

*Kearney, Nebraska
April 14, 2020
5:30 p.m.*

A meeting of the City Council of Kearney, Nebraska, occurred at 5:30 p.m. on April 14, 2020 and was convened via public video and teleconference means. The meeting was open to the public via video and teleconference means pursuant to the Governor's Executive Order No. 20-03 issued on March 17, 2020. Present via video and teleconference means were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; and Brenda Jensen, Development Services Director, were also present. Members of the media present included: Mike Konz with the Kearney HUB and Lauren Kummer with NTV.

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 public via video and teleconference means.

I. ROUTINE BUSINESS

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 and is also available on the City of Kearney website under the City Clerk section.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATE LOT 1, HILLTOP MALL SUBDIVISION AND FINAL PLAT AND SUBDIVISION AGREEMENT FOR HILLTOP MALL SECOND ADDITION

Agenda Items 1 and 2 can be discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Applications submitted by Miller & Associates for Hilltop Holdings, LLC c/o MFP Cornhusker Properties, LLC for (1) the vacation of Lot 1, Hilltop Mall Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8411; and (2) the Final Plat and Subdivision Agreement for Hilltop Mall Second, an addition to the City of Kearney, Buffalo County, Nebraska, for a tract of land being Lot 1 (to be vacated), Hilltop Mall Subdivision,

a subdivision to the City of Kearney located in the Southwest Quarter of the Northwest Quarter of Section 25, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4915 2nd Avenue) and consider Resolution No. 2020-48.

Craig Bennett with Miller & Associates presented this matter to the Council. Mr. Bennett demonstrated where Lot 1, Hilltop Mall Subdivision is currently located and explained that the developer would like to vacate the lot. Mr. Bennett stated current zoning is C-2/PD; therefore, a development plan is included for two of the lots that are being created. Mr. Bennett discussed existing circulation and associated parking on the east, south and west sides of the property. Current access from the lot is directly on to 48th Street; there is also ingress/egress on both the east and west sides of the current lot.

Mr. Bennett stated in 2016 a minor subdivision was created to split the lot into the east tract and the west tract. Because an additional minor subdivision is not allowed on the lot, the developer is requesting to vacate and replat the lot. Mr. Bennett discussed the development plan on the approximate 8.5 acres of land, which showed the commercial lot to be developed on the south part of the property, located where there is currently green space and then the commercial lot located on the northwest corner of the property to be used for a 4,179 square foot restaurant or eating establishment. Mr. Bennett discussed the circulation and parking for the restaurant. The rest of the parking lot's striping will be flipped to accommodate circulation to the two new buildings on the lot. Circulation into the south lot which will contain a 5,040 square foot commercial building will be from the main parking lot and from the existing drive; the south lot will contain 27 parking stalls for this business.

Mr. Bennett demonstrated how Lot 1 (approximately 7 acres); Lot 2 (just under one acre) and Lot 3 (just under a half acre) will be laid out on the final plat for Hilltop Mall Second Addition; he also showed where the existing utility easements dissect the property and where they will remain. Mr. Bennett stated there is an existing nonexclusive easement for ingress and egress affecting lots to the north of this property that will be attached to Hilltop Mall Second Addition plat. Mr. Bennett showed renderings for the restaurant and a single-story office building.

Council Member Jonathan Nikkila expressed concerns for parking for the businesses currently located on the property and questioned if there would be adequate parking for the three businesses currently on the property. Mr. Bennett discussed how both new buildings on the property will each accommodate their own parking; additionally, the area where the commercial building will be located is currently green space with no current parking. Mr. Bennett further stated there is additional parking on the south side of the current building on the property as well as parking behind the building on the east side.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Applications submitted by Miller & Associates for Hilltop Holdings, LLC c/o MFP Cornhusker Properties, LLC and introduced Ordinance No. 8411 vacating Lot 1, Hilltop Mall Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then

placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Moore seconded the motion to close the hearing and suspend the rules for Ordinance No. 8411. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. 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. 8411 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8411 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8411 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

Moved by Lear seconded by Buschkoetter to adopt Resolution No. 2020-48 approving the Final Plat and Subdivision Agreement for Hilltop Mall Second, an addition to the City of Kearney, Buffalo County, Nebraska, for a tract of land being Lot 1 (to be vacated), Hilltop Mall Subdivision, a subdivision to the City of Kearney located in the Southwest Quarter of the Northwest Quarter of Section 25, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (4915 2nd Avenue). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2020-48

