

Kearney, Nebraska
June 9, 2020
5:30 p.m.

A meeting of the City Council of Kearney, Nebraska, occurred at 5:30 p.m. on June 9, 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; Eric Hellriegel, Assistant City Manager; Bryan Waugh, Chief of Police; Mike Young, Police Captain; and Brenda Jensen, Development Services Director were also present. Members of the media present included: Mike Konz with the Kearney Hub.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the City Council and a copy of their acknowledgment or receipt of such notice is attached to these minutes. Availability of the Agenda was communicated in the advance notice and in the notice to the Mayor and City Council. All proceedings hereafter shown were taken while the meeting was open to the 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.

ORAL COMMUNICATIONS/RECOGNITION

PRESENTATION ON THE KEARNEY INTERVENTION TEAM (KIT)

Captain Mike Young stated KIT began June 4, 2020 as a threat assessment team that utilizes a multi-disciplinary approach to aid in the prevention and/or reduction of violence in the City of Kearney. Members of the team are comprised from a variety of community organizations that include: Law Enforcement, Academic, Service Groups and Advocacy Organizations. KIT is not intended to replace law enforcement if a crime is eminent or if someone is in danger.

Council Member Jonathan Nikkila requested an example of a situation where KIT would be utilized. Police Officer Rob Taillon explained KIT would assist in any type of scenario where potential violence could be prevented or reduced. He further explained that those who act violent generally have a grievance that leads them to act out violently. KIT would assist by providing various resources to the individual in attempts to mediate the grievance prior to a violent episode or interaction.

Council Member Bruce Lear questioned the Agency on Aging's role in KIT. Hayley Jelinek with South Central Area Agency on Aging explained the Agency on Aging would provide referrals for financial issues, therapy needs and assist with obtaining food. In addition, the Agency for Aging would provide a place for citizens to call with concerns when they may not feel comfortable calling law enforcement.

Lauri Shultis, College Security Director for Central Community College, explained how academic organizations can assist KIT and also use it as a resource for assisting students and employees with referrals to the various organizations that are members of KIT.

PRESENTATION OF KEARNEY POLICE DEPARTMENT (KPD) POLICIES & TRAINING

Police Chief Bryan Waugh began by publicly condemning the actions that recently occurred in Minneapolis. Chief Waugh explained he, along with the Kearney Police Department (KPD), hold the responsibility of professional policing very high; further stating both he and KPD understand the great responsibility they have. Chief Waugh stated the majority of the 8 Can't Wait steps are currently included in KPD's use of force policies. He explained the hiring process that Kearney Police Officers undergo, which is very rigorous and includes in depth background investigation, personal history background investigation, polygraph testing, psychological evaluation and a stringent interview process.

Chief Waugh further stated all KPD officers continuously receive diversity training, verbal de-escalation training and fair and impartial policing training. In 2019, KPD's Office of Professional Standards updated use of force reporting to include an early warning system which allows Chief Waugh to identify and mitigate any issues that may arise before there is a potential problem with the use of force. Chief Waugh stated KPD does not permit the use of chokeholds or strangleholds and reviewed other KPD policies and procedures. Chief Waugh has also recently updated the Use of Force Policy by adding the Duty to Intervene which requires all Officers to intervene when they feel excessive force is being used by another officer; the reporting Officer is then required to notify their supervisor of the situation. Chief Waugh stated his goal is to ensure the protection of this community.

Mayor Clouse commended Chief Waugh on the job he and KPD are doing.

Vice President Randy Buschkoetter stated he appreciates all of Chief Waugh's efforts and also commended the open dialogue that he and KPD have with citizens. Vice-President Buschkoetter stated he received a question from a citizen wondering how an outside complaint regarding a police officer is handled. Chief Waugh stated in the past year, the Office of Professional Standards was added to the Department; the Department is overseen by a Police Lieutenant. Chief Waugh explained that a citizen can pick up a form from the Law Enforcement Center located at 2025 Avenue A and in the coming weeks, he hopes to have the form available through the website. He further reviewed the steps taken once the complaint is received. Investigations are handled expediently and the reporting party is kept abreast of the investigation as it proceeds as well as the outcome at the end of the investigation.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

REZONING OF PROPERTY LOCATED NORTH OF 70TH STREET ON 30TH AVENUE

Public Hearings 1 and 2 were discussed together but voted on separately.

Moved by Nikkila seconded by Moore to remove Public Hearings 1 and 2 from the table. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for Charles and Kiley Isaac to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 70th Street on 30th Avenue) and consider Ordinance No. 8415.

Trenton Snow with presented this matter to the Council. Mr. Snow described where the property is located and explained the applicant's purchased the property to build a home on it. Because the lot size will be less than three acres, the owners are requesting the property be rezoned to RR-2. Nebraska Department of Environment and Energy has approved the well and septic plans as presented.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the Application submitted by Trenton Snow for Charles and Kiley Isaac to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 70th Street on 30th Avenue) and introduced Ordinance No. 8415 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 close the hearing and suspend the rules for Ordinance No. 8415. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. 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. 8415 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8415 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8415 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.

