

Kearney, Nebraska
August 27, 2019
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 27, 2019 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter and Tami James Moore. Absent: Bruce Lear and Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Bryan Waugh, Chief of Police; Shawna Erbsen, Administrative Services Director; Jim Lynaugh, Airport Manager; and Brenda Jensen, Development Services Director, were also present. Members of the media present included: Mike Konz with the Kearney Hub and Ryan Boyd with KGFW. There were also several Kearney Police Department Officers in attendance as well.

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.

PRESENTATION OF COLORS BY THE KEARNEY POLICE DEPARTMENT HONOR GUARD AND PLEDGE OF ALLEGIANCE

Members of Kearney Police Department Honor Guard including: Officer Greg Benson, Officer Tracy Suchsland, Officer Brad Butler, and Lieutenant Dennis Byrnes presented and posted the colors. Two Boy Scouts from Troop 158 then led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

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

ORAL COMMUNICATIONS/RECOGNITION

Chief Bryan Waugh welcomed Officer Hibberd and Officer Lindner to the Kearney Police Department and congratulated them on their graduation last Friday from the Nebraska Law Enforcement Training Center. City Clerk administered the oath of office

to Police Officers Austin Hibberd and Lacie Lindner.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

None.

IV. CONSENT AGENDA

Moved by Moore seconded by Buschkoetter that Subsections 1 through 16 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

- 1. Approve Minutes of Regular Meeting held August 13, 2019.
- 2. Approve the following Claims:

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

1000bulbs.com-\$118.93-smcs; 1st Chain Supply-\$49.29-smcs; 56th Street Amoco-\$12.54-smcs; 911 Custom-\$63,173.26-co; Access Display -\$574.59-co; Ace Irrigation-\$633.81-smcs; Acushnet-\$7,023.03-smcs; Adobe-\$29.99-smcs; Advance Auto-\$21.45-smcs; Agri Coop-\$1,994.58-smcs; Alff,K-\$101.25-smcs; All Makes Auto-\$4,321.12-smcs; Allfuses.com-\$77.70-smcs; Allied Electronics-\$55.50-smcs; Altec-\$151,586.00-co; Amax -\$49.92-smcs; Amazon-\$6,207.67-smcs,co; American -\$639.43-smcs; American Compactor-\$135.00-smcs; American Legion-\$40.45-smcs; Anderson Bros.-\$369.67-smcs; Animoto-\$264.00-smcs; AP Electric-\$903.06-smcs; Apple Market-\$106.16-smcs; Apple Online-\$105.93-smcs; Aramark-\$263.98-smcs; Ask Supply-\$2,180.11-smcs; Aurora Coop-\$50.08-smcs; Auto Accessories -\$136.91-co; Auto Value-\$47.20-smcs; Avilez,J-\$40.40-smcs; B&H Photo-\$1,750.97-smcs,co; B&S Concrete-\$4,700.00-smcs; Baer Frame-\$149.05-smcs; Baker & Taylor-\$6,400.18-smcs; Beacon Athletics-\$1,634.04-smcs,co; Becker,J-\$15.00-smcs; Benjamin's Landscaping-\$69.64-smcs; Bigelow,A-\$58.49-smcs; Bird,R-\$22.33-smcs; Blackstone Publishing-\$578.06-smcs; BlueCross/BlueShield-\$101,757.12-smcs; Boogarts-\$31.14-smcs; Bosselman-\$4,814.36-smcs; Bridgett Lavene-\$3,333.00-smcs; Broadfoot's-\$3,964.00-smcs; Buffalo Co. Register Deeds-\$130.00-smcs; Buffalo Co. Treasurer-\$76.88-smcs; Buffalo Outdoor Power-\$1,380.42-smcs; Buggy Bath-\$10.00-smcs; Builders-\$1,745.95-smcs,co; Buzz's Marine-\$139.98-smcs; Byrne,D-\$266.00-smcs; Cab Store-\$52.39-smcs; Cabela's-\$69.54-smcs; Calibre Press-\$349.00-smcs; Canva-\$2.00-smcs; Capital Business -\$388.00-smcs; Carlson,L-\$8.00-smcs; Carquest-\$276.24-smcs; Carrot Top -\$225.37-smcs; Casey's-\$9.18-smcs; Cash-Wa-\$4,381.90-smcs; Cenex-\$50.00-smcs; Central Auto Electric-\$33.58-smcs; Central Fire -\$86.00-smcs; Central Hydraulic-