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Hilltop Mall Second, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being all of Lot 1, (now vacated), Hilltop Mall Subdivision, a subdivision to the City of Kearney located in the Southwest Quarter of the Northwest Quarter of Section 25, Township 9 North, Range 16 West of the 6th P.M., all in Buffalo County, Nebraska and more particularly described as follows: Referring to the Southwest corner of the Southwest Quarter of the Northwest Quarter of Section 25 and assuming the West line of said Southwest Quarter of the Northwest Quarter as bearing N 00°18'49" W and all bearings contained herein are relative thereto; thence N 00°18'49" W on said West line of the Southwest Quarter of the Northwest Quarter a distance of 216.55 feet; thence N 89°41'11" E perpendicular to said West line of the Southwest Quarter of the Northwest Quarter a distance of 50.00 feet to a 5/8 inch rebar at the Northwest corner of Lot 3, Hilltop Mall Subdivision, a subdivision to the City of Kearney, Buffalo County, Nebraska and the ACTUAL POINT OF BEGINNING; thence N 00°18'49" W on the East line of 2nd Avenue, as platted in said City of Kearney, a distance of 412.23 feet to a 5/8 inch rebar at the Southwest corner of Lot 2 of said Hilltop Mall Subdivision; thence N 89°41'15" E on the South line of said Lot 2 a distance of 963.33 feet to a 5/8 inch rebar at the Southeast corner of said Lot 2, and the West line of Imperial

Village Condominiums Second, a condominium laid out on Lots 1, 2, 3, 4 and 5, Block 7, of Imperial Village Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 44°25'12" W on the West line of said Imperial Village Condominiums Second a distance of 615.78 feet to a 112 inch rebar; thence S 00°56'55" E continuing on said West line a distance of 122.25 feet to a 2 inch iron pipe on the North line of 48th Street as platted in said Imperial Village Addition; thence S 89°25'43" W on said North line of 48th Street a distance of 381.30 feet to a 5/8 inch rebar at the Southeast corner of said Lot 3, Hilltop Mall Subdivision; thence N 00°18'49" W on the East line of said Lot 3 a distance of 150.00 feet to a 5/8 inch rebar with cap at the Northeast corner of said Lot 3; thence S 89°22'26" W on the North line of said Lot 3 a distance of 150.00 feet to the Point of Beginning, containing 8.49 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 provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the 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 14TH DAY OF APRIL, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

DEVELOPMENT PLANS FOR PROPERTY LOCATED NORTHEAST OF 2ND AVENUE AND 48TH STREET

Agenda Items 1 and 2 can be discussed together but voted on separately.

Mayor Clouse opened the public hearing on the on the Application submitted by Miller & Associates for Hilltop Holdings, LLC c/o MFP Cornhusker Properties, LLC for Revised Planned District Development Plan Approval for the construction of commercial buildings on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being proposed Lots 2 and 3, Hilltop Mall Second, an addition to the City of Kearney, Buffalo County, Nebraska (northeast of 2nd Avenue and 48th Street) and consider Resolution No. 2020-49.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2020-49 approving the Revised Planned District Development Plan Approval for the

construction of commercial buildings on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as a tract of land being proposed Lots 2 and 3, Hilltop Mall Second, an addition to the City of Kearney, Buffalo County, Nebraska (northeast of 2nd Avenue and 48th Street). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2020-49

WHEREAS, Miller & Associates for Hilltop Holdings, LLC c/o MFP Cornhusker Properties, LLC has applied for Revised Planned District Development Plan Approval for the construction of commercial buildings on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as proposed Lots 2 and 3, Hilltop Mall Second, an addition to the City of Kearney, Buffalo County, Nebraska (northeast of 2nd Avenue and 48th Street).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Miller & Associates for Hilltop Holdings, LLC c/o MFP Cornhusker Properties, LLC has applied for Revised Planned District Development Plan Approval for the construction of commercial buildings on property zoned District C-2/PD, Community Commercial/Planned Development Overlay District and described as proposed Lots 2 and 3, Hilltop Mall Second, an addition to the City of Kearney, Buffalo County, Nebraska (northeast of 2nd Avenue and 48th Street) be approved.