FINAL PLAT FOR ISAAC ACRES

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Trenton Snow for Charles and Kiley Isaac for the Final Plat for Isaac Acres, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 70th Street on 30th Avenue) and consider Resolution No. 2020-69.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2020-69 approving the Final Plat for Isaac Acres, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 70th Street on 30th Avenue). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2020-69

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Isaac Acres, a subdivision being part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for a tract of land being part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 9 North, Range 16 West of the P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southeast corner of the Southeast 1/4 of said Section 16 and assuming the East line of said Southeast 1/4 as bearing NORTH and all bearings contained herein are relative thereto; thence NORTH on the aforesaid East line a distance of 641.18 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being the Northeast corner of Lot Three (3), REA Subdivision to Buffalo County, Nebraska; thence continuing NORTH on the aforesaid East line a distance of 382.55 feet; thence N 89°50' W parallel with the North line of said Lot 3 a distance of 341.6 feet; thence SOUTH parallel with the East line of said Southeast 1/4 a distance of 382.55 feet to the Northwest corner of said

Lot 3; thence S 89°50' E on the North line of said lot a distance of 341.6 feet to the place of beginning, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

BE IT FURTHER RESOLVED that the 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 9TH DAY OF JUNE, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

VACATE AND REZONE PROPERTY LOCATED SOUTH OF 311 HURON DRIVE

Public Hearings 3, 4, 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Applications submitted by Buffalo Surveying Corp. for Blessing Premier Property, LLC, c/o Ron and Pamela Blessing, to (1) vacate Lot 15 and Lot 16, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8418 and (2) rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) for property described as a tract of land being accretion land lying south of Government Lot 4 and abutting Lot 15 and Lot 16, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 311 Huron Drive) and consider Ordinance No. 8419.

Mitch Humphrey with Buffalo Surveying Corp presented this matter to the Council. Mr. Humphrey described the location of the property and the peninsula that has been improved. Mr. Humphrey explained that Mr. and Mrs. Blessing would like to include the peninsula in their property's legal description by creating a new subdivision in addition to rezoning the peninsula to R-1, amending the land use map for it to match the rest of the property and annexing it into the City.

There was no one present in opposition to this hearing.

Moved by Clouse to close the public hearing on the Application submitted by Buffalo Surveying Corp. for Blessing Premier Property, LLC, c/o Ron and Pamela Blessing and introduced Ordinance No. 8418 vacating Lot 15 and Lot 16, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska and Ordinance No. 8419 rezoning from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) for property described as a tract of land being accretion land lying south of Government Lot 4 and abutting Lot 15 and Lot 16, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 311 Huron Drive) 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 ordinances on their first reading and then upon their final passage. Council Member Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8418 and 8419. President of the Council asked for discussion or if anyone in the audience was interested in the ordinances. 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 Nos. 8418 and 8419 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 Nikkila seconded by Moore that Ordinance Nos. 8418 and 8419 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 Nos. 8418 and 8419 are 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.

AMENDMENT TO LAND USE MAP FOR PROPERTY LOCATED SOUTH OF 311 HURON DRIVE

Public Hearings 3, 4, 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying Corp. for Blessing Premier Property, LLC, c/o Ron and Pamela Blessing, for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Rural Estates and Agriculture to Low Density Residential property described as a tract of land being accretion land lying south of Government Lot 4 and abutting Lot 15 and Lot 16, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 311 Huron Drive) and consider Resolution No. 2020-82.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2020-82 approving the Application submitted by Buffalo Surveying Corp. for Blessing Premier Property, LLC, c/o Ron and Pamela Blessing, for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Rural Estates and Agriculture to Low Density Residential property described as a tract of land being accretion land lying south of Government Lot 4 and abutting Lot 15 and Lot 16, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 311 Huron Drive). Roll call resulted as follows: Aye: Clouse, Moore,

Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

RESOLUTION NO. 2020-82

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being accretion land lying south of Government Lot 4 and abutting Lot 15 and Lot 16, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of Lot 15, Block 2, Lake Villa Estates and assuming the West line of Lot 15, Block 2, Lake Villa Estates as bearing S 12°07'40" E and all bearings contained herein are relative thereto; thence on the West line of Lot 15, Block 2 of Lake Villa Estates, a distance of 131.82 feet to the ACTUAL PLACE OF BEGINNING, said point being the Southwest Corner of said Lot 15, Block 2, Lake Villa Estates; thence continuing on the West line of said Lot 15 Block 2, Lake Villa Estates, if extended, S 12°07'40" E a distance of 22.00 feet; thence N 40°01'53" E a distance of 31.76 feet; thence S 83°00'57" E a distance of 33.68 feet; thence S 47°13'05" E a distance of 44.74 feet; thence S 16°59'06" E a distance of 36.52 feet; thence S 07°01'54" W a distance of 42.20 feet; thence S 17°26'35" E a distance of 38.90 feet; thence S 43°57'35" E a distance of 65.83 feet; thence S 78°20'54" E a distance of 35.74 feet; thence N 62°54'37" E a distance of 26.02 feet; thence N 33°08'22" E a distance of 32.68 feet; thence N 02°07'19" W a distance of 70.35 feet; thence N 23°03'14" E a distance of 101.77 feet; thence N 40°19'56" E a distance of 49.19 feet to a point on the line common to Lot 17 and Lot 16, now vacated, Block 2, Lake Villa Estates, if extended, thence on the line common to Lot 17 and Lot 16, if extended, N 13°50'46" W a distance of 12.00 feet to the Southeast Corner of Lot 16, Block 2, of said Lake Villa Estates; thence on the South lines of said Lot 16 and Lot 15, Block 2, Lake Villa Estates, S 80°06'49" W a distance of 302.08 to the place of beginning containing 0.77 acres (33,389 Sq. Ft.), more or less, all in Buffalo County, Nebraska from Rural Estates and Agriculture to Low Density Residential, and

