

*Kearney, Nebraska
May 26, 2020
5:30 p.m.*

A meeting of the City Council of Kearney, Nebraska, occurred at 5:30 p.m. on May 26, 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. 20-24 issued on May 19, 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 and Michael Tye, City Attorney were also present. Members of the media present included a representative from KGFW.

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

DEVELOPMENT OF ISAAC ACRES LOCATED NORTH OF 70TH STREET ON 30TH AVENUE

Mayor Clouse stated on May 12, 2020, the applications submitted by Trenton Snow for Charles and Kiley Isaac for Public Hearing 1 pertaining to the rezoning of property located North of 70th Street on 30th Avenue to District RR-2, Rural Residential District (Intermediate Standards) and Public Hearing 2 pertaining to the Final Plat for Isaac Acres, were postponed to the June 9, 2020 City Council meeting. Therefore, no action was taken on Public Hearings 1 and 2.

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held May 12, 2020.
2. Approve the following Claims:

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

Aurora Coop-\$48.48-smcs; Accuquilt-\$264.70-smcs; Ace Irrigation-\$898.72-smcs; Acushnet-\$5,402.82-smcs; Adobe-\$286.66-smcs; Advance Auto-\$53.93-smcs; AGM Airfield-\$912.00-smcs; Air Burners-\$834.10-smcs; Alber, A-\$19.81-smcs; Alfred Benesch-\$143,486.60-co; All City Garage Door-\$300.00-smcs; All Makes-\$1,122.87-smcs; Amazon-\$6,738.62-smcs,co; American-\$613.01-smcs; American Flag Store-\$503.01-smcs; Anderson, E-\$30.16-smcs; Anderson, R-\$85.00-smcs; Anythingruck.com-\$710.76 -smcs; Apple-\$0.99-smcs; Appleby, L-\$2.43-smcs; Aramark Uniform-\$467.72-smcs; Arrow Seed-\$281.00-smcs; Arwigns, B-\$36.50-smcs; Ask Supply-\$773.81-smcs; Aurora Coop-\$102.20-smcs; Auto Value-\$785.35-smcs; Axon Enterprise-\$14,100.00-co; B&H Photo-\$1,869.45-co; Badgeandwallet.com-\$157.50-smcs; Baristas Daily Grind-\$150.00-smcs; Bauer, L-\$90.00-smcs; Baum Hydraulics-\$1,247.48-smcs; Becher, K-\$16.38-smcs; Berens-Tate Consulting-\$3,000.00-smcs; Bickford, S-\$26.05-smcs; Blackstone Audio-\$460.94-smcs; Bluebeam-\$448.00-smcs; BlueCross BlueShield-\$83,849.90-smcs; Bluehost.com-\$232.08-co; Bonacci, J-\$24.73-smcs; Bosselman-\$24,494.11-smcs; Brackett Aircraft-\$1,243.28-smcs; Brown, T-\$163.50-smcs; Buffalo Co Register Deeds-\$80.00-smcs; Buffalo Outdoor Power-\$593.21-smcs; Builders-\$936.20-smcs; Cain, D-\$180.00-smcs; Canva-\$119.40-smcs; Carl Whitney-\$3,350.00-smcs; Carpenter, C-\$15.83-smcs; Carquest-\$503.62-smcs; Cascade Subscription-\$399.00-smcs; Cash-Wa-\$85.10-smcs; Cenex-\$460.00-smcs; Central NE Bobcat-\$358.27-smcs; Century Lumber-\$1,159.91-smcs; Chemsearch-\$307.00-smcs; Cintas-\$293.97-smcs; City of Ky-\$7,337.23-co,smcs; City of Ky-\$11,423.19-ps; City Plumbing-\$441.52-smcs; Clevenger Petroleum-\$758.04-smcs; Colibri-\$159.20-smcs; Comm Act Part of Mid-NE-\$1,897.50-smcs; Compute North-\$18,263.57-smcs; Constantcontact.com-\$497.00-smcs; Construction Rental-\$1,528.63-smcs,co; Control Yours-\$200.00-smcs; Copycat-\$2,281.70-smcs; Credit Management-\$307.92-ps; Culligan-\$454.86-smcs; Cummins-\$1,573.59-smcs; Curbit-\$1,050.00-smcs; Cure Safety-\$30.42-smcs; D & K Products-\$6,653.90-smcs; Dan Roeder Concrete-\$200,395.15-co; Danko Emergency-\$705.97-smcs; Dartdrones-\$200.00-smcs; Davis Equipment-\$575.51-smcs; Dawson Public Power-\$23,409.12-smcs; Dell-\$10,237.76-smcs,co; Deterding's-\$1,891.98-smcs; Dish-\$128.05-smcs; Displays2go-\$43.90-smcs; Dog Poop Bags-\$292.70-smcs; Dowhy Towing-\$400.00-smcs; Dreamtime.com-\$50.00-smcs; Eakes-\$712.09-smcs; Earl May-\$338.00-smcs; Ecolab-\$80.26-smcs; Ed Broadfoot & Sons-\$475.00-smcs; Ehrlich-\$54.00-smcs; EMC Insurance-\$10,402.20-

