem/Replace 1" Curb Stop & Box	2	EA	N	\$145.00	\$290.00	\$0.00	\$290.00
30B	100	Rem/Repl 1" Type K Copper Service Line	120	LF	N	\$6.50	\$780.00	\$0.00	\$780.00
TOTALS -->							\$24,188.92	\$0.00	\$24,188.92



COUNCIL AGENDA MEMO

ITEM NO. IV - #24

FROM: *Anton Jelinek, Director of Utilities*

MEETING: *September 13, 2022*

SUBJECT: *Award Bid for Booster Pump Stations, Renovations & Associated Improvements*

PRESENTER: *No Presenter – Consent Agenda*

Discussion:

On July 26, 2022, City Council approved the plans and specifications for the Booster Pump Station, Renovations & Associated Improvements. This project consists of the construction of a new booster pump station and piping to be located east of Avenue N and south of 48th Street and the rehabilitation of the old booster pump station located at the southeast corner of the Public Works Department campus at 1919 15th Avenue. The new booster pump station and the rehabilitation of the old booster pump station will include new pumps with variable frequency drive motors for better efficiency and better operational performance of the pumping system.

On August 16, 2022 the City Clerk received one (1) bid for the project from Midlands Contracting of Kearney, NE in the amount of \$2,185,960.00. The Engineer's Opinion of Probable Construction Cost was \$1,630,960.00. After discussion with the City's engineer for the project, Miller and Associates, Midlands Contracting was contacted and asked to revisit their proposal and offer adjustments to bring the project within the City's budget. Some items were removed from the scope of work which reduced the proposed bid price to \$1,840,587.00, which is 12.85% above the Engineer's Opinion of Probable Construction Cost. As a result, the contractor has submitted Change Order No. 1 showing a decrease in the contract price in the amount of \$345,373.00, resulting in a new total contract price of \$1,840,587.00.

Fiscal Note:

The Utilities Department is financing the Booster Pump Stations, Renovations & Associated Improvements project with a Drinking Water State Revolving Fund (DWSRF) Loan. The loan will be repaid over 20 years at an interest rate of 0.0%. Water fees will require an increase of approximately three percent each year over the next three years to fund the new debt service incurred for this project.

Recommended Action:

Staff and the City's engineer for the project, Miller and Associates, recommend the bid be accepted, Change Order No. 1 decreasing the contract in the amount of \$345,373.00 be approved and the contract be awarded in the amount of \$1,840,587.00 to Midlands Contracting Inc.

RESOLUTION NO. 2022-196

WHEREAS, Millers & Associates and the City of Kearney have reviewed the sealed bids which were opened on August 16, 2022 at 2:00 p.m. for the Booster Pump Station, Renovations & Associated Improvements; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project was \$1,630,960.00; and

WHEREAS, Midlands Contracting, Inc. and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$345,373.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Millers & Associates and the City have recommended the bid offered by Midlands Contracting, Inc. of Kearney, Nebraska in the amount of \$1,840,587.00 be accepted as the lowest responsible bid for Booster Pump Station, Renovations & Associated Improvements.

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 Midlands Contracting, Inc. be and is the lowest responsible bidder for the Booster Pump Station, Renovations & Associated Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting, Inc. in the amount of \$1,840,587.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost for Bid B in the amount of \$1,630,960.00 be and is hereby accepted.

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

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

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

**PEGGY EYNETICH
DEPUTY CITY CLERK**

September 7, 2022
Kearney, Nebraska



1111 Central Ave. Kearney, NE 68847-6833

Tel: 308-234-6456

Fax: 308-234-1146

www.miller-engineers.com

Mayor & City Council
City of Kearney
PO Box 1180
Kearney, NE 68848

Re: Booster Pump Stations, Renovations & Associated Improvements
Project No. 130-C1-070

Dear Council Members:

On August 16th at 2:00 PM, one bid was received, publicly opened, and read aloud at City Hall. Attached is a bid tabulation sheet. The bid and bidder selected completion dates are summarized below:

BIDDER	TOTAL	Substantial Completion Date	Final Completion Date
Midlands Contracting, Inc. Kearney, Nebraska	\$2,185,960.00	3/31/24	4/30/24

The proposal has been reviewed and there were no errors. The Engineer's Opinion of Probable Construction Cost was \$1,630,960. After discussions with City staff, Midlands Contracting was contacted to revisit their bid and offer adjustments to the project to bring within budgetary constraints. Work on one set of the booster pump station (Bid Item 2) was removed, and renovations to the Harvey Park booster pump station (Bid Item) was reduced in scope. The recommended award with a deductive change order is \$1,840,587, which is 12.85% above the Engineer's Opinion of Probable Construction Cost.