WHEREAS, the said application for change in the Comprehensive Land Use Plan has been approved by the City Planning Commission, after a public hearing properly published and held, and

WHEREAS, the City Council has held a public hearing upon the said revision and voted in favor of a motion to approve the change in the Land Use Plan as requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Rural Estates and Agriculture to Low Density Residential the use classification for a tract of land being accretion land lying south of Government Lot 4 and abutting Lot 15 and Lot 16, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of Lot 15, Block 2, Lake Villa Estates and assuming the West line of Lot 15, Block 2, Lake Villa Estates as bearing S 12°07'40" E and all bearings contained herein are relative thereto; thence on the West line of Lot 15, Block 2 of Lake Villa Estates, a distance of 131.82 feet to the ACTUAL PLACE OF BEGINNING, said

point being the Southwest Corner of said Lot 15, Block 2, Lake Villa Estates; thence continuing on the West line of said Lot 15 Block 2, Lake Villa Estates, if extended, S 12°07'40" E a distance of 22.00 feet; thence N 40°01'53" E a distance of 31.76 feet; thence S 83°00'57" E a distance of 33.68 feet; thence S 47°13'05" E a distance of 44.74 feet; thence S 16°59'06" E a distance of 36.52 feet; thence S 07°01'54" W a distance of 42.20 feet; thence S 17°26'35" E a distance of 38.90 feet; thence S 43°57'35" E a distance of 65.83 feet; thence S 78°20'54" E a distance of 35.74 feet; thence N 62°54'37" E a distance of 26.02 feet; thence N 33°08'22" E a distance of 32.68 feet; thence N 02°07'19" W a distance of 70.35 feet; thence N 23°03'14" E a distance of 101.77 feet; thence N 40°19'56" E a distance of 49.19 feet to a point on the line common to Lot 17 and Lot 16, now vacated, Block 2, Lake Villa Estates, if extended, thence on the line common to Lot 17 and Lot 16, if extended, N 13°50'46" W a distance of 12.00 feet to the Southeast Corner of Lot 16, Block 2, of said Lake Villa Estates; thence on the South lines of said Lot 16 and Lot 15, Block 2, Lake Villa Estates, S 80°06'49" W a distance of 302.08 to the place of beginning containing 0.77 acres (33,389 Sq. Ft.), more or less, all in Buffalo County, Nebraska.

PASSED AND APPROVED THIS 9TH DAY OF JUNE, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

FINAL PLAT FOR LAKE VILLA ESTATES FOURTH

Public Hearings 3, 4, 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying Corp. for Blessing Premier Property, LLC, c/o Ron and Pamela Blessing for the Final Plat for Lake Villa Estates Fourth, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being all of Lot 15 and all of Lot 16, with said Lots to be vacated, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska and accretion land lying south of Government Lot 4 and abutting said Lot 15 and Lot 16, on the South, located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with said lots and accretion land being a part of Government Lot 4 and accretion land lying south of Government Lot 4 located in said Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (311 Huron Drive located 475 feet west of Winnipeg Road) and consider Resolution No. 2020-83.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2020-83 approving the Application submitted by Buffalo Surveying Corp. for Blessing Premier Property, LLC, c/o Ron and Pamela Blessing for the Final Plat for Lake Villa Estates Fourth, an addition to the City of Kearney, Buffalo County, Nebraska, for property described as a tract of land being all of Lot 15 and all of Lot 16, with said Lots to be vacated, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska and accretion land lying south of Government Lot 4 and abutting said Lot 15 and Lot 16, on the South, located in Section 13, Township 8 North, Range 16 West of the

6th P.M., Buffalo County, Nebraska, with said lots and accretion land being a part of Government Lot 4 and accretion land lying south of Government Lot 4 located in said Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (311 Huron Drive located 475 feet west of Winnipeg Road). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