\$672.10-smcs; Central NE Bobcat-\$5,369.30-smcs,co; Central NE Polygraph-\$500.00-smcs; Central States Wire-\$1,324.38-smcs; Charter-\$610.98-smcs; Chemsearch-\$676.00-smcs; Chesterman-\$1,825.08-smcs; Chicken Coop-\$50.00-smcs; Chief Supply-\$5.99-smcs; Chili's-\$39.92-smcs; Cintas-\$292.24-smcs; CIT Group-\$565.69-smcs; City of Kearney-\$27,835.54-smcs,ps; City of Scottsbluff-\$17.25-smcs; Clayton, Marty-\$25.85-smcs; Clevenger Oil-\$487.45-smcs; Consolidated Mgmt.-\$432.89-smcs; Construction Rental-\$3,404.40-smcs,co; Contractor Services-\$17,500.00-smcs; Control Yours-\$200.00-smcs; Cool-Tech-\$132.38-smcs; Copycat -\$818.16-smcs; Core & Main-\$11,940.96-smcs; Cornhusker Cleaning-\$580.73-smcs; Crane River Theater-\$22.97-smcs; Credit Mgmt.-\$223.73-ps; Culligan-\$320.60-smcs; Cummins-\$1,086.97-smcs; Cutter & Buck-\$534.92-smcs; Danko Emergency-\$153.24-smcs; Dan's Plumbing-\$801.60-smcs; Davis Equipment-\$1,954.01-smcs; Dawson Public Power-\$39,410.54-smcs; Daylight Donuts-\$64.33-smcs; DB Electrical-\$35.81-smcs; Dell-\$14,408.30-smcs,co; Dept. of Education-\$320.82-ps; Deterdings-\$3,686.82-smcs; Digicert-\$218.00-smcs; Dish-\$212.10-smcs; DLT Solutions-\$4,832.87-smcs; Dolan Consulting-\$120.00-smcs; Dollar General-\$26.75-smcs; Don's Hobby Guns-\$153.92-smcs; Dowhy Towing-\$1,095.00-smcs; Dreamtime.com-\$25.00-smcs; Dultmeier Sales-\$279.28-smcs; Eagle Distributing-\$2,968.45-smcs; Eakes-\$1,618.69-smcs; Earthway Products-\$57.30-smcs; Ebay-\$12.29-smcs,co; Ed Broadfoot & Sons-\$333.60-smcs; Ehrlich-Rentokil-\$275.00-smcs; Eileen's Cookies-\$13.25-smcs; Elliott Equipment-\$6,645.59-smcs; EMC Insurance-\$19,250.27-smcs; Enterprise-\$318.10-smcs; Eustis Body Shop-\$483.10-smcs; Eyemed-\$854.30-smcs; Facebook-\$36.82-smcs; Family Fresh-\$95.21-smcs; Family Practice-\$3,066.00-ps; Fastenal-\$60.80-smcs; Fedex-\$26.37-smcs; Fiddelke Heating -\$144.00-smcs; Fire Safety Education-\$470.00-smcs; Fitzgerald Keegan-\$10.34-smcs; Flag Company-\$306.44-smcs; Flynn,B-\$294.00-smcs; Fraternal Order of Eagles-\$500.00-smcs; Friesen Chevrolet-\$565.10-smcs; Frontier-\$7,291.94-smcs; Fry & Associates-\$564.56-co; Gale/Cengage-\$78.52-smcs; Garrett Tires-\$1,132.21-smcs; GCSAA-\$205.00-smcs; Giesenhagen,R-\$96.72-smcs; Glow With Us-\$109.47-smcs; Grace Fellowship-\$45.00-smcs; Graham Tire-\$524.00-smcs; Graham,M-\$26.03-smcs; Grainger-\$1,281.12-smcs,co; Grey House Publishing-\$701.85-smcs; Gronos Outdoor Power-\$352.10-smcs; Hach-\$747.21-smcs; Hali-brite-\$931.08-smcs; Hammar,A -\$575.00-smcs; Hampton Inn-\$227.52-smcs; Happ,L-\$100.00-smcs; Hibberd,A-\$50.00-smcs; Hireright-\$25.98-smcs; Hobby-Lobby-\$125.01-smcs; Holiday Inn Express-\$218.98-smcs; Holmes Supply-\$538.59-smcs,co; Home Depot-\$2,784.45-smcs; Home Essentials-\$74.67-smcs; Hometown Leasing-\$98.26-smcs; HWH Corp-\$1,202.84-smcs; Hy-Vee-\$10.50-smcs; ICMA-\$6,160.76-ps; Indian Hills Estate-\$13.26-smcs; Int'l Assn. of Crime Analysts-\$395.00-smcs; Invoicehome.com-\$5.00-smcs; IRS-\$169,515.68-ps; J&S Aviation-\$3,357.00-smcs; Jack Lederman-\$580.89-smcs; Jack's Uniforms-\$100.94-smcs; Jelinek,T-\$220.00-smcs; Jimmy Johnson-\$455.37-smcs; JJ Keller-\$336.35-smcs; Johnson Controls-\$740.62-smcs; Johnson,K-\$8.00-smcs; Johnstone Supply-\$2,342.66-smcs; Jr's Western-\$279.92-smcs; Justbats.com-\$100.00-smcs; Kaize Equipment-\$1,136.84-smcs; Kearney Ace-\$131.76-smcs; Kearney Animal Shelter-\$542.40-smcs; Kearney Concrete-\$1,372.50-smcs; Kearney Crete -\$3,047.75-smcs; Kearney Hub-\$4,382.17-smcs; Kearney Tire-\$732.50-smcs; Kearney Towing-\$1,050.00-smcs; Kearney Warehouse-\$701.86-smcs; Kearney Winlectric-\$24,672.26-smcs,co; Kelly Supply-\$731.73-smcs; Klinginsmith Family-\$71.90-smcs; KOLN -\$2,480.00-smcs; Konica Minolta-\$778.96-smcs; Kowalewski,E-\$6.20-smcs; Kugler-\$822.50-smcs; Kussmaul Electronics-\$1,003.05-smcs; Landmark Implement-\$3,142.04-smcs; Lawson Products-\$42.75-smcs; LIED Center-\$125.26-smcs; Lincoln Airport Parking-\$19.00-