It is therefore recommended the bid be accepted and the contract awarded to Midlands Contracting, for the Base Bid and a deductive Change Order in the amount of \$345,373, upon your approval and contingent upon DWSRF subsequent approval.

Respectfully submitted,
MILLER & ASSOCIATES
CONSULTING ENGINEERS, P.C.

Chris A. Miller, P.E.

CAM

Enclosures

Date Opened: August 16, 2022 @ 2:00 PM (Local Time)				1	
Project Name: Booster Pump Stations, Renovations & Associated Improvements				Midlands Contracting, Inc.	
Project Location: Kearney, Nebraska					
Project Number: 130-C1-070-21				Total Bid	\$2,185,960.00
Addendums Issued/Acknowledged: 1				One (1)	
Substantial Completion: [Bidder Selects]				3/31/2024	
Final Completion: [Bidder Selects]				4/30/2024	
Bid Guarantee (type and amount)				5% Bid Bond	
No.	Description	Quantity	Unit	Unit Price	Total Price
1	Mobilization	1	L.S.	\$47,000.00	\$47,000.00
2	Demolition and Renovations of Existing BPS 1&2 per the drawings and specifications for fully operational Booster Pump Station, Complete in Place	1	L.S.	\$195,000.00	\$195,000.00
3	Furnish & Install 12" line Stops with surface restoration, Complete in Place	2	Each	\$15,000.00	\$30,000.00
4	Furnish & Install 12" Butterfly Valves and 12" Connections South of BPS 1&2	2	Each	\$6,600.00	\$13,200.00
5	Modifications to Existing BPS 5&6 interior and exterior piping, Furnish & Install PRV per the drawings and specifications for a fully operations pressure reducing station, Complete in Place	1	L.S.	\$135,000.00	\$135,000.00
6	Installation of New Packaged Booster pump station including site work, foundation, and site grading, and appurtenances for a fully operational Booster Pump Station, Complete in Place	1	L.S.	\$1,105,000.00	\$1,105,000.00
7	Backup Power Supply with foundation/concrete pad, conductors, conduit, electrical work, transfers switch and appurtenances, Complete in Place	1	L.S.	\$145,000.00	\$145,000.00
8	Installation of Pressure Sensing Manhole and controls to booster pump station, Complete in Place	1	L.S.	\$17,500.00	\$17,500.00
9	Furnish & Install Ductile Iron Pipe with tracer wire and Polyethylene Encasement				
	a. 24" Diameter	400	L.F.	\$220.00	\$88,000.00
	b. 16" Diameter	500	L.F.	\$145.00	\$72,500.00
	c. 6" Diameter	30	L.F.	\$80.00	\$2,400.00
10	Furnish & Install Valve & Box				
	a. 24" Diameter Butterfly Valve	3	Each	\$17,000.00	\$51,000.00
	b. 16" Diameter Butterfly Valve	2	Each	\$8,000.00	\$16,000.00
	c. 6" Diameter Gate Valve	2	Each	\$2,300.00	\$4,600.00
11	Furnish & Install DIP Fittings				
	a. 24" Connection	2	Each	\$5,000.00	\$10,000.00
	b. 24"x6" Tee	2	Each	\$5,000.00	\$10,000.00
	c. 24"x24" Tee	2	Each	\$9,750.00	\$19,500.00
	d. 24" 90 Degree Bend	3	Each	\$9,000.00	\$27,000.00
	e. 16" 90 Degree Bend	1	Each	\$3,400.00	\$3,400.00
	f. 16" 11.25 Degree Bend	1	Each	\$2,200.00	\$2,200.00
	g. 24" x 16" Reducer	1	Each	\$4,900.00	\$4,900.00
	h. 24" Plug	1	Each	\$3,500.00	\$3,500.00
	i. 16" Plug	1	Each	\$3,600.00	\$3,600.00
	j. 4" Plug w/2" tap	1	Each	\$350.00	\$350.00
	k. 12" Long x 6" Diameter Offset Connection (if needed)	1	Each	\$750.00	\$750.00
12	Furnish & Install 16"x4" Tapping Tee with valve	1	Each	\$7,000.00	\$7,000.00
13	Furnish & Install 2" Corp with Plug	1	Each	\$750.00	\$750.00
14	Furnish & Install 7 Ft. Fire Hydrant	2	Each	\$5,600.00	\$11,200.00

