

*Kearney, Nebraska*  
*June 23, 2020*  
*5:30 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on June 23, 2020 in the Council Chambers at City Hall. Present 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; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works and Bryan Waugh, Chief of Police, were also present. Members of the media present included: Mike Konz with the Kearney Hub and Ryan Boyd with 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 attendance of the public.

## **I. ROUTINE BUSINESS**

### **INVOCATION/MOMENT OF SILENCE**

Council held a moment of silence.

### **PLEDGE OF ALLEGIANCE**

Members of Kearney Police Department Honor Guard including Lieutenant Dennis Byrne, Sergeant Jared Small, Officers Nathan Dennis and Tracy Suchsland presented and posted the colors and then led the Council members and audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

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

### **ORAL COMMUNICATIONS/PRESENTATIONS**

Chief Waugh welcomed and introduced new Officers Jared Gerdes, and Logan Miller and their families. Officer Jared Gerdes comes to the Kearney Police Department with five years prior Police service and Officer Logan Miller comes to the Kearney Police Department with four and a half years of prior Police experience. City Clerk administered the Oath of Office to Police Officers Jared Gerdes and Logan Miller.

Chief Waugh, Lieutenant Kevin Thompson and Sergeant Gabe Kowalek presented Dick Cochran with Hot Meals USA and Olivia Derr with the Kearney Area Animal Shelter with checks from the “We’re All In This Together” t-shirt fundraiser. The Fundraiser was started to assist businesses by creating t-shirts for various businesses in Kearney with revenue due to loss of funding during the COVID shutdown; a portion of the t-shirt sales was then given back to each business. Chief Waugh described the Kearney Police Department’s t-shirt designs with the logo “We’re All In This Together” and presented each organization with an \$850 check.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

### **DEVELOPMENT OF WILLIAM ESTATES LOCATED AT 2100 EAST 34TH STREET**

Mayor Clouse opened Public Hearings 1, 2 and 3 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 further postponed to the July 14, 2020 City Council meeting.

Moved by Nikkila seconded by Moore to further postpone Public Hearings 1, 2 and 3 pertaining to the development of William Estates at 2100 East 34th Street to the July 14, 2020 City Council meeting. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

### **PROPOSED ACQUISITION FOR A DRAINAGE EASEMENT**

Moved by Moore seconded by Lear to remove Public Hearings 4 and 5 from the table. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

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

Mayor Clouse opened the public hearing on the proposed acquisition for a Drainage Easement granted by Starostka Group Unlimited, Inc., a Nebraska Corporation for a tract of land being part of Tax Lots 2 and 3 in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2020-87.

Lauren Brandt, City Clerk, presented this matter to the Council. In 2017, the City Council entered into a Developer Constructed Infrastructure Agreement for construction of infrastructure to serve Millennial Estates Addition. Construction of the infrastructure has been completed and can now be conveyed to the City; however, prior to the conveyance and closing of the infrastructure agreement, the Sanitary Sewer and Storm Drainage

easements need to be dedicated to the City as part of the Developer Constructed Infrastructure Agreement. Section 18-1775 of the Nebraska Revised Statute requires that a City of the first class acquiring an interest in real property shall do so after the governing body has authorized the acquisition at a public meeting and after notice said public hearing.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2020-87 approving the proposed acquisition for a Drainage Easement granted by Starostka Group Unlimited, Inc., a Nebraska Corporation for a tract of land being part of Tax Lots 2 and 3 in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

### **RESOLUTION NO. 2020-87**

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 Drainage Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Starostka Group Unlimited, Inc., a Nebraska Corporation, have granted to the City of Kearney, Nebraska a Drainage Easement as follows:

#### **DRAINAGE EASEMENT**

A Drainage Easement consisting of part of Tax Lots 2 and 3 located in part of the North Half of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at the Northwest Corner of Lot 5, Block 4, Millennial Estates Second Addition; thence on an assumed bearing of N 00°21'03" W, along the East line of said Millennial Estates Second Addition, also being the East Right-of-Way line of Avenue X, a distance of 60.12 feet to the point of beginning; thence continuing N 00°21'03" W, along said East Right-of-Way line, a distance of 20.00 feet; thence N 89°38'58" E a distance of 241.90 feet; thence N 44°38'57" E a distance of 265.01 feet; thence N 00°21'34" W a distance of 109.61 feet to a point on the South Right-of-Way line of 39th Street; thence N 89°37'58" E, along said South Right-of-Way line, a distance of 260.00 feet to the Northwest Corner of a tract surveyed by W. A. Humphrey L.S.#224 dated 2/2/1977; thence S 00°21'34" E, along the West line of said tract, a distance of 105.00 feet; thence S 89°37'58" W, parallel with said South Right-of-Way line of 39th Street, a distance of 227.09 feet; thence S 44°38'57" W a distance of 299.83 feet; thence S 89°38'58" W a distance of 250.19 feet to the point of beginning, said Drainage Easement contains a calculated area of 37948.04 square feet or 0.871 acres more or less, all located in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Drainage Easement granted by Starostka Group Unlimited, Inc., a Nebraska Corporation, to the City of Kearney be and is hereby approved and accepted.

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

PASSED AND APPROVED THIS 23RD DAY OF JUNE, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**PROPOSED ACQUISITION FOR A SANITARY SEWER EASEMENT**

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

Mayor Clouse opened the public hearing 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 being a tract of land being part of Tax Lot 3 in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2020-88.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2020-88 approving 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 being a tract of land being part of Tax Lot 3 in part of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**RESOLUTION NO. 2020-88**

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

WHEREAS, Starostka Group Unlimited, Inc., a Nebraska Corporation, have granted to the City of Kearney, Nebraska a Sanitary Sewer Easement as follows:

**SANITARY SEWER EASEMENT**

The centerline of a 20-foot wide Sanitary Sewer Easement being 10-feet on each side of said centerline and consisting of part of Tax Lot 3 located in part of the Northwest Quarter of the Northeast Quarter of Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at the Northeast Corner of Lot 14, Block 2, Millennial Estates Second Addition; thence on an assumed bearing of N 89°38'57" E, along the South line of said Millennial Estates

Second Addition, also being the South Right-of-Way line of 36th Street, a distance of 115.98 feet to the point of beginning of a centerline of a 20 foot wide Sanitary Sewer Easement being 10-foot on each side of said centerline; thence S 22°27'45" E a distance of 57.87 feet; thence S 43°53'29" E a distance of 80.44 feet; thence S 46°06'31" W a distance of 155.06 feet; thence S 67°52'44" W a distance of 111.27 feet; thence S 89°38'57" W a distance of 82.06 feet to a point on the East Right-of-Way line of 35th Street, said point being the point of termination, said Sanitary Sewer Easement contains a calculated area of 9,733.78 square feet or 0.223 acres more or less, all in Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Sanitary Sewer Easement granted by Starostka Group Unlimited, Inc., a Nebraska Corporation, to the City of Kearney be and is hereby approved and accepted.