smcs; Energen-\$915.00-smcs; Engineer Supply-\$70.25-smcs; Entenmann-Roving-\$249.75-smcs; ESU Coordinating Council-\$300.00-smcs; Exitlightco.com-\$43.87-smcs; Extender Partners-\$45.85-smcs; Eyemed-\$1,239.16-smcs; Ezregister-\$125.00-smcs; Facebook-\$120.00-smcs; Fastenal-\$949.47-smcs,co; Fearnley, M-\$94.69-smcs; Filemaker-\$1,155.60-smcs; Firespring Print-\$271.31-smcs; First Due Fabrication-\$87.20-smcs; Flaig, C-\$37.96-smcs; Flow State Marketing-\$1,940.00-smcs; Friesen Chevrolet-\$170.00-smcs; Frizane, D-\$75.00-smcs; Frontier-\$7,207.63-smcs; Galls-\$1,959.90-smcs,ps; Gambinos-\$76.09-smcs; Gammon Technical-\$1,898.42-co; Garrett Tires-\$12,235.23-smcs; GI Physical Therapy-\$45.00-ps; Gilliland,C-\$38.89-smcs; Gilroy, P-\$180.00-smcs; Glendale Parade Store-\$53.25-smcs; Goodwin Tucker-\$970.00-smcs; Govt. Finance Officers-\$549.00-smcs; Graham Tire-\$64.20-smcs; Grainger-\$772.83-smcs,co; Guenther, T-\$9.54-smcs; Hach-\$716.30-smcs; Hanson, K-\$12.40-smcs; Harbols, A-\$39.54-smcs; Henderson, B-\$11.84-smcs; Higgins, T-\$25.52-smcs; Hilti-\$1,724.99-co; Holguin, L-\$390.00-smcs; Holmes Plumbing-\$647.24-smcs,co; Holscher, G-\$14.67-smcs; Home Depot-\$2,842.65-smcs; Huffman, D-\$56.94-smcs; Hy-Vee-\$11.03-smcs; ICMA-\$13,598.26-ps; Invoicehome.com-\$5.00-smcs; IRS-\$160,200.86-ps; Jack Lederman-\$1,050.66-smcs,co; Jack's Uniforms-\$1,584.91-smcs; Jackson Services-\$260.23-smcs; John Deere-\$463.67-smcs; Johnson Controls-\$2,829.52-smcs; Johnstone Supply-\$528.13-smcs; Ky Ace-\$167.83-smcs; Ky Concrete-\$17,403.22-smcs,co; Ky Crete & Block-\$318.17-smcs; Ky Hub-\$2,666.67-smcs; Ky Noon Rotary-\$140.00-smcs; Ky Towing-\$165.25-smcs; Ky Vol. Fire Dept.-\$1,250.00-ps; Ky Warehouse-\$1,763.67-smcs; Ky Winlectric-\$6,981.98-smcs,co; Ky Winnelson-\$2,421.14-smcs,co; Kelly Supply-\$1,145.49-smcs; Kewanna Screen Printing-\$563.53-smcs; KH-LCH Newspapers-\$25.00-smcs; Konica Minolta-\$300.44-smcs; Kusmaul Electronics-\$250.36-smcs; Lado Andrea, D-\$16.00-smcs; Landmark Implement-\$804.36-smcs; Lawn Builders-\$150.00-smcs; Lawson Products-\$292.42-smcs; Lenz, T-\$15.11-smcs; Light Spectrum-\$62.49-smcs; Lockmobile-\$91.38-smcs; Logan Contractors-\$355.00-co; Logmein-\$3,110.39-smcs; Macqueen Equipment-\$1,620.00-smcs; Magic Cleaning-\$400.00-smcs; Marlatt Machine-\$1,260.21-smcs; Masters True Value-\$388.79-smcs; McCoy, R-\$0.61-smcs; Menards-\$7,060.60-smcs,co; Messbarger, B-\$65.28-smcs; Microsoft-\$637.76-smcs; Mid-Plains Equipment-\$166.95-smcs; Midway Chevrolet-\$25.19-smcs; Midwest Connect-\$526.56-smcs; Midwest Petroleum-\$1,335.00-smcs; Midwest Turf-\$834.06-smcs; Miller & Associates-\$710.00-smcs; Miller Signs-\$633.00-smcs,co; Miller, J -\$112.50-smcs; Mirror Image-\$289.04-smcs; Mobile Pro Shop-\$899.00-smcs; Moonlight Embroidery-\$1,065.56-smcs; Morris Press-\$481.00-smcs; MPH Industries-\$82.05-smcs; Municipal Code-\$437.00-smcs; Municipal Supply-\$11,407.85-smcs; Murphy Tractor-\$98.95-smcs; My Word Search-\$6.00-smcs; Nat'l Senior Centers-\$145.00-smcs; Nat'l White Collar Crime-\$300.00-smcs; NE Chamber of Commerce-\$3,000.00-smcs; NE Child Support-\$2,287.35-ps; NE Comm. Energy Alliance-\$500.00-co; NE Dept Environment-\$343,972.68-smcs,ds; NE Dept of Economic Dev-\$130.00-smcs; NE Dept of Revenue-\$41,217.36-smcs; NE Machinery-\$224.75-smcs; NE Public Health-\$1,169.00-smcs; NE State Fire Marshal-\$110.00-smcs; NE Truck Center-\$5,286.65-smcs; Network Solutions-\$25.98-smcs; Next Level Basketball-\$200.00-smcs; Nok-out-\$48.00-smcs; Northwest Electric-\$312.70-smcs; Northwestern Energy-\$2,213.92-smcs; NRG Media-\$410.00-smcs; Oak Creek Engineering-\$2,207.60-co; O'Donnell, B-\$1.61-smcs; Officemax-\$515.39-smcs; Officenet-\$572.93-smcs; One Call Concepts-\$531.72-smcs; Open VPN-\$450.00-smcs; O'Reilly Auto-\$1,158.23-smcs; Orscheln-\$505.36-smcs; Overstock.com-\$160.96-co; Overton Sand-\$1,164.00 -co; Parallels-\$52.74-smcs; Paramount-\$130.36-smcs; Parkink-\$1,302.40-smcs; Parr, M-