smcs; Lindner,L-\$50.00-smcs; Little Caesars-\$44.15-smcs; Lockmobile-\$8.80-smcs; Luke,D-\$691.90-smcs; Mac Tools-\$475.00-smcs; Macqueen Equipment-\$620.18-smcs; Magid Glove-\$47.21-smcs; Magpul Industries-\$1,669.02-smcs; Mail Express-\$256.91-smcs; Manlein Enterprise-\$114.67-smcs; Manufacturers' News-\$106.90-smcs; Marlatt Machine-\$391.35-smcs; Marpa Group-\$140.00-smcs; Martin,D-\$175.32-co; Masters True Value-\$561.07-smcs; Matheson-\$366.07-smcs; Matthew Martine-\$250.00-smcs; Maxi Sweep-\$54.88-smcs; McDonald's-\$49.20-smcs; Mead Lumber-\$178.14-co; Mefferd,E-\$800.00-smcs; Menards-\$8,716.36-smcs,co; Mercer,A-\$30.00-smcs; Michaels-\$211.69-smcs; Microfilm Imaging-\$550.00-co; Mid American Signal-\$6,576.00-smcs; Midlands Contracting-\$18,809.23-smcs; Mid-State Organized Crime-\$225.00-smcs; Midwest Connect-\$1,758.62-smcs; Midwest Turf -\$1,525.20-smcs,co; Milco Environmental-\$300.00-smcs; Miller & Associates-\$45,426.37-smcs,co; Miller Signs-\$153.00-smcs; Mirror Image-\$349.50-smcs; Monoprice-\$235.26-smcs; Moonlight Embroidery-\$6,151.99-smcs; Morris Press-\$513.07-smcs; Municipal Emergency-\$1,679.20-smcs,ps; Municipal Supply-\$7,227.42-smcs; Municode-\$1,890.38-smcs; Museum of NE Art-\$2,500.00-smcs; National Tool-\$243.20-smcs; Nations Photo Lab-\$13.78-ps; Nat'l Assn. School Resource-\$225.00-smcs; Nat'l Business-\$379.98-smcs; Nat'l Fire Protection-\$95.90-smcs; NCL of Wisconsin-\$284.08-smcs; NDOL -\$75.00-smcs; NE Arboretum-\$65.00-smcs; NE Child Support Pmt-\$2,448.89-ps; NE Dept. of Agriculture-\$60.50-smcs; NE Dept. Revenue-\$63,729.67-smcs; NE Golf Assn.-\$5,157.00-smcs; NE Machinery-\$11,218.69-smcs; NE Nursery-\$70.00-smcs; NE Safety-\$580.00-smcs; NE Truck Center-\$4,157.74-smcs; NE Water-\$700.00-smcs; Nebraskaland Distributors-\$1,315.05-smcs; Northgate Vet-\$320.50-smcs; Northwest Electric-\$705.30-smcs; Northwestern Energy-\$1,433.90-smcs; Nova Fitness-\$797.72-ps; Nutrien Ag -\$796.80-smcs; Oak Creek Engineering-\$2,023.00-smcs; Officemax-\$1,009.36-smcs,co; Officenet-\$325.17-smcs; Olsson Associates-\$4,571.59-smcs; Option III-\$99.92-smcs; O'Reilly Auto-\$799.20-smcs; Orscheln-\$448.40-smcs; Otterbox-\$72.66-co; Pacific Bow Butts-\$2,720.00-co; Paessler-\$400.00-smcs; Paramount-\$233.33-smcs; Paypal-Porterinter-\$13.26-smcs; Pennwell Ecommerce-\$600.00-smcs; Penworthy-\$259.28-smcs; Pep Co-\$537.34-smcs; Pepperball-\$154.90-smcs; Petsmart-\$169.68-smcs; Peyton,A-\$294.00-smcs; PGA Member-\$521.00-smcs; Phillips 66-\$272.04-smcs; Physio Control-\$378.00-smcs; Pickleball Central-\$128.36-smcs; Pierson,M-\$30.00-smcs; Ping, Inc.-\$361.98-smcs; Pitney Bowes-\$1,113.04-smcs; Platinum Awards-\$41.35-smcs; Platte Valley Auto Mart-\$219.46-smcs; Platte Valley Comm.-\$43.50-smcs; Platte Valley Laboratories-\$62.50-smcs; Police Officers Assn.-\$150.00-smcs; Poster My Wall-\$2.99-smcs; Pot O' Gold-\$230.00-smcs; Potthoff,K-\$25.00-smcs; Presto-X-\$543.58-smcs; Provantage-\$14,900.00-co; Psychological Resources-\$675.00-smcs; Pukka-\$295.32-smcs; Pump & Pantry-\$11.52-smcs; Quill-\$794.51-smcs; Rally Point-\$249.00-smcs; Ramada Inn-\$90.25-smcs; Rare Refrigeration-\$398.79-smcs; Rasmussen Mechanical-\$385.63-smcs; Reams-\$5,892.64-smcs; Recorded Books-\$911.62-smcs; Redbox-\$6.67-smcs; Redman's-\$200.00-smcs; Recall Dynamics-\$596.00-co; Risk & Insurance Solutions-\$307.50-smcs; Rotronic Instrument-\$875.59-smcs; Rouse,H-\$100.00-smcs; RR Donnelley-\$167.74-smcs; Rustywilkin-\$162.31-smcs,co; S&S Worldwide-\$114.55-smcs; Safety Products-\$544.26-smcs; Sandry Fire -\$29.98-smcs; Sapp Brothers-\$19,298.54-smcs; Sasges,L-\$16.00-smcs; Sawin,S-\$220.00-smcs; Saylor Screenprint-\$1,241.50-smcs,ps; Schindler Elevator-\$550.14-smcs; Schlattmann,N-\$30.00-smcs; Schwans-\$3,235.24-smcs; See Clear Cleaning-\$2,050.00-smcs; Select Sprayers-\$106.96-smcs; Sherwin Williams-\$843.70-smcs; Shredding Solutions-\$45.00-smcs; Sign Center-\$750.00-ps; Siteone-