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

PASSED AND APPROVED THIS 23RD DAY OF JUNE, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

#### **IV. CONSENT AGENDA**

Moved by Clouse seconded by Nikkila that Subsections 1 through 13 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 June 9, 2020.

2. Approve the following Claims:

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

1000bulbs.com-\$244.32-smcs; 4 State Trucks-\$37.56-smcs; 4Imprint-\$892.54-smcs; 5.11-\$1,289.81 -smcs; 5Gstore-\$390.00-smcs; 911 Custom-\$1,049.30-smcs; Abood,K-\$80.00-smcs; Accent Sales-\$446.87-smcs; Ace Hardware-\$23.96-smcs; Ackerman,M-\$155.00-smcs; Acushnet-\$12,161.54-smcs; Adobe-\$29.99-smcs; Advance Auto Parts-\$173.00-smcs; Agri Coop-\$1,242.94-smcs; Albers,J-\$185.00-smcs; Alberts,K-\$696.00-smcs; Alfred Benesch-\$29,487.92-co; All Makes Auto-\$236.12-smcs; Altec-\$2,829.30-smcs; Amax-\$690.08-smcs; Amazon-\$6,334.75-smcs,co; Amend,A-\$40.60-smcs; American-\$249.99-smcs; Angus Burgers-\$30.00-smcs; Apple-\$11.68-smcs; Apple

Market-\$214.56-smcs; Aramark Uniform-\$347.63-smcs; Arrow Seed-\$293.62-smcs; Ask Supply-\$2,938.99-smcs; Aurora Coop-\$6,324.91-smcs; Aussie Hydraulics-\$38.55-smcs; Auto Value-\$963.52-smcs; AvFuel-\$12,218.49-smcs; B&H Photo-\$4,362.45-co; Babl,A-\$370.00-smcs; Badge and Wallet-\$157.50-smcs; Bailey,D-\$97.00-smcs; Baird Holm-\$3,052.50-smcs; Baker & Taylor-\$4,897.75-smcs; Bamford-\$763.00-smcs; Baristas-\$30.00-smcs; Battery Guy-\$450.49-smcs; Baughman,J-\$160.00-smcs; Bernt,B-\$140.00-smcs; Bernu,A-\$155.00-smcs; Bice,M-\$160.00-smcs; Blackstone Audio-\$280.00-smcs; Blessing-\$13,356.47-smcs; Blue 26 Security-\$2,800.00-co; Blue to Gold-\$149.00-smcs; BlueCross BlueShield-\$66,220.27-smcs; Boardtronics-\$114.90-smcs; Books Galore-\$337.81-smcs; Bosselman-\$2,776.29-smcs; Bower,E-\$160.00-smcs; Bpad Group-\$300.00-smcs; Brandt,D-\$160.00-smcs; Brewster,B-\$155.00-smcs; Broeker,S-\$170.00-smcs; Brown,C-\$530.00-smcs; BSN Sports-\$591.30-smcs; Budd-Kleinjan,T-\$18.64-smcs; Buffalo Co. Highway Dept.-\$79.67-smcs; Buffalo Outdoor Power-\$1,910.70-smcs,co; Builders-\$4,352.46-smcs,co; Bules,E-\$160.00-smcs; Burkey,J-\$35.00-smcs; Canva-\$119.40-smcs; Carbon Day Auto-\$770.00-smcs; Carquest-\$289.63-smcs; Cash Wa-\$973.09-smcs; Cassidy,R-\$155.00-smcs; Cenex-\$46.00-smcs; Central Hydraulic-\$1,513.49-smcs; Centurion Technologies-\$265.00-smcs; Cepel,N-\$370.00-smcs; Chem Search-\$307.00-smcs; Chesterman-\$1,424.50-smcs; Cintas-\$1,162.93-smcs; City of Ky-\$7,873.67-smcs,co; City of Ky-\$11,423.19-ps; City Plumbing-\$2,837.83-smcs; Clean Air Concepts-\$702.14-smcs; Cleaner Floors-\$269.17-smcs; Clevenger,S-\$80.00-smcs; Clinebell,J-\$80.00-smcs; CNS Frame Displays-\$4,931.81-smcs; Cold Spring Granite-\$279.30-smcs; Commercial Recreation-\$101.01-smcs; Compass-\$80.00-smcs; Compasscom-\$225.00-smcs; Compute North-\$20,673.92-smcs; Construction Rental-\$1,161.25-smcs,co; Control Yours-\$200.00-smcs; Copycat-\$1,869.26-smcs; Country Partners-\$16,996.62-smcs; CR Toys-\$24.00-smcs; Credit Mgmt. Services-\$93.93-ps; Cullen,M-\$120.37-smcs; Culligan-\$37.50-smcs; Cummins-\$3,318.08-smcs; Cunningham,S-\$155.00-smcs; Danko Emergency-\$935.22-smcs; Dan's Plumbing-\$992.28-smcs; Darnell,K-\$190.00-smcs; Davis Equipment-\$102.95-smcs; Dawson Public Power-\$27,809.42-smcs; Dell-\$5,473.80-co; Depository Trust-\$2,722,066.46-ds; Deterdings-\$361.57-smcs; Dickerson,P-\$160.00-smcs; Discmagic-\$549.60-smcs; Dish-\$217.12-smcs; Displays 2 Go-\$71.26-smcs; Dolan Consulting-\$95.00-smcs; Dolence,J-\$190.00-smcs; Dollar General-\$59.44-smcs; Don's Hobby Guns-\$413.46-smcs; Don's Pioneer Uniforms-\$599.38-smcs; DPC Industries-\$19,710.03-smcs; DRI Printing-\$387.93-smcs; Duff,J-\$34.08-smcs; Duncan,K-\$12.40-smcs; Duplicator Pro-\$59.00-co; Dynamic Discs-\$419.79-smcs; E Replacements Parts-\$13.82-smcs; Eagle Distributing-\$1,281.75-smcs; Eakes-\$8,157.29-smcs; Eberspacher,C-\$43.08-smcs; Ebsco Publishing-\$3,935.00-smcs; Ecolab-\$80.26-smcs; Elliott Equipment-\$424.31-smcs; Embassy Suites-\$1,760.58-smcs; Emblem Authority-\$887.00-smcs; EMC Insurance-\$18,319.77-smcs; Enforcement Video-\$137.00-smcs; Engineered Controls-\$1,995.00-smcs; Entenmann-Rovin-\$491.00-smcs; Environmental Resource-\$692.17-smcs; Exit Light-\$43.87-smcs; Eyemed-\$1,212.98-smcs; Fastenal-\$90.75-smcs; Fedex-\$110.63-smcs; Fleicher,S-\$37.18-smcs; FLS Banners-\$30.95-smcs; Focus on the Family-\$71.98-smcs; For Soap Make-\$40.11-smcs; Fort Bend Services-\$14,352.00-smcs; Foxit Software-\$166.80-co; Friesen Chevrolet-\$170.00-smcs; Frontier-\$7,191.31-smcs; Gale/Cengage Learning-\$137.24-smcs; Galeton-\$648.66-smcs; Galls-\$112.07-ps; Gammon Technical-\$1,377.41-co; Gangwish Turf-\$38.78-co; Garrett Tires-\$10,915.31-smcs; Getac-\$247.99-smcs; GI Physical Therapy-\$135.00-ps; Gibbs,R-\$41.54-smcs; Gillespie,C-\$840.00-smcs; Girl Scout Service-\$105.00-smcs; Godfrey,E-\$220.00-smcs; Godfry,S-\$470.00-smcs; Golf Course Superintendent-\$400.00-smcs; Graham Tire-