\$32.53-smcs; Paxton, H-\$34.79-smcs; Peerless Machine-\$3,831.66-smcs; Pep Co.-\$50.00-smcs; Peshek, B-\$44.43-smcs; Pet Pick Ups-\$1,357.26-smcs; Petersen, B-\$56.94-smcs; Peterson, S-\$28.32-smcs; Phillips 66-\$81.05-smcs; Platinum Awards-\$118.50-smcs; Platte Valley Auto-\$321.49-smcs; Platte Valley Comm-\$1,541.40-smcs; Post, Stacie-\$16.38-smcs; Preister, S-\$43.43-smcs; Presto-X-\$487.00-smcs; Psychological Resources-\$135.00-smcs; QA Balance Services-\$125.00-smcs; Quill-\$721.14-smcs; Quinn, J-\$125.00-smcs; Ready Mixed Concrete-\$1,557.50-co; Reams-\$1,008.31-smcs,co; Reinke's Heating-\$633.47-smcs; Resource Mgmt.-\$2,054.40-smcs; Rhodes, K-\$6.53-smcs; Rock Auto-\$34.11-smcs; S&J Construction-\$22,038.00-co; Safety Emporium-\$46.00-smcs; Safety Kleen -\$1,335.60-smcs; Safety Products-\$298.27-smcs; Schrock, H-\$46.61-smcs; Schumacher Brothers-\$1,730.00-smcs; Scott-Copple,C-\$35.00-smcs; See Clear Cleaning-\$2,089.25-smcs; Select Sprayers-\$155.77-smcs; Sharman, H-\$8.98-smcs; Sherwin Williams-\$307.62-smcs; Ship Supplies-\$95.63-smcs; Shou, Y-\$12.96-smcs; Shredding Solutions-\$45.00-smcs; Signit-\$399.00-smcs; Silverstone-\$5,005.75-smcs; Snap-on Tool-\$549.01-smcs; Spectrum-\$865.29-smcs; Steinbrink Landscaping-\$3,146.02-smcs,co; Stittle, E-\$90.00-smcs; Straight Line Striping-\$2,642.50-smcs; Strategic Insights-\$750.00-smcs; Suburban Fire Protection-\$113.00-smcs; Sumuri-\$900.00-smcs; Sunbelt Rentals-\$351.79-smcs; Super Shine Auto-\$200.49-smcs; Supplyhouse.com-\$36.63-smcs; Tall Cop-\$35.00-smcs; Tanahashi, Y-\$13.56-smcs; Target-\$54.82-smcs,co; Taylor, N-\$20.00-smcs; TCH Central-\$89.56-smcs; Thread Nanny-\$59.90-smcs; Titan Machinery-\$726.60-smcs; Towers, J-\$16.53-smcs; Tractor-Supply-\$2,050.65-smcs; Trade Well Pallet-\$1,960.00-smcs; Trails & Rails Museum-\$25.00-smcs; Transunion-\$115.30-smcs; Turfwerks-\$3,539.67-smcs; Ulrich, K-\$85.00-smcs; Union Bank & Trust-\$82,882.45-ps; Unique Management-\$134.25-smcs; UNK Greek Life-\$60.00-smcs; UPS -\$56.03-smcs; USA Communications-\$174.85-smcs; USPS-\$176.80-smcs; Van Diest Supply-\$1,985.70-smcs; Verizon-\$8,208.96-smcs; Vermeer High Plains-\$1,583.82-smcs; Vessco-\$1,707.34-smcs; Volaire Aviation-\$2,000.00-smcs; Walgreens-\$14.97-smcs; Wal-Mart-\$1,029.47-smcs; Walters Electric-\$80.00-smcs; Walters-Morgan Const.-\$16,040.63-smcs; Wastecorp Pumps-\$316.52-smcs; Watertronics-\$303.78-smcs; Webstaurant Store-\$1,695.10-smcs; Wells Fargo Equipment-\$128,947.16-smcs; Wills, B-\$43.99-smcs; Workbootsusa-\$114.95-smcs; WPCI-\$425.50-ps; Payroll Ending 05/09/2020 -- \$490,420.65. 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 June 9, 2020 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 CK-123647 liquor license application and manager application for Heath Smallcomb submitted by Joe's Honky Tonk LLC dba Joe's at the Depot located at 2023 1st Avenue.
5. Approve the recommendation from the Development Services Division on the annual renewal of the following manufactured home court licenses until May 31, 2021: Restrictions Permit Applications as follows:
 - a) Cornhusker Trailer Court, 1115 Avenue C;
 - b) Countryside Mobile Park, 1920 15th Avenue;
 - c) Merriweather Mobile Home Village, 914 West 17th Street;