\$7,556.54-smcs; Solid Waste Assn.-\$223.00-smcs; Southern Glazer's-\$310.00-smcs; Sprinkler Warehouse-\$550.51-smcs; Steinbrink Landscaping-\$586.11-smcs; Stitch 3-\$84.00-smcs; Sunbelt Rentals-\$343.54-smcs; Supplyhouse.com-\$47.88-smcs; Taco Johns-\$21.21-smcs; Thirsty's -\$122.16-smcs; Thorworks-\$214.78-smcs; Titan Machinery-\$972.87-smcs; Todd Valley Farms-\$1,587.00-smcs; Tracfone-\$22.76-smcs; Tractor-Supply-\$1,098.78-smcs; Trade Well Pallet-\$1,700.00-smcs; Triple Crown Products-\$247.97-smcs; Tucker,K-\$68.00-smcs; Turfco Manufacturing-\$1,854.00-smcs; Turner Body Shop-\$625.00-smcs,co; Tyler Technologies-\$640.00-smcs; UL-\$5,681.20-smcs; Union Bank -\$78,763.81-ps; Unique Management-\$259.55-smcs; United-\$325.40-smcs; UPS-\$13.19-smcs; USA Communications-\$154.95-smcs; USPS-\$507.34-smcs; Van Wall Equipment-\$328.72-smcs; Walgreens-\$23.96-smcs; Wal-Mart-\$2,311.50-smcs; Walsh,C-\$15.00-smcs; Walters-Morgan Const.-\$246,264.35-co; Watchguard Video-\$10,040.00-co; Weldon,C-\$233.00-smcs; White,J-\$26.00-smcs; Wick's Sterling -\$170.98-smcs; Wilco Life Insurance -\$10.00-ps; Williams Cleaners-\$13.21-smcs; Wilson,J-\$1.56-smcs; Winchester Trim -\$220.00-smcs; Winter Equipment-\$1,464.15-smcs; World Book-\$1,903.00-smcs; WPCI-\$447.00-ps; Wysiwash-\$99.35-smcs; Young,J-\$691.90-smcs; Young,M-\$266.00-smcs; Zimmerman Printing-\$342.50-smcs; Zoro Tools-\$296.09-smcs; Payroll Ending 08/17/2019 -- \$511,359.96. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set September 10, 2019 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class IK-035628 manager application for Cody Rutan submitted by Kearney Steak Company dba Whiskey Creek located at 407 2nd Avenue.
5. Adopt Resolution No. 2019-137 approving Change Order No. 1 showing an increase in the amount of \$2,295.00 and Application and Certificate for Payment No. 4 in the amount of \$43,618.10 to GD Construction, Inc. and approved by Miller & Associates for the CDBG Community Development Sidewalk Replacement Project for the construction of the sidewalk replacement involving the area of Avenue C to 5th Avenue and 16th Street north to the Union Pacific Rail Line.