RESOLUTION NO. 2020-83

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Lake Villa Estates Fourth, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being all of Lot 15 and all of Lot 16, with said Lots now vacated, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska and accretion land lying south of Government Lot 4 and abutting said Lot 15 and Lot 16, on the South, located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, with said lots and accretion land being a part of Government Lot 4 and accretion land lying south of Government Lot 4 located in said Section 13, Township 8 North, Range 16 West of the Sixth Principal Meridian, all more particularly described as follows: Beginning at the Northwest Corner of Lot 17, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, said point being common to the Northeast Corner of Lot 16, now vacated, Block 2, Lake Villa Estates and said point also being on the South line of Huron Drive a street in the City of Kearney, Buffalo County, Nebraska and assuming the South line of said Huron Drive and the North line of Lot 15 and Lot 16, Block 2, Lake Villa Estates as bearing S 76°13'17" W and all bearings contained herein are relative thereto; thence on the South line of said Huron Drive and the North line of Lot 15 and Lot 16, Block 2, Lake Villa Estates, S 76°13'17" W a distance of 277.55 feet to a point of curvature; thence continuing on the South line of said Huron Drive and the North line of Lot 15, now vacated, Block 2, Lake Villa Estates and on a 640.00 foot radius curve to the right forming a central angle of 01°46'42" an arc distance of 19.87 feet to the Northeast Corner of Lot 14 of said Block 2, Lake Villa Estates, said point also being the Northwest Corner of said Lot 15, of said Block 2, Lake Villa Estates; thence leaving said curve and the South line of said Huron Drive, non-tangent, and on the line common to said Lot 14 and Lot 15, Block 2, Lake Villa Estates, S 12°07'40" E a distance of 131.82 feet to the Southeast Corner of said Lot 14 and the Southwest Corner of said Lot 15, Block 2, Lake Villa Estates; thence continuing on the line common to said Lot 14 and Lot 15, if extended, S 12°07'40" E a distance of 22.00 feet; thence N 40°01'53" E a distance of 31.76 feet; thence S 83°00'57" E a distance of 33.68 feet; thence S 47°13'05" E a distance of 44.74 feet; thence S 16°59'06" E a distance of 36.52 feet; thence S 07°01'54" W a distance of 42.20 feet; thence S 17°26'35" E a distance of 38.90 feet; thence S 43°57'35" E a distance of 65.83 feet; thence S 78°20'54" E a distance of 35.74 feet; thence N 62°54'37" E a distance of 26.02 feet; thence N 33°08'22" E a distance of 32.68 feet; thence N 02°07'19" W a distance of 70.35 feet; thence N 23°03'14" E a distance of 101.77 feet; thence N 40°19'56" E a distance of 49.19 feet to a point on the line common to Lot 17 and Lot 16, now vacated, Block 2, Lake Villa Estates, if extended, thence on the line common to Lot 17 and Lot 16, if extended, N 13°50'46" W a distance of 12.00 feet to the Southwest Corner of said Lot 17 and the Southeast Corner of said Lot 16, Block 2, Lake Villa Estates; thence continuing on the line common to said Lot 17 and Lot 16, N 13°50'46" W a distance of 151.95 feet to the place of beginning, containing 1.74 acres (75,788 Sq. Ft.), 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 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 9TH DAY OF JUNE, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

ANNEXATION OF A PORTION OF LAKE VILLA ESTATES FOURTH LOCATED SOUTH OF 311 HURON DRIVE

Public Hearings 3, 4, 5 and 6 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying Corp. for Blessing Premier Property, LLC, c/o Ron and Pamela Blessing for the annexation of a portion of Lake Villa Estates Fourth, an addition to the City of Kearney, Buffalo County, Nebraska, being a tract of land being accretion land lying south of Government Lot 4 and abutting Lot 15 and Lot 16, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 311 Huron Drive) and consider Resolution No. 2020-84.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2020-84 approving the Application submitted by Buffalo Surveying Corp. for Blessing Premier Property, LLC, c/o Ron and Pamela Blessing for the annexation of a portion of Lake Villa Estates Fourth, an addition to the City of Kearney, Buffalo County, Nebraska, being a tract of land being accretion land lying south of Government Lot 4 and abutting Lot 15 and Lot 16, Block 2, Lake Villa Estates, an addition to the City of Kearney, Buffalo County, Nebraska, located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 311 Huron Drive). Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2020-84

WHEREAS, an Application has been submitted by Buffalo Surveying Corp. for Blessing Premier Property, LLC, c/o Ron and Pamela Blessing for the inclusion of a portion of Lake Villa Estates Fourth, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being accretion land lying south of Government Lot 4 and abutting Lot 15 and Lot 16, Block 2, Lake Villa Estates, an