				1 Midlands Contracting, Inc.	
No.	Description	Quantity	Unit	Unit Price	Total Price
15	Furnish & Install Drain from BPS				
	a. 4" Sch 40 PVC Piping	80	L.F.	\$45.00	\$3,600.00
	b. 4" Sch 40 90 degree bend	2	Each	\$65.00	\$130.00
	c. Chamber infiltrator and end cap	20	L.F.	\$300.00	\$6,000.00
16	Furnish & Install 16" Line Stop	1	Each	\$20,000.00	\$20,000.00
17	Remove & Salvage 24" Cap	1	Each	\$350.00	\$350.00
18	Remove, Haul & Construct P.C. Concrete Pavement 8" Thick, Type 47B-3500 Pavement	5	S.Y.	\$245.00	\$1,225.00
19	Remove, Haul Sidewalk & Construct 6" Thick Concrete Sidewalk	64	S.F.	\$20.00	\$1,280.00
20	Installation of Concrete Plug	1	Each	\$225.00	\$225.00
21	Furnish, Install & Maintain Silt Fencing	100	L.F.	\$15.00	\$1,500.00
22	Furnish & Apply Seeding, Mulching and Fertilizer	0.62	Acre	\$15,000.00	\$9,300.00
23	SCADA Controls & Integration, Complete in Place	1	Allow.	\$110,000.00	\$110,000.00
24	Materials Testing	1	L.S.	\$1,000.00	\$1,000.00
25	Traffic Control & Signage for entire project, Complete in Place	1	L.S.	\$5,000.00	\$5,000.00
TOTAL BID					\$2,185,960.00

Order No. 1
 Effective Date: 9/13/2022
 Agreement Date: 9/13/2022
 Project No. 130-C1-070

NAME OF PROJECT: Booster Pump Stations, Renovations & Associated Improvements

OWNER: City of Kearney

CONTRACTOR: Midlands Contracting, Inc.

The following changes are hereby made to the CONTRACT DOCUMENTS:

CHANGE ORDER NO. 1

Item No.	Description	Quantity	Unit	Unit Price	Total Price
DELETIONS:					
2	Demolition and Renovations of Existing BPS 1&2 per the drawings and specifications for fully operational Booster Pump Station, Complete in Place	-1	L.S.	\$195,000.00	-\$195,000.00
3	Furnish & Install 12" line Stops with surface restoration, Complete in Place	-2	Each	\$15,000.00	-\$30,000.00
4	Furnish & Install 12" Butterfly Valves and 12" Connections South of BPS 1&2	-2	Each	\$6,600.00	-\$13,200.00
5	Modifications to Existing BPS 5&6 interior and exterior piping, Furnish & Install PRV per the drawings and specifications for a fully operations pressure reducing station, Complete in Place	-1	L.S.	\$135,000.00	-\$135,000.00
10	Furnish & Install Valve & Box	-1	Each	\$8,000.00	-\$8,000.00
	b. 16" Diameter Butterfly Valve	-1	Each	\$2,300.00	-\$2,300.00
	c. 6" Diameter Gate Valve	-1	Each	\$5,600.00	-\$5,600.00
14	Furnish & Install 7 Ft. Fire Hydrant	-1	Each	\$5,600.00	-\$5,600.00
Subtotal Deletions					-\$389,100.00
ADDITIONS:					
5	Modifications to Existing BPS 5&6 exterior piping, to allow for short-term use of existing pumps. City to demolish piping in the building in the future, Complete in Place	1	L.S.	\$43,727.00	\$43,727.00
Subtotal Additions					\$43,727.00
TOTAL ADJUSTED CHANGE ORDER PRICE					-\$345,373.00

JUSTIFICATION: To adjust bid price to bring within budgetary constraints.