- d) Rodeo Court, 2414 West 24th Street;
- e) R-Villa East, 2500, 2719, 2803 West 24th Street;
- f) R-Villa West, 2500, 2719, 2803 West 24th Street;
- g) R-Villa South, 2500, 2719, 2803 West 24th Street;
- h) Valley View Mobile Home Court, 2701 and 2801 Grand Avenue; and
- i) Villa Park, 2703 West 24th Street.

6. Adopt Resolution No. 2020-76 approving Application and Certificate for Payment No. 2 in the amount of \$250,820.48 submitted by Ensley Electrical Services and approved by City staff for the installation of a new generator at the Law Enforcement Center.

RESOLUTION NO. 2020-76

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. 2 in the amount of \$250,820.48 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$402,680.00
Change Order No. 1 (4/28/2020)	<u>+ 9,345.00</u>
Contract Sum To Date	412,025.00
Gross Amount Due	382,561.08
Retainage (10%)	<u>- 38,256.11</u>
Amount Due to Date	344,304.97
Less Previous Certificates for Payment	<u>93,484.49</u>
Current Payment Due	<u>\$250,820.48</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 26TH DAY OF MAY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2020-77 approving Change Order No. 3 showing an increase in the amount of \$5,000.00 and Application for Payment No. 4 in the amount of \$426,141.12 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. 2020-77

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 Change Order No. 3 showing an increase to the

contract sum in the amount of \$5,000.00 as shown on Exhibit “A” attached hereto and made a part hereof by reference; and