PASSED AND APPROVED THIS 14TH DAY OF APRIL, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

PROPOSED ACQUISITION FOR A PERMANENT WATER & SANITARY SEWER EASEMENT

Mayor Clouse opened the public hearing on the on the proposed acquisition for a Permanent Water & Sanitary Sewer Easement granted by KAAPA Ethanol Holdings, LLC, a Nebraska Limited Liability Company for a tract of land described as Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2020-50.

Lauren Brandt, City Clerk, presented this matter to the Council. On November 13, 2018 City Council entered into a Developer Constructed Infrastructure Agreement with KAAPA Ethanol Holdings, LLC for the construction of a water main to serve Lots 1 and 2, Block 2 of Lake Villa Estates. The construction of the water and sanitary sewer infrastructure is now completed and before the infrastructure can be conveyed to the City, permanent easements must be dedicated where the infrastructure is in place; the dedication of the easement must be completed prior to closing the Developer Constructed Infrastructure Agreement. State statute requires a public hearing be held for the City to acquire the property.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2020-50 approving the proposed acquisition for a Permanent Water & Sanitary Sewer Easement granted by KAAPA Ethanol Holdings, LLC, a Nebraska Limited Liability Company for a tract of land described as Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2020-50

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 Water and Sanitary Sewer Easement and voted in favor to proceed with the acquisition; and

WHEREAS, KAAPA Ethanol Holdings, LLC, a Nebraska Limited Liability Company, have granted to the City of Kearney, Nebraska a Permanent Water and Sanitary Sewer Easement as follows:

PERMANENT WATER AND SANITARY SEWER EASEMENT

A permanent easement for water and sanitary sewer located in Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, described as follows: Point of beginning commencing at the Northwest Corner of Lot 2, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 89°33'59" E on the North line of said Lot 2, 218.29 feet; thence S 00°26'01" W, 20.00 feet; thence N 89°33'59" W, 17.71 feet; thence S 00°00'00"E, 29.78 feet; thence N 90°00'00" W, 10.00 feet; thence N 00°00'00" E, 29.86 feet; thence N 89°33'59" W, 190.59 feet to a point of the West line of said Lot 2; thence N 00°25'43"E, 20.00 feet on said West line to the point of beginning, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent Water and Sanitary Sewer Easement granted by KAAPA Ethanol Holdings, LLC, a Nebraska Limited Liability Company, 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 14TH DAY OF APRIL, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

Moved by Nikkila seconded by Moore that Subsections 1 through 8 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held March 24, 2020 and Minutes of Special Meeting held April 3, 2020.