RESOLUTION NO. 2019-137

WHEREAS, GD Concrete Construction, Inc. of Overton, Nebraska has performed services in connection with CDBG Community Development Sidewalk Replacement Project for the construction of the sidewalk replacement involving the area of Avenue C to 5th Avenue and 16th Street north to the Union Pacific Rail Line, 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 \$2,295.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, GD Concrete Construction, Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$43,618.10 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as

follows:

Original Contract Sum	<u>\$ 358,550.00</u>
Contract Sum To Date	358,550.00
Gross Amount Due	172,417.50
Retainage (10%)	<u>- 17,404.25</u>
Amount Due to Date	155,013.25
Less Previous Certificates for Payment	<u>- 114,722.50</u>
Current Payment Due	<u>\$ 40,290.75</u>

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, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF JULY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Approve the recommendation from the Development Services Division on the annual renewal of East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue manufactured home court license until May 31, 2020.

7. Adopt Resolution No. 2019-138 approving the final allocation of levy authority in the amount of \$146,450.00 for the Community Redevelopment Authority of the City of Kearney for fiscal year 2019-2020 and the final allocation of levy authority in the amount of \$53,178.00 for Offstreet Parking District No. 1 for fiscal year 2019-2020.

RESOLUTION NO. 2019-138

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 1, 2019, 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 3, 2019, a preliminary request for levy allocation in the amount of \$53,178.00; 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 2019 and a final allocation of levy authority of \$53,178.00 is hereby approved for Offstreet Parking District No. 1 for 2019.

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, 2019, and shall be published in pamphlet form.

PASSED AND APPROVED THIS 27TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class CK-123261 liquor license application and manager application for Alissa Kern-Pierce submitted by B&B Research and Investments LLC dba The Village 1919 located at 1920 A Avenue Unit 1.