Change to CONTRACT PRICE:

ORIGINAL CONTRACT PRICE:	\$2,185,960.00
Net decrease resulting from this CHANGE ORDER:	-\$345,373.00
The new CONTRACT PRICE including this CHANGE ORDER will be:	\$1,840,587.00

Change to CONTRACT TIME:

The CONTRACT TIME will not be altered.

Approvals Required: To be effective, this order must be approved as required by the General Conditions.

Approved by: _____,

MIDLANDS CONTRACTING, INC.

Approved by: _____,

CITY OF KEARNEY

Approved by: _____,

MILLER & ASSOCIATES



COUNCIL AGENDA MEMO

ITEM NO. I - #3 and ITEM NO. V - #1

FROM: *Wendell Wessels, Director of Finance*

MEETING: *September 12 and 13, 2022*

SUBJECT: *2022-2023 City of Kearney Budget*

PRESENTER: *Wendell Wessels*

Discussion:

Pursuant to Section 13-506 of the Nebraska Revised Statutes, the City Council is required to conduct a public hearing on the City of Kearney proposed budget for the 2022-2023 fiscal year. The public hearing is a process where the City Council hears support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed Budget Document. The 2022-2023 Budget Document can be reviewed in "Dropbox". After the Budget Document is reviewed and the public hearings are conducted on September 12, Ordinance No. 8599 should be passed and approved on September 13. Ordinance No. 8599 legally adopts the Budget Document and appropriates sums of money contained in the Budget Document for the necessary expenses and liabilities of the City of Kearney.

Fiscal Note:

The 2022-2023 budget has been created on conservative financial principals that reflect staff commitment to maintaining necessary services, improving the quality of the operation of the City, and keeping expenditures and taxes as low as possible.

Recommended Action:

The City Council is required to conduct a public hearing concerning the budget for the City of Kearney pursuant to State Statutes. Therefore, the only alternative for the City is to conduct the public hearings and adopt, or amend and adopt as amended, the City of Kearney Annual Operating Budget and Program of Services for the fiscal year beginning on October 1, 2022 and ending on September 30, 2023.

Administration recommends that the City Council conduct a public hearing on the 2022-2023 Budget Document for the City of Kearney on September 12 and adopt, or amend and adopt as amended, the City of Kearney Annual Operating Budget and Program of Services on September 13.

ORDINANCE NO. 8599

AN ORDINANCE OF THE CITY OF KEARNEY, NEBRASKA TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY THE AUTHORITY OF THE CITY COUNCIL AND EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement (Annual Operating Budget and Program of Services) for the fiscal year beginning October 1, 2022 through September 30, 2023 is hereby approved as the Annual Appropriation Bill. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Kearney. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Buffalo County, Nebraska, for use by the levying authority.

Section 2. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law and shall be published in pamphlet form by the authority of the Mayor and Council.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

PEGGY EYNETICH
DEPUTY CITY CLERK



COUNCIL AGENDA MEMO

ITEM NO. V - #2

FROM: *Wendell Wessels, Director of Finance*
Shawna Erbsen, Director of Administrative Services

MEETING: *September 13, 2022*

SUBJECT: *Annual Personnel Ordinance*

PRESENTER: *No Presenter – Consent Agenda Ordinances*

Discussion:

The attached ordinance will repeal Ordinance No. 8594; classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for the payments of vehicle allowances; provide for the payment of health and dental benefits for active full-time employees; and to provide for the payment of health benefits for early retiree employees pursuant to Resolution No. 2019-68A.

Ordinance No. 8600 includes all the job classifications, pay grades and ranges of compensation that are included in the City of Kearney 2022-2023 Pay Policy. Additionally, various employee benefits as discussed above have been included in the ordinance. Passage of the Personnel Ordinance is done on an annual basis in conjunction with the budget process.

Fiscal Note:

Ordinance No. 8600 is required pursuant to Section 16-502 of the Nebraska Revised Statutes, which mandates that the governing bodies of First Class Cities specifically appropriate all personnel expenditures in ordinance form. The 2022-2023 City of Kearney budget includes salaries and benefits reflected in the attached Personnel Ordinance.

Recommended Action:

Administration recommends approval of Ordinance No. 8600.