\$1,154.96-smcs; Grainger-\$244.62-smcs; Great Plains Motorcycle-\$521.90-smcs; Greater NE Cities-\$1,000.00-smcs; Haas,T-\$160.00-smcs; Hancock,D-\$160.00-smcs; Hanes Gear for Sports-\$1,628.22-smcs; Harmon,G-\$33.19-smcs; Harringer,K-\$85.00-smcs; Haussler,A-\$190.00-smcs; Hedstrom,J-\$170.00-smcs; Herman,T-\$530.00-smcs; Hilti-\$353.00 -smcs; Hireright-\$43.30-smcs; HOA Solutions-\$1,939.90-smcs; Hobby-Lobby-\$100.02-smcs; Hock,B-\$160.00-smcs; Hockmeier,J-\$26.73-smcs; Holabird Sports-\$77.80-smcs; Holiday Inn-\$3,256.41-co; Holmes Plumbing-\$585.34-smcs; Holt,J-\$80.00 -smcs; Hometown Leasing-\$725.92-smcs; Horton,M-\$70.00-smcs; Hotsy Equipment-\$910.41-smcs; Hunt,K-\$160.00-smcs; Hurde,C-\$2.41-smcs; Hydro Optimization-\$259.28-smcs; Hyperikon LED Lighting-\$286.93-smcs; Hy-vee-\$17.85-smcs; Ibach,T-\$75.00-smcs; ICMA-\$6,841.25-ps; Idemia Identity & Security-\$12,961.00-smcs; IES Commercial-\$9,000.00-co; Ink Toner Store-\$44.90-smcs; Integrated Security-\$347.00-smcs; Int'l Assn. Crime Analysts-\$25.00-smcs; Invoice Home-\$5.00-smcs; IRS-\$172,112.56-ps; J&A Traffic Products-\$740.00-smcs; Jack Lederman-\$662.95-smcs; Jack's Uniforms-\$654.62-smcs; Jaeschke,S-\$100.00-smcs; Jaixen,M-\$80.00-smcs; Johnson Service-\$2,800.00-smcs; Johnstone Supply-\$937.96-smcs; Juice Stop-\$30.00 -smcs; Kaslon,T-\$80.00-smcs; Ky Ace-\$98.48-smcs; Ky Animal Shelter-\$10,000.00-smcs; Ky Chamber Comm.-\$1,800.00-smcs; Ky Concrete-\$20,370.84-smcs,co; Ky Crete & Block-\$243.11-smcs; Ky Hub-\$3,072.22-smcs; Ky Tire & Auto-\$1,266.93-smcs; Ky Towing-\$1,007.50-smcs; Ky Visitors Bureau-\$2,500.00-smcs; Ky Warehouse-\$643.80-smcs; Ky Winlectric-\$12,551.20-co; Ky Winnelson-\$52.74-smcs,co; Kehler,B-\$530.00-smcs; Kelley,K-\$17.38-smcs; Kelly Supply-\$225.65-smcs; Koffler Sales-\$143.65-smcs; Konica Minolta-\$710.00-smcs; Krepela,S-\$70.00-smcs; Landmark Implement-\$26,379.28-smcs, co; Lawson Products-\$444.45-smcs; Lee,P-\$80.00-smcs; Leibhart,C-\$70.00-smcs; Leibhart,L-\$70.00-smcs; Levanders Body Shop-\$1,627.87-smcs; Lewis,J-\$155.00-smcs; Lieneman,B-\$38.08-smcs; Lienemann,S-\$160.00-smcs; Liess,D-\$30.27-smcs; Lincoln Winwater-\$2,230.00-smcs; Log Me In-\$991.71-smcs; Logan Contractors-\$279.05-smcs; Lottman,K-\$12.40-smcs; Luckstock-\$25.00-smcs; Lynott,J-\$85.00-smcs; Mac Tools-\$168.29-smcs; Macqueen Equipment-\$2,231.34-smcs; Magic Cleaning-\$1,090.00-smcs; Marlatt Machine-\$269.00-smcs; Mascoelectr-\$267.06-smcs; Masters True Value-\$864.38-smcs; Matheson-\$473.78-smcs; Mayo,B-\$70.00-smcs; Medic Batteries-\$69.96-smcs; Meier,C-\$80.00-smcs; Mellen & Associates-\$6,587.74-smcs; Menards-\$5,727.43-smcs; Meyer,J-\$155.00-smcs; Michaels-\$266.05-smcs,co; Microsoft-\$317.82-smcs; Mid American Signal-\$1,213.33-smcs,co; Midland Telecom-\$84.95-smcs; Mid-State Engineering-\$220.00-co; Midwest Connect-\$278.69-smcs; Midwest Turf-\$1,368.81-smcs; Miller,D-\$320.00-smcs; Mirror Image-\$281.84-smcs; Mohr,T-\$58.31-smcs; Moonlight Embroidery-\$859.75-smcs; Moonlight Horseshoeing-\$35.00-smcs; Municipal Supply-\$17,181.92-smcs; Murphy Tractor-\$8,327.55-smcs; Murphy,S-\$53.09-smcs; Mutual Screw & Supply-\$153.12-smcs; Nat'l School Resource Officers-\$40.00-smcs; NCH Corp.-\$203.35-smcs; NE Amateur Softball Assn.-\$1,000.00-smcs; NE Child Support Pyt. Ctr.-\$2,287.35-ps; NE Crane-\$782.98-smcs; NE Dept. of Environment-\$150.00-smcs; NE Golf & Turf-\$253.89 -smcs,co; NE Golf Assn.-\$2,422.00-smcs; NE Library Commission-\$10,315.00-smcs; NE Peterbilt-\$149.34-smcs; NE Planzone-\$1,370.00-smcs; NE Safety & Fire Equip-\$90.00-smcs; NE Truck Center-\$657.35-smcs; Nebraskaland Distributors-\$1,779.35-smcs; Nielsen Contracting-\$49,198.23-co; Northern Safety-\$384.90-smcs; Northwestern Energy-\$2,086.70-smcs; Nova Fitness-\$536.99-ps; Novus Windshield Repair-\$45.00-smcs; NRG Media-\$410.00-smcs; Nuttelman,J-\$470.00-smcs; OCLC-\$764.46-smcs; Odeys-\$3,115.00-smcs; Office Max-\$979.44-smcs; Officenet-\$73.38-smcs; Olsson-\$4,092.41-co; Omaha's Henry