WHEREAS, Blessing, LLC and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$426,141.12 as shown on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 1,203,346.00</u>
Change Order No. 1 (12/17/2019)	+ 68,012.00
Change Order No. 2 (1/28/2020)	+ 171,000.75
Change Order No. 3 (5/26/2020)	+ <u>5,000.00</u>
Contract Sum To Date	1,447,358.75
Gross Amount Due	1,218,494.50
Retainage (5%)	- <u>60,924.73</u>
Amount Due to Date	1,157,569.77
Less Previous Certificates for Payment	- <u>731,428.65</u>
Current Payment Due	<u>\$ 426,141.12</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. 3, 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 26TH DAY OF MAY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Adopt Resolution No. 2020-78 approving Application for Payment No. 1 in the amount of \$73,881.90 submitted by GD Concrete Construction and approved by Miller & Associates for 2020 Sidewalk ADA Improvements (also known as Community Development Block Grant funded Sidewalk Replacement Project; Phase 2) for the project area of 2nd Avenue to 5th Avenue and 16th Street to 22nd Street.

RESOLUTION NO. 2020-78

WHEREAS, GD Concrete Construction Inc. of Overton, Nebraska has performed services in connection with the 2020 Sidewalk ADA Improvements, and City staff, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$73,881.90 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 399,150.00</u>
Contract Sum To Date	399,150.00
Gross Amount Due	82,091.00
Retainage (10%)	- <u>8,209.10</u>
Amount Due to Date	73,881.90
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	<u>\$ 73,881.90</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. 1, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 26TH DAY OF MAY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Adopt Resolution No. 2020-79 approving the Property Maintenance and Lease Agreement between the City of Kearney and Tyler Kenney for an approximate 6-acre parcel of property located South of 115th Road and East of Pool Road.

RESOLUTION NO. 2020-79

WHEREAS, the City owns a parcel of property consisting of approximately 6-acres to be used for law enforcement training; and

WHEREAS, a portion of this property can be farmed and needs to be maintained for weed control; and

WHEREAS, the City and Tyler Kenney will enter into a Property Maintenance and Lease Agreement in accordance with the terms of said Agreement.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Property Maintenance and Lease Agreement on behalf of the City of Kearney. The Agreement, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 26TH DAY OF MAY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Adopt Resolution No. 2020-80 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Lot 1, Block Seven, Eastbrooke Eighth, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2020-80

WHEREAS, on the 12th day of June, 2018 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2018-86 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Eastbrooke Gardens, LP, a Nebraska Corporation, by and through its President, Matt Thomas to construct a water main and a sanitary sewer main to serve Lot 1, Block Seven, Eastbrooke Eighth, 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 a water main and a sanitary sewer main to serve the property described as Lot 1, Block Seven, Eastbrooke Eighth, 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 26TH DAY OF MAY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2020-81 approving the Agency Agreement between the City of Kearney and Nebraska Department of Transportation (NDOT), Aeronautics Division for Grant No. 3-31-0045-033-2020 for the purpose of obtaining Federal “non-development” economic assistance for the Kearney Regional Airport under the provisions of the Federal CARES Act.

RESOLUTION NO. 2020-81

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGENCY AGREEMENT WITH NEBRASKA DEPARTMENT OF TRANSPORTATION, AERONAUTICS DIVISION FOR GRANT NO. 3-31-0045-033-2020 TO BE SUBMITTED BY THE DEPARTMENT TO THE FEDERAL AVIATION ADMINISTRATION TO OBTAIN FEDERAL NON-DEVELOPMENT ECONOMIC ASSISTANCE FOR THE AIRPORT UNDER THE PROVISIONS OF THE FEDERAL CARES ACT.

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that:

1. The City of Kearney shall enter into an Agency Agreement with the Department of Transportation, Aeronautics Division for Grant No. 3-31-0045-033-2020 for the purpose of obtaining Federal non-development economic assistance for the Airport and that such agreement shall be set forth hereinbelow.

2. The Mayor of the City of Kearney is hereby authorized and directed to execute said Agency Agreement on behalf of the City of Kearney and the City Clerk is hereby authorized to attest said execution.

3. The said Agreement, referred to hereinabove, is inserted in full and attached herewith, and made a part hereof as Exhibit “O”.

PASSED AND APPROVED THIS 26TH DAY OF MAY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8417 AMENDING THE SALARY ORDINANCE

Council Member Moore introduced Ordinance No. 8417 repealing Ordinance No. 8410 and amend the Salary Ordinance reflecting recommended classification changes, 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. 8417. 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, Moore, Buschkoetter, Lear, Nikkila. 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. 8417 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8417 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8417 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 \$85,102.75 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:34 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**