ORDINANCE NO. 8600

AN ORDINANCE OF THE CITY OF KEARNEY, NEBRASKA CLASSIFYING THE OFFICERS AND EMPLOYEES OF THE CITY OF KEARNEY, NEBRASKA; FIXING THE RANGES OF COMPENSATION OF SUCH OFFICERS AND EMPLOYEES AND THE EFFECTIVE DATE HEREOF; ESTABLISHING THE HOURS AND WORK PERIOD FOR OVERTIME ELIGIBILITY; TO PROVIDE FOR PAYMENT OF CLOTHING AND/OR UNIFORM ALLOWANCES; TO PROVIDE FOR PAYMENT OF VEHICLE ALLOWANCES; TO PROVIDE FOR PAYMENT OF HEALTH AND DENTAL BENEFITS FOR ACTIVE FULL-TIME EMPLOYEES; TO PROVIDE FOR PAYMENT OF HEALTH BENEFITS FOR EARLY RETIREE EMPLOYEES PURSUANT TO RESOLUTION NO. 2019-68A; TO SPECIFICALLY REPEAL ORDINANCE NO. 8594 AND ALL OTHER ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY THE AUTHORITY OF THE CITY COUNCIL AND EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. That the classification and pay grade of officers and employees of the City of Kearney, Nebraska and the monthly ranges of salary and wages to be paid for such classification, and the number of hours and work period which certain such officers and employees shall work prior to overtime eligibility are as follows:

2022/2023 Salary Schedules (Effective September 25, 2022)

Class	Pay Grade	Monthly Range (Dollars)	Hours/Work Period (Days)
Account Clerk, Senior	22	3638-5286	40/7
Account Clerk, Utility Billing	24	4013-5829	40/7
Accounting Technician	26	4424-6427	40/7
Administrative Assistant	21	3464-5037	40/7
Administrative Clerk (Part-time)	16	2714-3267	40/7
Administrative Coordinator/Crime Analyst	24	4013-5829	40/7
Airport Director	35	6861-9974	Ineligible
Airport Operations Worker	21	3464-5037	40/7
Airport Operations Worker, Lead	24	4013-5829	40/7
Airport Police Officer	23	3822-5552	40/7
Assistant Airport Director	30	5375-7813	Ineligible
Assistant City Manager	38	7942-11544	Ineligible
Assistant Director of Finance	34	6533-9497	Ineligible
Assistant Director of Human Resources	30	5375-7813	Ineligible
Assistant Director of Utilities	34	6533-9497	Ineligible
Assistant Library Director	27	4645-6749	Ineligible
Assistant Park Supervisor/Forester	25	4214-6123	40/7
Associate Planner	25	4214-6123	40/7
Aviation Service Technician (Part-time)	18	2292-3602	40/7

Aviation Service Technician, Sr.	24	4013-5829	40/7
Aviation Support Specialist	18	2992-4353	40/7
Building Inspector	27	4645-6749	40/7
Building Official	32	5927-8615	Ineligible
Cemetery Supervisor	28	4876-7087	Ineligible
City Clerk	35	6861-9974	Ineligible
City Engineer	35	6861-9974	Ineligible
City Forester	29	5117-7443	Ineligible
City Manager	NA		Ineligible
City Planner	32	5927-8615	Ineligible
Code Inspector (Part-time)	22	3638-4379	40/7
Community Service Officer	20	3300-4799	40/7
Computer Support Technician	28	4876-7087	40/7
Crime Scene Technician (Part-time)	24	4013-4831	40/7
Deputy City Clerk	24	4013-5829	40/7
Director of Administrative Services	38	7942-11544	Ineligible
Director of Development Services	35	6861-9974	Ineligible
Director of Finance	41	9194-13362	Ineligible
Director of Information Technology	35	6861-9974	Ineligible
Director of Parks	38	7942-11544	Ineligible
Director of Public Works	38	7942-11544	Ineligible
Director of Recreational Services	38	7942-11544	Ineligible
Director of Utilities	38	7942-11544	Ineligible
Director – Victim Witness	24	4013-5829	40/7
Downtown Coordinator	24	4013-5829	40/7
Electrical Control Systems Supervisor	30	5375-7813	40/7
Engineering Assistant II	27	4645-6749	40/7
Equipment Mechanic, Senior	26	4424-6427	40/7
Equipment Operator	23	3822-5552	40/7
Event Development Coordinator	26	4424-6427	Ineligible
Executive Assistant	24	4013-5829	40/7
Facilities Maintenance Technician	24	4013-5829	40/7
Facilities Maintenance Worker	21	3464-5037	40/7
Facilities Maintenance Worker, Senior	24	4013-5829	40/7
Facilities Supervisor	30	5375-7813	40/7
FBO Manager	25	4214-6123	Ineligible
Fire Administrator	38	7942-11544	Ineligible
Fire Engineer	24FF	4112-5974	48/7
Fire Inspector	30	5375-7813	40/7
Fleet Electronics Technician	24	4013-5829	40/7
Fleet Maintenance Supervisor	28	4876-7087	Ineligible
Fleet Services Attendant	22	3638-5286	40/7
G.I.S. Coordinator	30	5375-7813	Ineligible
G.I.S. Technician	21	3464-5037	40/7
Golf Course Assistant Services Manager	26	4424-6427	Ineligible
Golf Course Assistant Superintendent	26	4424-6427	Ineligible
Golf Course Manager	33	6222-9044	Ineligible