Doorly-\$125.00-smcs; One Call Concepts-\$501.34-smcs; Optima Scale-\$250.00-smcs; O'Reilly Auto-\$18.35-smcs; Orscheln-\$769.77-smcs; OTC Brands-\$162.84-smcs; Otto Environmental-\$16,422.50-smcs; Overdrive-\$2,000.00-smcs; Overton Sand & Gravel-\$1,135.50-co; Palser,L-\$185.00-smcs; Paramount-\$135.68-smcs; Pedersen,J-\$160.00-smcs; Penworthy-\$236.15-smcs; Pep Co.-\$137.34-smcs; Perez,Y-\$2.17-smcs; Peterson,J-\$35.94-smcs; Petsmart-\$383.94-smcs; Ping-\$58.63-smcs; Pitney Bowes-\$60.00-smcs; Platinum Awards-\$378.59-smcs; Platte Valley Auto-\$202.43-smcs; Platte Valley Laboratories-\$292.50-smcs; Positive Promotions-\$358.30-smcs; Posternywall-\$29.95-smcs; Postmaster-\$364.00-smcs; Presto-X-\$138.00-smcs; Pritchard,I-\$110.00-smcs; Pro Track & Tennis-\$25,834.00-smcs; Public Agency Training-\$75.00-smcs; Pump Products-\$845.06-smcs; Quill-\$782.38-smcs; Quizizz-\$468.00-smcs; Ray Allen-\$274.99-smcs; Ready Mixed Concrete-\$1,112.50-co; Reams-\$1,342.07-smcs; Recorded Books-\$323.38-smcs; Resource Mgmt.-\$2,377.20-smcs; Rheome Tree-\$6,825.00-smcs; Ring-\$30.00-smcs,co; Rohwer,K-\$80.00-smcs; Roll N Rack-\$94.00-smcs; RR Donnelley-\$207.09-smcs; Ruco-\$224.00-smcs; Rustic Patch-\$64.20-smcs; S&B Heating-\$191.25-smcs; S&J Construction-\$14,018.00-co; Safety Kleen-\$183.00-smcs; Safety Products-\$43.81-smcs; Sahling Kenworth-\$81.20 -smcs; Sang,C-\$15.62-smcs; Scheibe,C-\$64.70-smcs; Schindler Elevator-\$998.28-smcs; Schlender,J-\$155.00-smcs; School District #7-\$2,780.25-smcs; Schriener,D-\$35.00-smcs; See Clear Cleaning-\$2,309.50-smcs; Seely,M-\$170.00-smcs; Shannon,L-\$160.00-smcs; Sherwin Williams-\$565.48-smcs; Shredding Solutions-\$51.45-smcs; Sign It-\$481.00-smcs; Silverstone Group-\$5,155.92-smcs; Siteone Landscape-\$1,348.16-smcs; Snap-On Tools-\$46.20-smcs; SOS Portable Toilets-\$235.00-smcs; Spectrum-\$816.97-smcs; Sporty's Catalogs-\$1,439.53-smcs; Sprinkler Warehouse-\$1,799.68-smcs; Stadler,S-\$120.00-smcs; Steinbrink's-\$16,984.22-smcs,co; Stewart,L-\$80.00-smcs; Stieb,K-\$80.00-smcs; Stombaugh,T-\$160.00-smcs; Stryker Sales-\$409.50-smcs; Stutsman-\$4,941.00-smcs; Sunbelt Rentals-\$232.86-smcs,co; Superior-\$131,855.01-smcs; Supply House-\$1,062.44-smcs; Swanson,G-\$170.00-smcs; Tall Cop Says Stop-\$64.00-smcs; Target-\$128.37-smcs; Target Solutions-\$6,278.00-smcs; TCH Central-\$708.50-smcs; Thunderhead Brewing-\$2,000.00-smcs; Titan Machinery-\$539.00-smcs; TLO Transunion-\$120.90-smcs; Todco-\$33,020.00-co; Tractor Supply-\$501.02-smcs; Trade Well Pallet-\$7,179.00-smcs; Transcribe W Really-\$24.00-smcs; Trenkle,M-\$70.00-smcs; Tri-Cities Group-\$2,091.64-smcs,co; Tri-Tech Nat'l Law-\$293.85-smcs; Tronair-\$6,653.00-co; Trugreen-\$255.00-smcs; Uline-\$738.19-smcs; Union Bank & Trust-\$1,122,939.97-ps, ds; USA Communications-\$174.85-smcs; USPS-\$213.80-smcs; Van Wall-\$936.67-smcs; Volaire Aviation-\$2,000.00-smcs; Walgreens-\$62.02-smcs; Wal-mart-\$1,013.28-smcs; Walters Electric-\$500.00-smcs; Ward,B-\$80.00-smcs; Wasser,D-\$45.25-smcs; Web Network-\$312.90-smcs; Weller,L-\$80.00-smcs; Westheffer Company-\$171.81-smcs,co; Wheeler,S-\$190.00-smcs; Whipple,J-\$60.00-smcs; Wilco Life Insurance-\$10.00-ps; Winder,B-\$160.00-smcs; Woltz,H-\$155.00-smcs; WPCI-\$505.50-smcs; Younger,T-\$11.80-smcs; Zoom-\$160.39-smcs; Zoysia Farm Nurseries-\$1,040.90-ps; Payroll Ending 06/06/2020--\$522,332.57. 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 July 14, 2020 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Approve the recommendation from the Development Services Division on the annual renewal of L & M Mobile Home Park, 1110 Central Avenue manufactured home court license until May 31, 2021.
5. 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 Kearney Steak Company dba Whiskey Creek Steakhouse located at 407 South 2nd Avenue in connection with their Class IK-035628 liquor license.
6. Adopt Resolution No. 2020-95 approving Change Order No. 4 showing an increase in the amount of \$8,245.50, Application for Payment No. 5-Final in the amount of \$298,034.48 and accept the Certificate of Substantial Completion 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. 2020-95**