addition to the City of Kearney, Buffalo County, Nebraska, located in Section 13, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of Lot 15, Block 2, Lake Villa Estates and assuming the West line of Lot 15, Block 2, Lake Villa Estates as bearing S 12°07'40" E and all bearings contained herein are relative thereto; thence on the West line of Lot 15, Block 2 of Lake Villa Estates, a distance of 131.82 feet to the ACTUAL PLACE OF BEGINNING, said point being the Southwest Corner of said Lot 15, Block 2, Lake Villa Estates; thence continuing on the West line of said Lot 15 Block 2, Lake Villa Estates, if extended, S 12°07'40" E a distance of 22.00 feet; thence N 40°01'53" E a distance of 31.76 feet; thence S 83°00'57" E a distance of 33.68 feet; thence S 47°13'05" E a distance of 44.74 feet; thence S 16°59'06" E a distance of 36.52 feet; thence S 07°01'54" W a distance of 42.20 feet; thence S 17°26'35" E a distance of 38.90 feet; thence S 43°57'35" E a distance of 65.83 feet; thence S 78°20'54" E a distance of 35.74 feet; thence N 62°54'37" E a distance of 26.02 feet; thence N 33°08'22" E a distance of 32.68 feet; thence N 02°07'19" W a distance of 70.35 feet; thence N 23°03'14" E a distance of 101.77 feet; thence N 40°19'56" E a distance of 49.19 feet to a point on the line common to Lot 17 and Lot 16, now vacated, Block 2, Lake Villa Estates, if extended, thence on the line common to Lot 17 and Lot 16, if extended, N 13°50'46" W a distance of 12.00 feet to the Southeast Corner of Lot 16, Block 2, of said Lake Villa Estates; thence on the South lines of said Lot 16 and Lot 15, Block 2, Lake Villa Estates, S 80°06'49" W a distance of 302.08 to the place of beginning containing 0.77 acres (33,389 Sq. Ft.), more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on May 15, 2020 on the inclusion of a portion of Lake Villa Estates Fourth within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as Lake Villa Estates Fourth, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on June 9, 2020 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the land to be platted as Lake Villa Estates Fourth shall be included within the corporate limits of the City of Kearney, Buffalo County, Nebraska, that the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules and regulations of the City of Kearney.

BE IT FURTHER RESOLVED that the inclusion of Lake Villa Estates Fourth within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 9TH DAY OF JUNE, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

DEVELOPMENT OF WILLIAM ESTATES LOCATED AT 2100 EAST 34TH STREET

Mayor Clouse opened Public Hearings 7, 8 and 9 on the applications submitted by William Diessner for B & G Investments, LLC. Public Hearing 7 pertains to the vacation and rezoning of property located 2100 East 34th Street; Public Hearing 8 pertains to the Final Plat and Subdivision Agreement for William Estates and Public Hearing 9 pertains to the Planned District Development Plan approval. At the request of Olsson on behalf of applicant, William Diessner for B & G Investments, LLC, these items have been requested to be postponed to the June 23, 2020 City Council meeting.

Moved by Clouse seconded by Lear to postpone Public Hearings 7, 8 and 9 pertaining to the development of William Estates at 2100 East 34th Street to the June 23, 2020 City Council meeting. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

REZONING OF FOUR PROPERTIES LOCATED NORTHEAST OF THE INTERSECTION OF IMPERIAL ROAD AND EAST HIGHWAY 30

Public Hearings 10, 11, 12 and 13 were discussed together.

Mayor Clouse opened the public hearings on the Applications submitted by the City of Kearney to rezone four properties from District AG, Agricultural District to District M-1, Limited Industrial District for: Public Hearing 10 for Select Sprayers and Equipment, LLC, c/o Dennis Jorgensen for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (4319 Imperial Road) and to consider Ordinance No. 8422; Public Hearing 11 for Winfield Solutions, LLC, c/o Land O'Lakes for property described as a tract of land being Government Lot 1 and part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (7980 East Highway 30) and consider Ordinance No. 8423; Public Hearing 12 for M&N Ventures, LLC, c/o Neil Benson for property described as a tract of land being Government Lot 1 and part of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (8050 East Highway 30) and consider Ordinance No. 8424 and Public Hearing 13 for Flatrock Group, LLC, a Nebraska Limited Liability Company, c/o Lorri Brockman for property described as a tract of land being part of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (8200 East Highway 30) and consider Ordinance No. 8425.

Brenda Jensen, Development Services Director for the City of Kearney presented this matter to the Council. All four parcels are located outside City limits but inside the City's ETJ. The four parcels were a part of the County's jurisdiction until 2018 when the City annexed the Patriot Park Industrial area which caused the City's ETJ boundary to expand to include the four parcels. The four parcels were zoned AG, by default, once they became part of the City's jurisdiction. City staff approached the property owners and suggested the properties be rezoned to District M-1 as that zoning is most compatible to adjacent properties and also fits with the future land use designation for these properties; all property owners were in support of the rezoning as they each signed the respective applications.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearings on the Applications submitted by the City of Kearney to rezone four properties from District AG, Agricultural District to District M-1, Limited Industrial District for: Public Hearing 10 for Select Sprayers and Equipment, LLC, c/o Dennis Jorgensen for property described as a tract of land being part of the West Half of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (4319 Imperial Road) and approve Ordinance No. 8422; Public Hearing 11 for Winfield Solutions, LLC, c/o Land O'Lakes for property described as a tract of land being Government Lot 1 and part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (7980 East Highway 30) and approve Ordinance No. 8423; Public Hearing 12 for M&N Ventures, LLC, c/o Neil Benson for property described as a tract of land being Government Lot 1 and part of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (8050 East Highway 30) and approve Ordinance No. 8424 and Public Hearing 13 for Flatrock Group, LLC, a Nebraska Limited Liability Company, c/o Lorri Brockman for property described as a tract of land being part of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (8200 East Highway 30) and approve Ordinance No. 8425 and introduced Ordinance Nos. 8422, 8423, 8424 and 8425 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 numbers of the ordinances on their first reading and then upon their final passage. Council Member Moore seconded the motion to close the hearings and suspend the rules for Ordinance Nos. 8422, 8423, 8424 and 8425. President of the Council asked for discussion or if anyone in the audience was interested in the ordinances. 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 Nos. 8422, 8423, 8424 and 8425 by number. Roll call of those in favor of the passage of said ordinances on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance Nos. 8422, 8423, 8424 and 8425 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 ordinances, Ordinance Nos. 8422, 8423, 8424 and 8425 are 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.