Golf Course Mechanic	25	4214-6123	40/7
Golf Course Superintendent	29	5117-7443	Ineligible
Heavy Equipment Operator	24	4013-5829	40/7
Heavy Equipment Operator (Part-time)	24	4013-4831	40/7
Horticulture Specialist	24	4013-5829	40/7
Household Hazardous Waste Coordinator	21	3464-5037	40/7
Inventory Control Clerk	20	3300-4799	40/7
Irrigation Specialist	24	4013-5829	40/7
Laboratory Technician	25	4214-6123	40/7
Landfill Assistant (Part-time)	20	3300-3972	40/7
Landfill Groundskeeper (Part-time)	16	2714-3267	40/7
Landfill Operator	25	4214-6123	40/7
Librarian/Tech Services; Youth; Reference	24	4013-5829	40/7
Librarian/Tech Learning Center; Circulation	24	4013-5829	40/7
Library Bookmobile Driver (Part-time)	19	3143-3783	40/7
Library Clerk	16	2714-3948	40/7
Library Clerk (Part-time)	16	2714-3267	40/7
Library Director	35	6861-9974	Ineligible
Maintenance Worker	21	3464-5037	40/7
Maintenance Worker – SWDF	23	3822-5552	40/7
Meter Technician, Senior	23	3822-5552	40/7
Monitor (PT)	16	2714-3267	40/7
Office Manager	24	4013-5829	Ineligible
Park Attendant (Part-time)	19	3143-3783	40/7
Park & Recreational Services Assistant	26	4424-6427	Ineligible
Park Superintendent	32	5927-8615	Ineligible
Permit Technician	22	3638-5286	40/7
Police Captain	36PD	7203-10471	Ineligible
Police Chief	41PD	9196-13366	Ineligible
Police Lieutenant	33PD	6563-9540	Ineligible
Police Officer	25PD	4807-7125	41.25/7 or 82.50/14
Police Records Clerk	20	3300-4799	40/7
Police Records Clerk, Lead	24	4013-5829	40/7
Police Records Supervisor	30	5375-7813	Ineligible
Police Sergeant	30PD	5925-8563	41.25/7 or 82.50/14
Project Manager	29	5117-7443	Ineligible
Property and Evidence Supervisor	26	4424-6427	40/7
Property and Evidence Technician	23	3822-5552	40/7
Records Retention Coordinator	24	4013-5829	40/7
Recreation Coordinator	26	4424-6427	Ineligible
Recreation Leader	21	3464-5037	40/7
Recreation Superintendent	32	5927-8615	Ineligible
Recreation Supervisor	29	5117-7443	Ineligible
Recycling Processor	16	2714-3948	40/7
Recycling Processor (Part-time)	16	2714-3267	40/7