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. 4 showing an increase to the contract sum in the amount of \$8,245.50 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. 5-Final in the amount of \$298,034.48 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)	+ 5,000.00
Change Order No. 4 (6/23/2020)	<u>+ 8,245.50</u>
Contract Sum To Date	1,455,604.25
Gross Amount Due	1,455,604.25
Retainage (0%)	- <u>0.00</u>
Amount Due to Date	1,455,604.25
Less Previous Certificates for Payment	<u>- 1,157,569.77</u>
Current Payment Due	<u>\$ 298,034.48</u>

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of May 31, 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. 5-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF JUNE, 2020.

ATTEST:  
 LAUREN BRANDT  
 CITY CLERK

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

7. Adopt Resolution No. 2020-96 approving Application for Payment No. 2 in the amount of \$39,753.45 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. 2020-96**

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. 2 in the amount of \$39,753.45 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	126,261.50
Retainage (10%)	<u>- 12,626.15</u>
Amount Due to Date	113,635.35
Less Previous Certificates for Payment	<u>73,881.90</u>
Current Payment Due	<u>\$ 39,753.45</u>

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

PASSED AND APPROVED THIS 23RD DAY OF JUNE, 2020.

ATTEST:  
 LAUREN BRANDT  
 CITY CLERK

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

8. Adopt Resolution No. 2020-97 calling for the redemption of Combined Utilities Revenue and Refunding Bonds, Series 2014E, in the principal amount of \$1,950,000.

**RESOLUTION NO. 2020-97**

BE IT RESOLVED and enacted by the Mayor and Council of the City of Kearney, Nebraska, as follows:

Section 1. That the following bonds, in accordance with their option provisions, are hereby authorized to be called for payment as provided in a Direction for Call (as defined below), after which date interest on the bonds will cease:

Combined Utilities Revenue and Refunding Bonds, Series 2014E, dated September 16, 2014, in the outstanding principal amount of \$1,950,000, numbered

as they are shown on the books and records of the Paying Agent and Registrar, maturing in the principal amount and bearing CUSIP numbers as follows:

<u>Principal Amount</u>	<u>Maturity Date December 15</u>	<u>Interest Rate</u>	<u>CUSIP</u>
\$405,000	2020	1.850%	486894 LA4
405,000	2021	2.200	486894 LB2
495,000	2022	2.450	486894 LC0
165,000	2023	2.650	486894 LD8
35,000	2024	2.850	486894 LE6
40,000	2025	3.000	486894 LF3
40,000	2026	3.150	486894 LG1
40,000	2027	3.300	486894 LH9
40,000	2028	3.400	486894 LJ5
45,000	2029	3.500	486894 LK2
240,000**	2034	3.900	486894 LLO

\*\*Term Bonds

Said bonds are hereinafter referred to as the "Refunded Bonds."

Said Refunded Bonds are subject to redemption at any time on or after September 16, 2019, at the principal amount thereof plus accrued interest to date fixed for redemption, and said interest is payable semiannually.

Section 2. The Refunded Bonds are to be paid off at the office of the Treasurer of the City of Kearney, Nebraska, as paying agent and registrar (the "Paying Agent and Registrar").

Section 3. The Mayor or Director of Finance of the City (each, an "Authorized Officer") are hereby at any time on or after the date of this resolution authorized to direct the irrevocable call of the Refunded Bonds on behalf of the City and such direction, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor or Council of the City. The redemption date included in the Direction for Call may be set for any date on or prior to December 31, 2020, after which time an Authorized Officer shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A copy of this resolution shall be filed with the Paying Agent, together with an executed Direction for Call, which delivery of Direction for Call is necessary in order for the call of the Refunded Bonds to be effective hereunder. Upon receipt of an executed Direction for Call, the Paying Agent is hereby instructed to mail notice to each registered owner of the Refunded Bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing the issuance of the Refunded Bonds, and to take all other actions deemed necessary in connection with the redemption of the Refunded Bonds.

PASSED AND APPROVED THIS 23RD DAY OF JUNE, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

9. Adopt Resolution No. 2020-98 calling for the redemption of Combined Utilities Revenue Refunding Bonds, Series 2012, in the principal amount of \$4,750,000.