2. Approve the following Claims:

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

Amazon-\$2,838.51-smcs; 911 Custom-\$1,484.80 -smcs; Agri Coop-\$265.65-smcs; Anderson,K-\$961.00 -smcs; Andrews Electric-\$866.00-smcs; Archunda,E-\$31.00 -smcs; Ask Supply-\$1,789.62-smcs; Baker & Taylor-\$4,534.74 -smcs; Balcom,P-\$961.00-smcs; Barco Municipal-\$5,836.36 -smcs; Bauer,L-\$961.00-smcs; Baye,S -\$1,598.00 -smcs; Beacon Athletics-\$1,163.00-smcs; Beehive-\$11,546.00 -smcs; Bergman,J-\$15.50-smcs; Bieber,M-\$899.00 -smcs; Bird,D -\$1,798.00-smcs; Black Stone-\$1,355.89 -smcs; Blackstrap-\$1,699.99-smcs; BlueCross BlueShield-\$86,551.20 -smcs; Blume,F -\$1,798.00-smcs; Bosselman-\$22,130.84 -smcs; Brandt,J-\$961.00-smcs; Bridgett Lavene Consulting-\$2,500.00 -smcs; Brooker,J-\$1,922.00-smcs; Brown,G-\$899.00 -smcs; BSN Sports-\$4,899.94-smcs; Buffalo Co. Sheriff-\$175,175.00 -smcs; Buffalo Outdoor Power-\$12,225.98-co; Builders-\$84.99 -smcs; Bunker,J -\$1,922.00-smcs; Cabera,M-\$31.00 -smcs; Canine Tactical-\$11,500.00-smcs; Carlson,M-\$1,174.00 -smcs; Carolina Software-\$650.00-co; Cash-Wa-\$793.88 -smcs; Century Lumber-\$68.72-smcs; Chesterman-\$291.65 -smcs; Christensen,C-\$72.00-smcs; Cigna-\$7,926.81 -smcs; City of Ky-\$439,075.83-smcs,ps; Comm. Action Partnership-\$96.00 -smcs; Comm. Service Fund of NE-\$58.00-ps; Community Health Agency-\$106.00 -ps; Compasscom-\$225.00-smcs; Construction Rental-\$40.00 -smcs; Copycat Printing-\$462.80-smcs; Cornhusker Cleaning-\$70.52-smcs; Credit Mgmt. Services-\$860.37-ps; Cummins-\$633.34-smcs; Cutting Edge-\$260.00-smcs; Dalby,N-\$35.00-smcs; Davis,G-\$961.00-smcs; Davis,L-\$1,369.00-smcs; Day,D-\$961.00-smcs; DeLaet,W-\$899.00-smcs; Dennis,S-\$1,369.00-smcs; Depository Trust Co.-\$13,683.75-ds; Dept. of Education-\$1,026.70-ps; DHHS Licensure Unit-\$200.00-smcs; Dickey,P-\$31.00-smcs; Ditch Witch-\$821.24-smcs; Dodd,D-\$899.00-smcs; Don's Pioneer Uniforms-\$1,065.49-smcs; Double J Plumbing-\$365.04-smcs; DPC Industries-\$15,517.44-smcs; Eagle Distributing-\$385.50-smcs; Eakes-\$1,078.08-smcs; Elliott Equipment-\$7,815.00-smcs; EMC Insurance-\$21,061.83-smcs; Enns,W-\$899.00-smcs; Erickson,A -\$1,798.00-smcs; Expression Wear-\$400.00-ps; Farmers Union-\$256.00-smcs; Fitch,S-\$2,322.00-smcs; Flaherty,T-\$126.00-smcs; Flores,I-\$31.00-smcs; Foster,D-\$180.00-smcs; Fowle,B-\$961.00-smcs; Fry & Associates-\$1,698.00-co; Gale-\$727.18-smcs; Gear for Sports-\$1,517.18-smcs; Gerken,E-\$1,467.00-smcs; Giffin,M-\$1,922.00-smcs; Glenn,S-\$899.00-smcs; Golf & Sport Solutions-\$1,587.77-smcs; Goodwin Tucker Group-\$1,931.67-smcs; Goos,R-\$90.00-smcs; Graczyk Lawn-\$673.75-smcs; Grotrian,K-\$10.00-smcs; Grove,J-\$1,798.00-smcs; Hackbart,E-\$961.00-smcs; Hahn,S-\$150.00-smcs; Harshbarger,K-