PROPOSED ACQUISITION FOR A DRAINAGE EASEMENT AND A SANITARY SEWER EASEMENT

Mayor Clouse opened Public Hearings 14 and 15 on the proposed acquisition for a Drainage Easement granted by Starostka Group Unlimited, Inc., a Nebraska Corporation and on the proposed acquisition for a Sanitary Sewer Easement granted by Starostka

Group Unlimited, Inc., a Nebraska Corporation for a 20-foot wide sanitary sewer easement. These items have been requested to be postponed to the June 23, 2020 City Council meeting.

Moved by Lear seconded by Buschkoetter to postpone Public Hearings 14 and 15 pertaining to the proposed acquisition of a Drainage Easement and a Sanitary Sewer Easement to the June 23, 2020 City Council meeting. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

IV. CONSENT AGENDA

Council Member Tami Moore stated due to a potential conflict of interest regarding Consent Agenda Item No. 10 she will abstain from voting on the Consent Agenda items.

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

1. Approve Minutes of Regular Meeting held May 26, 2020.

2. Approve the following Claims:

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

Alvine & Associates-\$855.00-co; Amazon-\$1,203.43-smcs; Antelope Sprinkler-\$308.90-smcs; Arrow Seed-\$1,571.50-smcs; Ask Supply-\$1,313.81-smcs; AvFuel-\$1,500.00-smcs; Baker & Taylor-\$7,685.12-smcs; Ball,B-\$267.70-smcs; Barney Insurance-\$1,623.00-smcs; Blackstone Audio Books-\$160.00-smcs; Blessing-\$426,141.12-co; BlueCross BlueShield-\$21,411.53-smcs; Bosselman-\$2,824.44-smcs; Bridgett Lavene Consulting-\$2,500.00-smcs; Broadfoots-\$5,741.04-smcs; Buffalo Co Register Deeds-\$68.00-smcs; Buffalo Co-\$14,005.97-smcs; Cassidy,R-\$155.00-smcs; Central States Wire-\$1,518.57-smcs; Chargepoint-\$1,410.00-smcs; Cigna-\$7,845.81-smcs; City of Ky-\$706,479.04-smcs,ps; Community Health-\$159.00-ps; Community Fund of NE-\$87.00-ps; Core & Main-\$15,600.25-smcs; Country Partners-\$11,994.13-smcs; Crane River Theater-\$350.00-smcs; Credit Management-\$95.61-ps; Cystic Fibrosis Foundation-\$85.00-smcs; Davila,H-\$50.46-smcs; Depository Trust Co.-\$752,851.25-smcs; Dillon,A-\$100.00-smcs; Dish-\$89.07-smcs; Dowse,K-\$100.00-smcs; DPC Industries-\$6,902.84-smcs; Eakes-\$5,922.64-co; Elliott Equipment-\$207.94-smcs; Ensley Electrical-\$250,820.48-co; Ericksen,M-\$85.00-smcs; Family Practice-\$182.00-ps; Faz,A-\$40.00-smcs; Firecom-\$569.60-smcs; Fisher,R-\$60.00-smcs; Flying M Applicators-\$346.75-smcs; Frost,C-\$60.00-smcs; Fruge,J-\$60.00-smcs; Gale-\$788.66-smcs; Garcia,N-\$11.85-smcs; Garrison,K-\$150.00-smcs; GD Concrete-\$73,881.90-co; Harre,L-\$220.00-smcs; Heineman,D-\$135.00-smcs; Hjort,C-\$170.00-smcs; HM Life Insurance-\$59,740.72-smcs; Hoehner Turf-\$88.55-smcs; Hometown Leasing-\$159.08-smcs; Hopkins,M-\$320.00-smcs; Hot Meals USA-\$20,000.00-smcs; ICMA-\$6,818.93-ps; ILH Construction-\$24,505.09-co; Integrated Security-\$170.00-smcs; Int'l Rett Syndrome-