Recycling Processor, Lead	18	2992-4353	40/7
Refuse Worker	18	2992-4353	40/7
Risk Management Technician	22	3638-5286	40/7
Sanitation Foreman	28	4876-7087	Ineligible
Sanitation Supervisor	31	5643-8204	Ineligible
Scale House Coordinator	22	3638-5286	40/7
Sector Leader	23	3822-5552	40/7
Secretary	18	2992-4353	40/7
Secretary (Part-time)	18	2992-3602	40/7
Senior Services Attendant (Part-time)	16	2714-3267	40/7
Senior Services Coordinator	30	5375-7813	Ineligible
Senior Services Program Aide	20	3300-4799	40/7
Street Crew Leader	27	4645-6749	40/7
Street Superintendent	30	5375-7813	Ineligible
Traffic Control Technician	25	4214-6123	40/7
Training Coordinator	26	4424-6427	40/7
Turf Specialist	24	4013-5829	40/7
Utilities Maintenance Worker	23	3822-5552	40/7
Utilities Maintenance Worker, Lead	26	4424-6427	40/7
Utilities Maintenance Worker, Senior	24	4013-5829	40/7
Wastewater Treatment Plant Foreman	28	4876-7087	Ineligible
Wastewater Treatment Plant Operator	23	3822-5552	40/7
Wastewater Treatment Plant Superintendent	31	5643-8204	Ineligible
Water & Sewer System Supervisor	31	5643-8204	Ineligible
Water Quality Coordinator	24	4013-5829	40/7
Water Quality Technician	22	3638-5286	40/7
Water System Operator	23	3822-5552	40/7
Water System Operator, Lead	26	4424-6427	40/7

Section 2. That the following amounts be and are hereby appropriated from the respective funds/accounts of the City for clothing and uniform allowances in addition to the regular salaries and wages such employees are entitled:

Class	Fund/Account	Annual Allowance (Dollars)
Fire Administrator	Fire	0 – 500
Fire Engineer	Fire	0 – 500
Fire Inspector	Fire	0 – 500
Office Manager	Fire	0 – 500
Police Captain	Police – Services	0 – 400
Police Chief	Police – Services	0 – 400
Police Lieutenant	Police – Services	0 – 400
Police Officer	Police – Services	0 – 400
Police Sergeant	Police – Services	0 – 400
All other employee Classifications	All other Funds/Accounts	0 – 150

Section 3. That the following amounts be and are hereby appropriated from the respective funds/accounts of the City for vehicle allowances in addition to the regular salaries and wages such employees are entitled:

Class	Fund/Account	Allowance (Dollars)
City Manager	Administration	650/Month
Assistant City Manager	Administration	400/Month
Airport Manager	Airport	200/Month
Director of Development Services	Development Services	200/Month
Director of Parks	Park & Recreation	400/month
Director of Recreational Services	Park & Recreation	400/month
Director of Public Works	Public Works – Administration	300/Month
Director of Finance	Finance	150/Month
Director of Administrative Services	Administration	200/Month
Police Chief	Police – Services	400/Month

Section 4. That the following amounts be and are hereby appropriated from the respective funds/accounts of the City for health and dental insurance in addition to the regular salaries and wages such employees are entitled (effective January 1, 2023):

Plan Option	Monthly Health Benefit	Monthly Dental Benefit
Employee	716.16	35.96
Employee, Spouse	1,514.04	97.14
Employee, Dependent	1,218.22	61.15
Family	1,777.91	98.94

Section 5. That the following amounts be and are hereby appropriated from the respective funds/accounts of the City for health insurance that early retiree employees are entitled to pursuant to Resolution No. 2019-68A (effective January 1, 2023):

Plan Option	Monthly Health Benefit	
Employee	168.51	
Employee, Spouse	356.24	
Employee, Dependent	286.64	
Family	418.33	

Section 6. The following amounts be and are hereby appropriated from the respective funds/accounts of the appropriate Departments for recruitment of Certified Police Officers with a minimum of 2 years law enforcement experience, and new hire employees as a recruitment incentive:

Class	Upon Hire	Upon Successful Probation Completion
Certified Officer	3,000	3,000
Full-time New Hires	500	

Section 7. The salaries and benefits as set forth above shall be effective on the pay period beginning September 25, 2022 with the date of payment being October 14, 2022.

Section 8. To specifically repeal Ordinance No. 8594 passed and approved on the 23rd day of August, 2022 and that all other ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are also hereby repealed.

Section 9. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law and shall be published in pamphlet form by authority of the City Council.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND APPROVED THIS 13TH DAY OF SEPTEMBER, 2022.

ATTEST:

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

**PEGGY EYNETICH
 DEPUTY CITY CLERK**

PS PERSONNEL SERVICES
SMCS SUPPLIES, MATERIALS, AND CONTRACTUAL SERVICES
ER EQUIPMENT RENTAL
CO CAPITAL OUTLAY
DS DEBT SERVICE

Vendor	Amount	Purpose
NPPD	\$14,195.41	smcs