9. Adopt Resolution No. 2019-139 approving the updated T-Hangar B-08 Lease Agreement at the Kearney Regional Airport between the City of Kearney and Acme Aero, Inc.

RESOLUTION NO. 2019-139

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 the T-Hangar B-08 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Acme Aero, Inc., the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Approve the City of Kearney and County of Buffalo Kearney Area Animal Shelter Interlocal Agreement which was accepted by the City of Kearney and County of Buffalo at the July 16, 2019 Joint City/County Budget Meeting and adopt Resolution No. 2019-140.

RESOLUTION NO. 2019-140

WHEREAS, at the annual Joint City/County Budget Meeting on July 16, 2019, the City of Kearney, Nebraska and the County of Buffalo, Nebraska entered into an

Interlocal Agreement titled, "City of Kearney and County of Buffalo Area Animal Shelter Agreement".

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Agreement titled, "City of Kearney and County of Buffalo Area Animal Shelter Agreement" be and is hereby approved. The Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute the Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 27TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2019-141 approving Change Order No. 2 showing an increase in the amount of \$120,683.00 (for additional paving construction on 3rd Street and Yanney Avenue) and Application and Certificate for Payment No. 4 in the amount of \$153,139.50 submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for 2019 Part 1 Improvements; Younes Center Sixth in connection with Paving Improvement District Nos. 2019-996 and 2019-997 (Bid B).

RESOLUTION NO. 2019-141

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with 2019 Part 1 Improvements; Younes Center Sixth Addition in connection with Paving Improvement District Nos. 2019-996 and 2019-997 (Bid B), and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an increase to the contract sum in the amount of \$120,683.00 (for additional paving construction on 3rd Street and Yanney Avenue) as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Dan Roeder Concrete and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$153,139.50 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 807,529.50
Change Order No. (8/13/19)	+ 273,047.50
Contract Sum To Date	1,080,577.00
Gross Amount Due	666,024.00
Retainage (10%)	- 66,602.40
Amount Due to Date	599,421.60
Less Previous Certificates for Payment	- 446,282.10
Current Payment Due	\$ 153,139.50

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 2, as shown on Exhibit "A", Application and Certificate for Payment No. 4, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. Adopt Resolution No. 2019-142 approving Amendment No. AJW-FN-CSA-17-CE-000841-A3 to the Non-Federal Reimbursable Agreement between the City of Kearney and the Federal Aviation Administration for additional funds for Residential Engineering services at the Kearney Regional Airport.

RESOLUTION NO. 2019-142

WHEREAS, on December 13, 2016 the City Council adopted Resolution No. 2016-208 approving Agreement No. AJW-FN-CSA-17-CE-000841 between the Federal Aviation Administration (FAA) and the City of Kearney to provide the FAA engineering, environmental, construction, and flight inspection support for the Kearney Municipal Airport's planned project to reconstruct Runway 18/36 by reducing the width from existing 150 feet to 100 feet; and

WHEREAS, the FAA has submitted Amendment No. AJW-FN-CSA-17-CE-000841-A3 to include additional funds for Resident Engineering Services at the Kearney Regional Airport, Kearney, Nebraska; and

WHEREAS, Amendment No. AJW-FN-CSA-17-CE-000841-A3 has been approved by the Nebraska Department of Transportation (Aeronautics Division) and the FAA;

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute Amendment No. AJW-FN-CSA-17-CE-000841-A3 to Agreement No. AJW-FN-CSA-17-CE-000841 between the FAA and the City of Kearney. Amendment No. AJW-FN-CSA-17-CE-000841-A3, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Approve setting the public hearing date for September 10, 2019 to adopt the One and Six Year Street Improvement Plan.

14. Adopt Resolution No. 2019-143 approving Change Order No. 1 amending the substantial completion date to November 1, 2019 submitted by RMV Construction and approved by Miller & Associates for the 2019 Park and Recreation Parking Lot Improvements at Cottonmill Parking at Swim Lake and Fountain Hills Park.