\$185.00-smcs; IRS-\$171,961.18-ps; Jack's Uniforms-\$1,560.36-smcs; Jones,K-\$803.00-smcs; Kirkland,W-\$2.72-smcs; Koerner,J-\$170.00-smcs; Konica Minolta-\$943.69-smcs; Lee,P-\$80.00-smcs; Logan Contractors-\$323.80-smcs; Magic Cleaning-\$5,560.00-smcs; Malleck,J-\$53.50-smcs; Mead Lumber-\$212.90-co; Midwest Connect-\$6,510.39-smcs; Miller & Associates-\$2,058.00-smcs; Miller Signs-\$730.00-smcs; Municipal Supply-\$5,315.76-smcs; Montag,K-\$120.00-smcs; Mostek Electric-\$2,705.06-co; Murray,T-\$257.75-smcs; NE Child Support-\$2,287.35-ps; NE Dept of Revenue-\$81,927.47-ps; New Deal Deicing-\$2,105.00-smcs; Newman Traffic Signs-\$126.42-smcs; Northwestern Energy-\$1,124.61-smcs; OCLC-\$764.46-smcs; O'Keefe Elevator-\$465.55-smcs; Olsson-\$2,254.71-co; Payflex-\$531.25-smcs,co; Peerless Machine-\$306.88-smcs; Penguin Random House-\$33.75-smcs; Penworthy-\$122.63-smcs; Pep Co-\$150.00-smcs; Peterson,L-\$170.00-smcs; Peterson,P-\$50.00-smcs; Presto-X-\$171.00-smcs; RDG Planning-\$57,812.50-co; Recorded Books-\$706.27-smcs; Rippe,M-\$85.00-smcs; Robinson,M-\$100.00-smcs; Seritage-\$481.02-smcs; Shiers,K-\$60.00-smcs; SOS Portable Toilets-\$175.00-smcs; State of NE/DAS-\$23.80-smcs; Steinbrink's-\$5,980.00-smcs; Stutsman-\$549.00-smcs; Sunbelt Rentals-\$846.82-smcs; Super Stolie-\$450.00-smcs; Svoboda,K-\$220.00-smcs; Swartwood,D-\$35.00-smcs; Turfwerks-\$2,363.40-smcs; Turner Body Shop-\$3,463.21-smcs; Tye & Rowling-\$14,314.42-smcs; Tyler Technologies-\$1,706.25-co; Union Bank & Trust-\$86,229.11-ps; United Way of Ky-\$511.50-ps; Village Cleaners-\$264.77-smcs; Weiler,D-\$99.84-ps; Wessels,W-\$14.38-smcs; Xello-\$815.00-smcs; Payroll Ending 05/23/2020 -- \$518,071.32. 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. Approve the recommendation from the Development Services Division on extending the current licenses for East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue and L & M Mobile Home Park, 1110 Central Avenue an additional 30 days to correct the deficiencies.

4. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Cortney Gracey submitted by Hi-Brand Kearney, LLC dba Old Chicago located at 115 2nd Avenue East in connection with their Class IK-066969 liquor license.

5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class IK-123719 liquor license application and manager application for Jatinder Singh submitted by Sodexo America LLC dba Nebraskan Student Union located at 1013 West 27th Street.

6. Adopt Resolution No. 2020-89 approving Application and Certificate for Payment No. 1 in the amount of \$36,490.23 submitted by Nielsen Contracting and approved by Olsson for the 2019 Part 7 Improvements; Alley Improvements in connection with Paving Improvement District No. 2019-999 for the construction of a concrete alley to replace an existing gravel section of alley between 5th Avenue and 6th Avenue, 21st Street and 22nd Street.

RESOLUTION NO. 2020-89

WHEREAS, Nielsen Contracting of Kearney, Nebraska has performed services in connection with the 2019 Part 7 Improvements; Alley Improvements in connection with Paving Improvement District No. 2019-999 for the construction of a concrete alley to replace an existing gravel section of alley between 5th Avenue and 6th Avenue, 21st Street and 22nd Street, and the City’s Engineer, Olsson, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$36,490.23 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 44,254.00</u>
Contract Sum To Date	44,254.00
Gross Amount Due	40,544.70
Retainage (10%)	<u>- 4,054.47</u>
Amount Due to Date	36,490.23
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	<u>\$ 36,490.23</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 9TH DAY OF JUNE, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2020-90 approving Change Order No. 2 showing an increase in the amount of \$2,293.00 submitted by Ensley Electrical Services and approved by City staff for the installation of a new generator at the Law Enforcement Center.

RESOLUTION NO. 2020-90

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 Change Order No. 2 showing an increase to the contract sum in the amount of \$2,293.00 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 (4-28-20)	+ 9,345.00
Change Order No. 2 (6-9-20)	<u>+ 2,293.00</u>
Contract Sum To Date	<u>\$ 414,318.00</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. 2, as shown on Exhibit “A”, be and is hereby accepted and approved.

PASSED AND APPROVED THIS 9TH DAY OF JUNE, 2020.

ATTEST:

STANLEY A. CLOUSE

LAUREN BRANDT
CITY CLERK

PRESIDENT OF THE COUNCIL
AND EX-OFFICIO MAYOR

8. Adopt Resolution No. 2020-91 approving Application and Certificate for Payment No. 1 in the amount of \$12,708.00 submitted by Nielsen Contracting and approved by Olsson for 2019 Part 3 Improvements for the reconstruction of A Avenue, from 25th Street to 27th Street.