### **RESOLUTION NO. 2020-98**

BE IT RESOLVED and enacted by the Mayor and Council of the City of Kearney, Nebraska, as follows:

Section 1. That the following bonds, in accordance with their option provisions, are hereby authorized to be called for payment as provided in a Direction for Call (as defined below), after which date interest on the bonds will cease:

Combined Utilities Revenue Refunding Bonds, Series 2012, dated August 1, 2012, in the outstanding principal amount of \$4,750,000, numbered as they are shown on the books and records of the Paying Agent and Registrar, maturing in the principal amount and bearing CUSIP numbers as follows:

<u>Principal Amount</u>	<u>Maturity Date December 15</u>	<u>Interest Rate</u>	<u>CUSIP</u>
\$435,000	2020	2.100%	486894 JT6
440,000	2021	2.350	486894 JU3
445,000	2022	2.550	486894 JV1
450,000	2023	2.750	486894 JW9
460,000	2024	2.900	486894 JX7
465,000	2025	3.050	486894 JY5
475,000	2026	3.150	486894 JZ2
485,000	2027	3.300	486894 KA5
1,095,000	2028	3.400	486894 KB3

Said bonds are hereinafter referred to as the "Refunded Bonds."

Said Refunded Bonds are subject to redemption at any time on or after August 1, 2017, at the principal amount thereof plus accrued interest to date fixed for redemption, and said interest is payable semiannually.

Section 2. The Refunded Bonds are to be paid off at the office of the Treasurer of the City of Kearney, Nebraska, as paying agent and registrar (the "Paying Agent and Registrar").

Section 3. The Mayor or Director of Finance of the City (each, an "Authorized Officer") are hereby at any time on or after the date of this resolution authorized to direct the irrevocable call of the Refunded Bonds on behalf of the City and such direction, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor or Council of the City. The redemption date included in the Direction for Call may be set for any date on or prior to December 31, 2020, after which time an Authorized Officer shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A copy of this resolution shall be filed with the Paying Agent, together with an executed Direction for Call, which delivery of Direction for Call is necessary in order for the call of the Refunded Bonds to be effective hereunder. Upon receipt of an executed

Direction for Call, the Paying Agent is hereby instructed to mail notice to each registered owner of the Refunded Bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing the issuance of the Refunded Bonds, and to take all other actions deemed necessary in connection with the redemption of the Refunded Bonds.

PASSED AND APPROVED THIS 23RD DAY OF JUNE, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**10.** Adopt Resolution No. 2020-99 calling for the redemption of Combined Utilities Revenue Bonds, Series 2015, in the principal amount of \$2,160,000.

### **RESOLUTION NO. 2020-99**

BE IT RESOLVED and enacted by the Mayor and Council of the City of Kearney, Nebraska, as follows:

Section 1. That the following bonds, in accordance with their option provisions, are hereby authorized to be called for payment as provided in a Direction for Call (as defined below), after which date interest on the bonds will cease:

Combined Utilities Revenue Refunding Bonds, Series 2012, dated August 1, 2012, in the outstanding principal amount of \$4,750,000, numbered as they are shown on the books and records of the Paying Agent and Registrar, maturing in the principal amount and bearing CUSIP numbers as follows:

<u>Principal Amount</u>	<u>Maturity Date December 15</u>	<u>Interest Rate</u>	<u>CUSIP</u>
\$435,000	2020	2.100%	486894 JT6
440,000	2021	2.350	486894 JU3
445,000	2022	2.550	486894 JV1
450,000	2023	2.750	486894 JW9
460,000	2024	2.900	486894 JX7
465,000	2025	3.050	486894 JY5
475,000	2026	3.150	486894 JZ2
485,000	2027	3.300	486894 KA5
1,095,000	2028	3.400	486894 KB3

Said bonds are hereinafter referred to as the "Refunded Bonds."

Said Refunded Bonds are subject to redemption at any time on or after August 1, 2017, at the principal amount thereof plus accrued interest to date fixed for redemption, and said interest is payable semiannually.

Section 2. The Refunded Bonds are to be paid off at the office of the Treasurer of the City of Kearney, Nebraska, as paying agent and registrar (the "Paying Agent and Registrar").

Section 3. The Mayor or Director of Finance of the City (each, an “Authorized Officer”) are hereby at any time on or after the date of this resolution authorized to direct the irrevocable call of the Refunded Bonds on behalf of the City and such direction, when made in writing (the “Direction for Call”), shall constitute the action of the City without further action of the Mayor or Council of the City. The redemption date included in the Direction for Call may be set for any date on or prior to December 31, 2020, after which time an Authorized Officer shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A copy of this resolution shall be filed with the Paying Agent, together with an executed Direction for Call, which delivery of Direction for Call is necessary in order for the call of the Refunded Bonds to be effective hereunder. Upon receipt of an executed Direction for Call, the Paying Agent is hereby instructed to mail notice to each registered owner of the Refunded Bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing the issuance of the Refunded Bonds, and to take all other actions deemed necessary in connection with the redemption of the Refunded Bonds.

PASSED AND APPROVED THIS 23RD DAY OF JUNE, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

11. Adopt Resolution No. 2020-100 calling for the redemption of Combined Utilities Revenue Bonds, Series 2013, in the principal amount of \$710,000.

### RESOLUTION NO. 2020-100

BE IT RESOLVED and enacted by the Mayor and Council of the City of Kearney, Nebraska, as follows:

Section 1. That the following bonds, in accordance with their option provisions, are hereby authorized to be called for payment as provided in a Direction for Call (as defined below), after which date interest on the bonds will cease:

Combined Utilities Revenue Bonds, Series 2013, dated November 26, 2013, in the outstanding principal amount of \$710,000, numbered as they are shown on the books and records of the Paying Agent and Registrar, maturing in the principal amount and bearing CUSIP numbers as follows:

<u>Principal Amount</u>	<u>Maturity Date December 15</u>	<u>Interest Rate</u>	<u>CUSIP</u>
\$40,000	2020	2.350%	486894 KJ6
40,000	2021	2.650	486894 KK3
45,000	2022	2.950	486894 KL1
45,000	2023	3.150	486894 KM9
45,000	2024	3.350	486894 KN7
45,000	2025	3.550	486894 KP2
50,000	2026	3.700	486894 KQ0
50,000	2027	3.900	486894 KR8

50,000	2028	4.100	486894 KS6
300,000**	2033	4.600	486894 KT4
**Term Bonds			

Said bonds are hereinafter referred to as the "Refunded Bonds."

Said Refunded Bonds are subject to redemption at any time on or after November 26, 2018, at the principal amount thereof plus accrued interest to date fixed for redemption, and said interest is payable semiannually.

Section 2. The Refunded Bonds are to be paid off at the office of the Treasurer of the City of Kearney, Nebraska, as paying agent and registrar (the "Paying Agent and Registrar").