\$1,922.00-smcs; Hayden,S-\$30.00 -smcs; Herron,C-\$961.00-smcs; Hinrichs,A-\$1,922.00 -smcs; Hinrichsen,J-\$180.00-smcs; HM Life Insurance-\$60,062.26 -smcs; Hometown Leasing-\$885.00-smcs; Hot Meals USA-\$20,000.00 -smcs; ICMA-\$13,555.98-ps; ID Cards Unlimited-\$1,489.55 -smcs; Identity Automation-\$1,525.00-smcs; Integrated Security-\$3,318.00 -smcs; IRS-\$322,553.79-ps; J & A Specialties-\$6,070.00 -smcs; Jack Lederman-\$126.79-smcs; Jack's Uniforms-\$646.89 -smcs; Jackson Services-\$232.36-smcs; James N. Marshall Eng.-\$3,860.00 -co; JDRF-\$85.00-smcs; Jobman,R -\$1,798.00 -smcs; Johnson Hardware-\$868.00-smcs; Johnson Service-\$3,712.50 -smcs; Jones Polygraph Service-\$300.00-smcs; Junker,L-\$31.00 -smcs; Kart-Man-\$1,982.06-smcs; Ky Concrete-\$2,592.00 -co; Ky Hub-\$78.00-smcs; Kelly Supply-\$22.22 -smcs; Kenton,J-\$961.00-smcs; Kim Dart Designs-\$2,368.23 -smcs; Klabunde,D-\$1,798.00-smcs; Knapp,G-\$1,489.00 -smcs; Konica Minolta-\$760.68-smcs; Korgel,K-\$10.00 -smcs; Kowalek,G-\$47.08-smcs; Kraft,R-\$1,798.00 -smcs; Kreutzer,C-\$550.00-smcs; Krueger,J-\$90.00 -smcs; Kutsch,J-\$135.00-smcs; Lauby,B-\$90.00 -smcs; League of NE Municipalities-\$745.00-smcs; Library Ideas-\$7,725.00 -smcs; Liljehorn,J-\$1,798.00-smcs; Lilly,J-\$899.00 -smcs; Lockmobile-\$274.00-smcs; Lush,K-\$2,526.00 -smcs; Luth,R-\$1,798.00-smcs; Mackrill,R-\$90.00 -smcs; Magic Cleaning-\$6,650.00-smcs; Main,G-\$90.00-smcs; Marlatt,J-\$1,798.00-smcs; Matson,L-\$1,369.00-smcs; McElvain,D-\$200.00-smcs; McKean,T-\$75.00-smcs; McKee,S-\$120.00-smcs; Menards-\$97.74-smcs; Merryman-\$224.00-smcs; Metcalf,M-\$7.86-smcs; Mid American Signal-\$12,050.00-smcs; Mid-America Structures-\$6,290.00-co; Midlands Contracting-\$35,000.00-co; Midwest Connect-\$7,778.48-smcs; Midwest Turf-\$533.19-smcs,co; Milco Environmental-\$1,490.00-smcs; Miller & Associates-\$37,499.09-smcs,co; Miller,J-\$1,922.00-smcs; Miller,K-\$100.00-smcs; Mimick,Y-\$335.00-smcs; Mirror Image-\$419.12-smcs; Mitchell,A-\$6.96-smcs; Morris Press-\$898.00-smcs; Municipal Code-\$2,347.56-smcs; Municipal Emergency-\$125.04-ps; Municipal Supply-\$11,106.60-smcs; Munsinger,C-\$961.00-smcs; Musfelt,J-\$1,798.00-smcs; NE Acad of Phys. Assist.-\$25.00-smcs; NE Child Support-\$4,574.70-ps; NE Dept Environmental-\$15,326.70-smcs; NE Dept. of Revenue-\$55,317.73-ps; NE Public Health-\$1,334.00-smcs; Neben,S-\$1,978.00-smcs; Nebraskaland Distributors-\$163.80-smcs; Nelson,C-\$899.00-smcs; Nelson,M-\$180.00-smcs; Nelson,W-\$550.00-smcs; Nevco Sports-\$218.77-smcs; New Deal Deicing-\$4,210.00-smcs; Nielsen Contracting-\$39,589.16-co; Northwestern Energy-\$7,978.11-smcs; Novus -\$45.00-smcs; Oak Creek Engineering-\$1,025.13-co; OCLC-\$764.46-smcs; Odeys-\$1,540.00-smcs; O'Keefe Elevator-\$465.55-smcs; Olsson Associates-\$4,299.96-smcs; One Call Concepts-\$313.17-smcs; Outdoor Recreation-\$10,833.15 -co; Paramount-\$31.26-smcs; Parks,L-\$550.00 -smcs; Payflex Systems-\$556.75-smcs,ps; Penworthy-\$466.05 -smcs; Pep Co.-\$549.36-smcs; Petersen,J-\$1,922.00 -smcs; Peterson,D-\$899.00-smcs; Peterson,V-\$899.00 -smcs; Photo Card -\$13.81-smcs; Pohlmeier,J-\$961.00 -smcs; Powertech-\$600.00-smcs; Prascher,R-\$550.00 -smcs; Presto-X-\$260.00-smcs; Priel,E-\$90.00 -smcs; Probasco,G-\$1,467.00-smcs; Renken,R-\$75.00 -smcs; Resco-\$12,000.00-smcs; Resource Mgmt.-\$2,054.40 -smcs; Richter,R-\$15.00-smcs; Rodriguez,J-\$31.00 -smcs; Roesler,A-\$31.61-smcs; Ronhovde,R-\$1,798.00 -smcs; Runyan,E-\$31.00-smcs; S2O Design -\$10,400.00 -co; Safariland-\$992.00-smcs; Sapp Brothers-\$27,802.52 -smcs; Sargent Drilling-\$10,334.05-smcs; School District #7-\$3,506.10 -smcs; Schroer,J-\$110.00-smcs; Schwarz,G-\$2,015.00 -smcs; See Clear Cleaning-\$2,050.00-smcs; Shaw,J-\$1,798.00 -smcs; Shield,J-\$961.00-smcs; Shiers,I-\$120.00 -smcs; Shredding Solutions-\$45.00-smcs; Skala,B-\$1,459.00 -smcs; Skallberg,W-\$899.00-smcs; Skywest-\$171,908.16 -smcs; Spangrud,D-\$180.00-smcs; Spellman,R-\$1,922.00 -smcs; Sprague,L-\$31.00-