RESOLUTION NO. 2019-143

WHEREAS, RMV Construction of Kearney, Nebraska has performed services in connection with 2019 Park and Recreation Parking Lot Improvements at Cottonmill Parking at Swim Lake and Fountain Hills Park, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an amendment

to the substantial completion date to November 1, 2019 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

Original Contract Sum	\$ 92,191.60
Change Order No. 1 (8/27/19)	+ 00.00
Contract Sum To Date	<u>\$ 92,191.60</u>

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 27TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

15. Adopt Resolution No. 2019-144 approving Application and Certificate for Payment No. 2 in the amount of \$139,860.00 submitted by Blessing Construction and approved by Miller & Associates for 2019 Part 2 Improvements for the construction of Patriot Industrial Park consisting of Paving Improvement District No. 2019-998.

RESOLUTION NO. 2019-144

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with 2019 Part 2 Improvements for the construction of Patriot Industrial Park consisting of Paving Improvement District No. 2019-998, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$139,860.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 1,203,346.00
Contract Sum To Date	1,203,346.00
Gross Amount Due	208,754.50
Retainage (10%)	- 20,875.45
Amount Due to Date	187,879.05
Less Previous Certificates for Payment	- 48,019.05
Current Payment Due	<u>\$ 139,860.00</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 are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

16. Adopt Resolution No. 2019-145 approving Change Order No. 3 showing an increase in the amount of \$673.50, Application and Certificate for Payment No. 5-Final

in the amount of \$41,676.32, and accept the Certificate of Substantial Completion submitted by TL Sund Constructors and approved by Miller & Associates for the Brad Bowman Accessible Sports Field at Patriot Park.

RESOLUTION NO. 2019-145

WHEREAS, TL Sund Constructors, Inc. of Lexington, Nebraska has performed services in connection with the construction of the Brad Bowman Accessible Sports Field at Patriot Park, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 3 showing an increase to the contract sum in the amount of \$673.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, TL Sund Constructors, Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 5-Final in the amount of \$41,676.32 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$408,077.68
Change Order #1 (07-24-2018)	- 13,018.00
Change Order #2 (12-11-2018)	+ 1,425.00
Change Order #3 (8-27-2019)	+ <u>673.50</u>
Net Change by Change Orders	10,919.50
Contract Sum To Date	397,158.18
Gross Amount Due	396,738.18
Retainage (0%)	- <u>0.00</u>
Amount Due to Date	396,738.18
Less Previous Certificates for Payment	<u>355,061.86</u>
Current Payment Due	\$ 41,676.32

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of May 15, 2019, 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. 3, as shown on Exhibit "A", Application and Certificate for Payment No. 5-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 27TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

AUTHORIZATION OF CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SKYWEST AIRLINES TO PROVIDE AIR SERVICE TO CHICAGO

Mayor Clouse opened for discussion Resolution No. 2019-146 authorizing the City Manager to enter into an agreement with SkyWest Airlines to provide air service to Chicago.

Michael Morgan, City Manager, presented this matter to the Council. City Manager Morgan stated for several years the City of Kearney has been working with the City’s consultant, staff, City Council, Kearney Chamber of Commerce, the Air Transportation Committee and many others to establish a flight from Kearney to Chicago. The Chicago flight will not affect the Denver flight. It will be a nonstop flight that will last approximately two hours and will cost approximately \$260 round trip. Service to Chicago will be seven days a week and United has stated tickets should become available online beginning September 15th; flights will begin December 4th. Funds have already been set aside to fund this project.

Council Member Randy Buschkoetter stated this is a monumental event and that the air flight out of Kearney is very comparable and very competitive.

Mayor Stan Clouse and Council Member Tami James Moore both thanked Mr. Morgan for his extensive work on this project and are excited for the possibilities this flight will have to offer to Central Nebraska.

Moved by Buschkoetter seconded by Clouse to approve the Resolution No. 2019-146 authorizing the City Manager to enter into an agreement with SkyWest Airlines to provide air service to Chicago. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter. Nay: None. Lear and Nikkila absent. Motion carried.

RESOLUTION NO. 2019-146

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the “Transportation Services Agreement” between the City of Kearney, Nebraska and SkyWest Airlines, Inc. be and is hereby approved. The Agreement, marked Exhibit “1”, is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Manager be and is hereby authorized and directed to execute the Agreement on behalf of the City of Kearney.

PASSED AND APPROVED THIS 27TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Moore that Council adjourn at 5:44 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Moore. Nay: None. Lear and Nikkila absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**