Section 3. The Mayor or Director of Finance of the City (each, an "Authorized Officer") are hereby at any time on or after the date of this resolution authorized to direct the irrevocable call of the Refunded Bonds on behalf of the City and such direction, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor or Council of the City. The redemption date included in the Direction for Call may be set for any date on or prior to December 31, 2020, after which time an Authorized Officer shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A copy of this resolution shall be filed with the Paying Agent, together with an executed Direction for Call, which delivery of Direction for Call is necessary in order for the call of the Refunded Bonds to be effective hereunder. Upon receipt of an executed Direction for Call, the Paying Agent is hereby instructed to mail notice to each registered owner of the Refunded Bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing the issuance of the Refunded Bonds, and to take all other actions deemed necessary in connection with the redemption of the Refunded Bonds.

PASSED AND APPROVED THIS 23RD DAY OF JUNE, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**12.** Adopt Resolution No. 2020-101 ratifying all City Council actions at virtual meetings, beginning March 24, 2020 through June 9, 2020, per Executive Orders No. 20-03 & 20-24.

### **RESOLUTION NO. 2020-101**

WHEREAS, in response to the COVID-19 pandemic Nebraska Governor Pete Ricketts issued on March 17, 2020 Executive Order No. 20-03 authorizing a limited waiver of certain requirements of the Nebraska Open Meetings Act to include the allowance that all governing bodies may meet by videoconference or by telephone conferencing or by conferencing by other electronic communication so long as there is made available at such meeting access to members of the public and to members of the media through May 31, 2020; and

WHEREAS, Governor Ricketts extended this limited waiver on May 19, 2020 by the issuance of Executive Order No. 20-24 through June 30, 2020; and

WHEREAS, as a result of Executive Order Nos. 20-03 & 20-24, the Council of the City of Kearney, Nebraska conducted regularly scheduled Council meetings on March 24, 2020, April 14, 2020, April 28, 2020, May 12, 2020, May 26, 2020 and June 9, 2020 and a special Council meeting on April 3, 2020, through teleconference and videoconference means; and

WHEREAS, the Council of the City of Kearney, Nebraska hereby bless and ratify all actions taken at the regularly scheduled Council meetings on March 24, 2020, April 14, 2020, April 28, 2020, May 12, 2020, May 26, 2020 and June 9, 2020 and a special Council meeting on April 3, 2020, conducted through teleconference and videoconference means.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, hereby bless and ratify all actions taken by the Council of the City of Kearney, Nebraska at the regularly scheduled Council meetings on March 24, 2020, April 14, 2020, April 28, 2020, May 12, 2020, May 26, 2020 and June 9, 2020 and a special Council meeting on April 3, 2020, conducted through teleconference and videoconference means.

PASSED AND APPROVED THIS 23RD DAY OF JUNE, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**13.** Adopt Resolution No. 2020-102 approving Application for Payment No. 1 in the amount of \$37,408.85 submitted by The Diamond Engineering Company and approved by Oak Creek Engineering for the Cherry Avenue Pedestrian Bridge Replacement.

**RESOLUTION NO. 2020-102**

WHEREAS, The Diamond Engineering Co. of Grand Island, Nebraska has performed services in connection with the Cherry Avenue Pedestrian Bridge Replacement, and the City's engineer, Oak Creek Engineering, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$37,408.85 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 358,130.42</u>
Contract Sum To Date	358,130.42
Gross Amount Due	41,565.39
Retainage (10%)	<u>- 4,156.54</u>
Amount Due to Date	37,408.85
Less Previous Certificates for Payment	<u>- 0.00</u>
Current Payment Due	\$ 37,408.85

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 are hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF JUNE, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 8426 AUTHORIZING THE ISSUANCE OF COMBINED UTILITIES REVENUE REFUNDING BONDS, SERIES 2020B**

Council Member Nikkila introduced Ordinance No. 8426 authorizing the issuance of Combined Utilities Revenue Refunding Bonds, Series 2020B, of the City of Kearney, Nebraska, in the aggregate principal amount of not to exceed \$9,000,000 for the purpose of providing for the payment and redemption of the City's Series 2012, 2013, 2014E and 2015 bonds; directing the application of the proceeds of said bonds; prescribing the form, terms and details of said bonds; 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 bonds and interest thereon; authorizing officers of the City to make arrangements for the sale of the bonds and to designate the final terms, rates and maturity schedule for said bonds within stated parameters; providing for the collection, segregation and application of the revenues of said 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 Moore seconded the motion to suspend the rules for Ordinance No. 8426. 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. 8426 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 Moore seconded by Lear that Ordinance No. 8426 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. 8426 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

## **VI. REGULAR AGENDA**

### **PRESENTATION AND CONSIDERATION OF RAILROAD QUIET ZONE RAIL CROSSINGS AT 5TH AVENUE AND CENTRAL AVENUE**

Mayor Clouse opened for discussion the presentation of Railroad Quiet Zone Feasibility Study and consideration to proceed with implementation of Railroad Quiet Zones at the 5th Avenue Rail Crossing.

Rod Wiederspan, Director of Public Works, presented this matter to the Council. Mr. Wiederspan stated approximately a year ago the City received a request from the neighborhood surrounding 5th Avenue to establish a Railroad Quiet Zone at the 5th Avenue railroad crossing. Mr. Wiederspan stated the City hired Felsburg, Holt and Ullevig from Omaha to do a feasibility study for the Quiet Zones. This study looked at the 5th Avenue and Central Avenue crossings to determine what steps would be required to meet Federal requirements to enact a Quiet Zone at the two crossings. Mr. Wiederspan explained in a Quiet Zone, locomotives would not consistently sound their horns and the way side horns would be removed; however, at the discretion of locomotive engineers, the locomotive horn could be used.

Vice-President Randy Buschkoetter asked if the discretion of sounding a horn at any time would remain even if Quiet Zones were placed at the aforementioned crossings? Mr. Wiederspan agreed that horns would only be sounded as deemed necessary by locomotive engineers.

Mr. Wiederspan stated a diagnostic team consisting of representatives from the City of Kearney, Nebraska Department of Transportation, the Federal Railroad Administration and Union Pacific Railroad was established to determine what safety measures would be required at each crossing for a Quiet Zone. Items for the 5th Avenue crossing include replacing the current 6-inch roll over curbed median with an 8-inch vertical barrier curb median, construction of the same curb and gutter along the outside lanes and installation of truncated domes at pedestrian crossings.