smcs; Steinbrink's-\$709.98 -smcs; Stephens,C-\$550.00-smcs; Stittle,E-\$961.00 -smcs; Stop Stick-\$2,160.00-smcs; Stubbs,K-\$961.00 -smcs; Stutsman-\$2,196.00-smcs; Sullwold,D-\$1,922.00-smcs; Swanson,A-\$899.00-smcs; Tavenner,L-\$180.00-smcs; Taylor,R-\$899.00-smcs; TextMe-\$75.00-smcs; Tielke's-\$65.77-smcs; Timmerman,B-\$30.00-smcs; Tri-Cities Group-\$117.92-smcs; Turner Body Shop-\$100.00-smcs; Tye & Rowling-\$14,309.17-smcs; Tyler Technologies-\$6,404.75-smcs,co; Uhler,A-\$899.00-smcs; Union Bank & Trust-\$168,915.56-ps; United Way of Ky-\$347.00-ps; Valdivia,A-\$30.00-smcs; Valv-Tect Petroleum-\$3,659.37-smcs; Van Diest Supply-\$31,232.99-smcs; Verduzco,F-\$30.00-smcs; Verizon-\$8,801.13-smcs; Village Uniform-\$298.84-smcs; Wagner,C-\$1,236.00-smcs; Walters,S-\$1,922.00-smcs; Ward Laboratories-\$48.00-smcs; Washington,G-\$21.52-smcs; Wilco Life Insurance-\$10.00-ps; Wills,S-\$737.03-smcs; World Book-\$199.00-smcs; World Theatre Foundation-\$2,500.00-smcs; Wright,S-\$961.00-smcs; WT Cox-\$53.96-smcs; Wuellner,M-\$35.00-smcs; Zackery,J-\$899.00-smcs; Payroll Ending 03/28/2020 -- \$472,161.74. 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. Accept the bids received for the purchase of a Rear Load Refuse Compactor Truck to be used in the Sanitation Division of the Utilities Department and award the bid to Elliot Equipment in the amount of \$160,178.50.
4. Accept the bids received for the purchase of a Side Load Refuse Compactor Truck to be used in the Sanitation Division of the Utilities Department and award the bid to Elliott Equipment in the amount of \$279,298.00.
5. Adopt Resolution No. 2020-51 approving the Developer Constructed Infrastructure Agreement for Graczyk Addition between the City of Kearney and Joshua Graczyk, Member/Manager and Kristen Graczyk, Member/Manager, both of Graczyk Properties, L.L.C., a Nebraska Limited Liability Company and Joey Cochran, Vice-President of Commercial Banking of NebraskaLand National Bank, as Beneficiary under Deed of Trust for the construction of a water main to serve Graczyk Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2020-51

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Graczyk Addition" between the City of Kearney and Joshua Graczyk, Member/Manager and Kristen Graczyk, Member/Manager, both of Graczyk Properties, L.L.C., a Nebraska Limited Liability Company and Joey Cochran, Vice-President of Commercial Banking of Nebraskaland National Bank, as Beneficiary under Deed of Trust, for the construction of a water main to serve Graczyk Addition, an addition to the City of Kearney, 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 14TH DAY OF APRIL, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution No. 2020-52 approving T-Hangar B-03 Lease Agreement at the Kearney Regional Airport between the City of Kearney and Flying Warriors, LLC.