RESOLUTION NO. 2020-91

WHEREAS, Nielsen Contracting of Kearney, Nebraska has performed services in connection with the 2019 Part 3 Improvements for the reconstruction of A Avenue, from 25th Street to 27th Street, and the City’s Engineer, Olsson, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$12,708.00 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 321,345.50</u>
Contract Sum To Date	321,345.50
Gross Amount Due	14,120.00
Retainage (10%)	<u>- 1,412.00</u>
Amount Due to Date	12,708.00
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	<u>\$ 12,708.00</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. 1, as shown on Exhibit “A”, be and is hereby accepted and approved.

PASSED AND APPROVED THIS 9TH DAY OF JUNE, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Adopt Resolution No. 2020-92 approving the CARES Act Airport Grant Agreement between the City of Kearney and the Federal Aviation Administration in connection with CARES Grant No. 3-31-0045-033-2020 for the purpose of obtaining Federal grant funds for the Kearney Regional Airport to maintain safe and efficient airport operations.

RESOLUTION NO. 2020-92

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR CARES GRANT NO. 3-31-0045-033-2020 FOR THE PURPOSE OF A GRANT OF FEDERAL FUNDS AT OR ASSOCIATED WITH THE KEARNEY REGIONAL AIRPORT TO MAINTAIN SAFE AND EFFICIENT AIRPORT OPERATIONS.

WHEREAS, the City of Kearney, Nebraska has submitted a grant application to the Federal Aviation Administration for CARES Grant No. 3-31-0045-033-2020 for the

purpose of a grant of Federal funds at or associated with the Kearney Regional Airport to maintain safe and efficient airport operations; and

WHEREAS, the City of Kearney, Nebraska has accepted the terms of the Federal Aviation Administration’s grant offer for the Kearney Regional Airport.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that:

1. The City of Kearney has accepted the terms of the Federal Aviation Administration’s grant offer for the Kearney Regional Airport and shall enter into a Grant Agreement with the Federal Aviation Administration for CARES Grant No. 3-31-0045-033-2020 for the purpose of a grant of Federal funds at or associated with the Kearney Regional Airport to maintain safe and efficient airport operations. The Grant Agreement, marked as Exhibit “A”, is attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 9TH DAY OF JUNE, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Adopt Resolution No. 2020-93 appointing the term vacated by Larry Butler on the Community Redevelopment Authority.

RESOLUTION NO. 2020-93

WHEREAS, Resolution No. 2005-96 calls for Citizen Board/Commission member appointments to be made by resolution submitted by the Mayor to the City Council for final approval; and

WHEREAS, vacancies currently exist on certain Boards/Commissions.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following persons, as proposed by the City Manager of the City of Kearney, Nebraska, are hereby appointed to the designated Boards/Commissions for the term indicated:

COMMUNITY REDEVELOPMENT AUTHORITY

Patrick Moore appointed to fulfill term of Larry Butler to July 31, 2023

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED THIS 9TH DAY OF JUNE, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2020-94 approving the renewal of the Property Maintenance and Lease Agreement between the City of Kearney and Greg Dollman for a 40-acre detention cell located in northeast Kearney.

RESOLUTION NO. 2020-94

WHEREAS, the City owns a large detention cell approximately 40 acres in northeast Kearney which is a part of the storm water drainage system in that part of the community; and

WHEREAS, the City and Greg Dollman 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 9TH DAY OF JUNE, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

OPEN ACCOUNT CLAIM

Moved by Nikkila seconded by Moore that the Open Account Claim in the amount of \$7,069.83 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

City Manager Michael Morgan stated the Patriot Park projects pertaining to Patriot Park Boulevard and the lighting project have been completed with the exceptions of additional lighting that will be installed at a later date and landscaping along Patriot Boulevard that will be completed in the Fall. There will now be three points of access in and out of Patriot Park.

City offices opened to the public on Monday; temporary screens have been placed throughout public areas that will be replaced with permanent screens in the future. Playgrounds and Splash Pads opened to the public on Monday; City staff is also working to get the pools ready.

City staff are working on a preliminary budget to submit to Council on July 7th. Additionally, on this evening's Consent Agenda one of the single largest grants to the City was passed for Airport operations and terminal changes.

Numerous events have been cancelled or postponed including the community fireworks display on July 3rd (known as Freedom Fest) and the Shrine Bowl Parade on July 11th; however, the Shrine Bowl football game is still scheduled to occur on the afternoon of July 11th.

Beginning the second week of July, the second flight to Denver will resume. There has been a gradual increase in enplanements this month. The City is still waiting to hear back regarding the EAS that was submitted several months ago, but because of COVID, everything at the Federal level has been delayed.

Mr. Morgan happily reported that there are no COVID patients in either of Kearney's hospitals.

Vice-President Buschkoetter stated he would prefer to hold the next Council meeting in Council Chambers. Mr. Morgan stated the City does have a plan for six-foot distancing requirement and is ready to hold in-person meetings. City Clerk, Lauren Brandt stated sneeze guards/shields have been installed in Council Chambers. Mayor Clouse questioned the Council members if they would like to meet in person, in the Council Chambers for the June 23rd meeting; all agreed so the next City Council meeting on June 23rd will take place in-person, in the Council Chambers at City Hall.

Council Member Nikkila expressed his enthusiasm on the nomination of Patrick Moore to the CRA Board that was approved on tonight's Consent Agenda.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:19 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**