Council Member Jonathan Nikkila questioned what truncated domes are? Mr. Wiederspan stated they are handicap ramps with raised domes located at crosswalks.

Mr. Wiederspan continued with the list of required items which included installation of W10-1 and W10-9P signage and removal of the wayside horns and confirmation signal poles. Once all the improvements are completed all authoritative parties with authority over the crossing will be notified of the changes by certified mail. There is a 21-day waiting period for the notification process before the wayside horns can be removed. The Engineer's opinion of probable cost for the 5th Avenue crossing is between \$73,240.00 to \$98,510.00. Mr. Wiederspan feels the cost could be reduced by having City employees complete several of the required changes.

The Central Avenue crossing would see similar improvements as the 5th Avenue crossing with the exception of the removal of pedestrian gates located on the northeast and southwest quadrants of the sidewalk at the Central Avenue crossing. The gates would be replaced with dynamic meshing signs at all four sidewalk quadrants of the crossing.

Mr. Wiederspan noted installation costs for these types of signs is very expensive. The Central Avenue crossing would also include the removal of the driveway on the west side of Central Avenue and reconstruction of the curb and gutter there.

Board Member Nikkila questioned if the point of the higher curb is to force cars to go past the signs? Mr. Wiederspan stated that higher curbs will funnel vehicles where they need to be and does not allow citizens to jump or drive over the curb.

Mr. Wiederspan stated the Engineer's opinion of probable cost for the Central Avenue crossing ranges from \$164,400.00 to \$268,500.00.

Council Member Nikkila questioned if Council approved the Quiet Zone(s), would there be an inspection completed by a Federal Agency to assure everything was completed correctly? Mr. Wiederspan explained once all improvements are completed, they are inspected to assure everything was completed and installed correctly; these inspections occur during the 21-day timeframe that was discussed earlier.

Council Member Nikkila explained from personal experience the 5th Avenue Quiet Zone would be beneficial, but feels there is not as big of an impact on the Central Avenue crossing due to limited residential housing by the Central Avenue crossing. Mr. Wiederspan agreed.

Council Member Tami Moore feels there are noise issues at the Central Avenue crossing as residential units have been added close to the crossing; additionally, Kitt's Kitchen and Coffee contacted her with concerns about the noise for their patrons. Council Member Moore questioned if the end result would result in less noise at the Central Avenue crossing? Mr. Wiederspan stated it would not at this time, unless improvements were completed so the wayside horns could be removed.

Mr. Wiederspan recommended completion of the improvements at the 5th Avenue crossing and see how well it goes over with the surrounding neighborhood. The Central Avenue crossing can be readdressed at a future date; in the interim, City Staff will review other options to the dynamic meshing signs to help lower the cost.

Council Member Nikkila stated currently, the City would have to follow the recommendations as outlined for the Central Avenue crossing, therefore, the quiet zone could not be implemented without spending \$164,400.00 to \$268,500.00; Mr. Wiederspan agreed.

Council Member Bruce Lear questioned if the core issue of the higher cost for the Central Avenue crossing is the dynamic message signs? Mr. Wiederspan agreed. Council Member Lear questioned what a dynamic message sign is? Mr. Wiederspan explained it is a neon sign that is similar to the City's current pedestrian crossing signs. The signs would include bells, be illuminated and would sound the same time the arms go down and the crossing was activated.

Vice President Buschkoetter felt if there was more foot traffic at the Central Avenue crossing, the signage would make sense.

Mayor Stanley Clouse stated the only time there is a higher number of pedestrians crossing on Central Avenue is during parades and other events downtown and feels implementing a Quiet Zone at the 5th Avenue crossing is a good idea.

Mr. Wiederspan stated UP Railroad is not in support of Quiet Zones as they feel it creates increased safety issues.

Moved by Lear seconded by Buschkoetter to accept the Railroad Quiet Zone Feasibility Study and authorize City staff to proceed with the implementation of a Railroad Quiet Zone at the 5th Avenue Rail Crossing. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

### **OPEN ACCOUNT CLAIM**

Moved by Buschkoetter seconded by Lear that the Open Account Claim in the amount of \$82,594.40 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**

Michael Morgan, City Manager, stated Directed Health Measures changed drastically this week; everything seems to be going well and people are complying with the measures still in effect. Mr. Morgan stated the City has received the three-year agreement with EAS, which includes the Chicago flight. It will save the City approximately \$1.5 million over the next three years.

Council Member Nikkila questioned when the City will sign the agreement for the second Denver flight? Mr. Morgan stated it has already been signed.

Mr. Morgan stated discussions have begun on an addition to the Airport Terminal that will double the terminal's size; there is currently an ongoing taxiway project as well.

Eric Hellriegel, Assistant City Manger gave the Council an update on the FEMA reimbursement for flooding that occurred last year regarding nine projects that were identified by the City. The total damage cost covered by FEMA is \$893,793.00 and will most likely increase after two major projects are completed; the hike/bike trail repairs from The Archway to I-80 and the Cherry Avenue pedestrian bridge. Both projects are approximately 25% complete. The City has received 75% of direct reimbursement from FEMA or \$623,289.00 and received 12.5% reimbursement from NEMA. The City will receive \$111,724.00 from NEMA; the money will be dispersed as projects are closed out. The City's matching funds are 12.5%.

Mr. Hellriegel reported the City has incurred approximately \$77,000.00 in COVID fund spending for preventative materials that includes partitions placed at various locations in City buildings, sanitizing materials and supplies and PPE for Fire Department and Police Department personnel. The City has two available options for reimbursement of these funds which include applying for CARES Act funding set aside by the Governor, or through FEMA. Funding through FEMA would be dispersed similar to the previously

discussed flooding where 75% comes from FEMA and 12.5% comes from NEMA.

Ms. Brandt reminded Council members of the upcoming annual preliminary budget meeting held in Council Chambers on July 7th at 7:00 a.m. and the annual joint City/County meeting to be held in the Bison Room at the Extension Building at the Fairgrounds on July 9th at 4:00 p.m. This City/County meeting was moved to a new location due to spacing issues for COVID.

**VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 6:12 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**ATTEST:**

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

\_\_\_\_\_  
**LAUREN BRANDT  
CITY CLERK**