RESOLUTION NO. 2020-52

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-03 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Flying Warriors, LLC, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 14TH DAY OF APRIL, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2020-53 approving Change Order No. 4 showing a decrease in the amount of \$13,472, Application and Certificate for Payment No. 8-Final in the amount of \$35,000, and accept the Certificate of Substantial Completion submitted by Midlands Contracting, Inc. and approved by Miller & Associates for 2019 Part 1 Improvements; Younes Center Sixth Addition for the construction of water and sewer infrastructure (Bid A).

RESOLUTION NO. 2020-53

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with 2019 Part 1 Improvements; Younes Center Sixth Addition for construction of water and sewer infrastructure (Bid A), and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 4 showing a decrease in the amount of \$13,472 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting and Miler & Associates have filed with the City Clerk Application and Certificate for Payment No. 8-Final in the amount of \$35,000 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ <u>1,302,048.00</u>
Change Order No. 1 (5-28-19)	+ 0.00
Change Order No. 2 (5-28-19)	+ 73,286.00
Change Order No. 3 (7-23-19)	+ 58,528.00
Change Order No. 4 (4-14-20)	- <u>13,472.00</u>
Contract Sum To Date	1,420,390.00
Gross Amount Due	1,420,390.00
Retainage (0%)	- <u>0.00</u>
Amount Due to Date	1,420,390.00
Less Previous Certificates for Payment	- <u>1,385,390.00</u>

Current Payment Due \$ 35,000.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of February 4, 2020, 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. 4, as shown on Exhibit "A", Application and Certificate for Payment No. 8-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 14TH DAY OF APRIL, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Adopt Resolution No. 2020-54 approving Application and Certificate for Payment No. 1 in the amount of \$93,484.49 submitted by Ensley Electrical Services and approved by City staff for the installation of a new generator at the Law Enforcement Center.

RESOLUTION NO. 2020-54

WHEREAS, Ensley Electrical Services of Grand Island, Nebraska has performed services in connection with the installation of a new generator at the Law Enforcement Center, and City staff, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$93,484.49 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$402,680.00</u>
Contract Sum To Date	402,680.00
Gross Amount Due	103,871.66
Retainage (10%)	<u>- 10,387.17</u>
Amount Due to Date	93,484.49
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$93,484.49

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

PASSED AND APPROVED THIS 14TH DAY OF APRIL, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8412 AUTHORIZING THE ISSUANCE OF A COMBINED UTILITIES REVENUE BOND OF THE CITY OF KEARNEY, NEBRASKA

Council Member Moore introduced Ordinance No. 8412 authorizing the issuance of a Combined Utilities Revenue Bond of the City of Kearney, Nebraska, in the principal amount of up \$21,500,000 for the purpose of paying the costs of improvements at the City's wastewater treatment facility; authorizing the issuance of said bond in the form of a promissory note to evidence a loan from the Nebraska Department of Environment and Energy; approving the execution and delivery of a loan agreement with the Nebraska Department of Environment and Energy; approving related documents with respect to said loan; prescribing the form, terms and details of said bond; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said City for the payment of said bond and interest thereon; providing for the collection, segregation and application of the revenues of the city's waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system, 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 Lear seconded the motion to suspend the rules for Ordinance No. 8412. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. 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. 8412 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8412 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8412 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

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$3,233 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council Member Randy Buschkoetter stated he is happy to see how the City has come together with several citizens volunteering to help with Hot Meals USA; additionally, he is proud of City staff as well as everyone in the City as we are all in this together.

Council Member Nikkila thanked members of the Board of Health for meeting and assisting with education and engaging in discussions to make our community and staff safe during this COVID situation.

Council Member Tami Moore reported last week's front porch event went over very well and due to numerous requests to do the event again, the next the front porch event is scheduled for April 21.

Mr. Morgan reported City operations are functioning normally with no significant issues. There continues to be good conversation between the City and both hospitals in Kearney regarding medical services. The City is also assisting with distribution of masks to various health care facilities in Kearney.

Mayor Clouse thanked Council Member Moore for organizing the front porch event and encouraged citizens to have patience, look out for one another and check on neighbors from a distance. He is appreciative of the work that everyone is doing.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:53 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**