

**Kearney, Nebraska**  
**August 11, 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 August 11, 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 and Eric Hellriegel, Assistant City Manager, were also present. Members of the media present included: Mike Konz, 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 attendance of the public.

## **I. ROUTINE BUSINESS**

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

With the absence of a minister, the Council held a moment of silence.

### **PLEDGE OF ALLEGIANCE**

Mayor Clouse and Council members led the 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**

Presentation by Brad Stephan regarding the wearing of face masks. Mr. Stephan, 18400 100th Road, stated he would like to see the City officially endorse a community wide recommendation for the wearing of face masks. He is requesting the recommendation be done by a proclamation. His recommendation is due to a 136% increase in COVID cases in Buffalo County since July 1st. Mr. Stephan stated a strong endorsement by the City Council to wear masks would reinforce the mask policies for UNK, CCC, KPS, both hospitals and a large segment of Kearney's business community and suggested having a poster contest for children promoting a mask up campaign as well as PSA's going out to all media outlets. Additionally, a community wide mask endorsement by City Council would create public awareness and public pressure rather than governmental pressure and feels when people see other people wearing masks it will make everyone consciously

or subconsciously wear one. Mr. Stephan thanked the Council for all the great work they have done to City facilities that has helped ensure staff and the public's safety and also by postponing major City projects and payroll increases in anticipation of lower tax revenue. He feels the only thing missing is the community wide recommendation for mask wearing.

Mayor Stanley Clouse and Council members thanked Mr. Stephan for his comments and stated Council will take it under advisement.

Council Member Jonathan Nikkila questioned Mr. Stephan's experience with wearing masks for an extended period of time when he was working in the medical field. Mr. Stephan stated his experience did not require him to wear a mask continuously; however, he did have to wear them occasionally and they were hot and uncomfortable to wear.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

### **REZONING OF PROPERTY LOCATED NORTH OF 70TH STREET AND 40TH AVENUE**

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for RK Development LLC, a Nebraska Limited Liability Company to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of the Southeast Quarter of the Southwest Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 70th Street and 40th Avenue) and consider Ordinance No. 8430.

Craig Bennett with Miller & Associates presented this matter to the Council. Mr. Bennett explained where the property is located and that it contains approximately 80 acres. The development will be completed in phases; the Developer is requesting this first phase, be rezoned to RR-1. There is no flood plain on this parcel and the drainage is mainly in a northeasterly direction. There is a homestead on the property that will remain during the first phase. Mr. Bennett reviewed the traffic flow for the development and showed where gravel roads will be located as well as the future paved roads in the subdivision and further explained potential traffic flow if roads surrounding the subdivision were developed or extended. The lots will be served by well and septic; leach fields will be located 50-feet from property lines to create 100-foot of separation between lots. Mr. Bennett stated the roads were drawn to RL2 Rural Road standards which are acceptable for the County roads maintenance system. Mr. Bennett stated North Pointe Subdivision contains 29.3 acres and will have eight lots. A 25-foot wide road will be built around the lots in a loop shape that will be paved and built to County road standards.

Mayor Clouse and Council Member Jonathan Nikkila questioned if this stretch of 70th

Street was the same area that had issues previously with sightlines pertaining to 30th Avenue? Mr. Bennett demonstrated where Mayor Clouse and Council Member Nikkila were describing with regard to 70th Street and 30th Street and stated some of the concerns with regarding the sightlines pertained to trees being planted as windbreaks that create site issues as well as a sag in the road making the road lower than the land surrounding it. As a solution, surrounding land was cut down for better visibility. With regard to North Pointe Subdivision, Mr. Bennett met with the County and described where land would need to be trimmed to help with potential visibility issues in this Subdivision; this trimming, from a site line visibility standpoint, will not affect 70th Street but will improve all connectivity to it.

Mayor Clouse clarified that the County has taken some action towards improving this stretch of road then? Mr. Bennett stated the County is aware of the 70th Street responsibility and he is not going to negate the site line visibility to it; this has been part of the vetting process with the County for the Subdivision.

Council Member Bruce Lear questioned if the road inclines steeply from 40th Street to the right going north? Mr. Bennett stated Council Member Lear was correct, to the south, it is downhill to 70th Street.

Council Member Lear questioned who will pay for the cost of the maintenance or repair of the roads in the Subdivision and if that would be the County's responsibility? Mr. Bennett explained the County's current revised regulations for both gravel and paved roads and stated because the roads in this Subdivision will be paved to County specifications, it is his understanding that the roads will be maintained by the County.

Council Member Nikkila thanked City staff and the Developers as well as Mr. Bennett for considering the circulation in the subdivision. He further questioned if the entire stretch of roads would be paved or just this portion? Mr. Bennett stated the entire subdivision will eventually be paved.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the application submitted by Miller & Associates for RK Development LLC, a Nebraska Limited Liability Company and introduced Ordinance No. 8430 rezoning from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of the Southeast Quarter of the Southwest Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 70th Street and 40th Avenue) and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Moore seconded the motion to close the hearing and suspend the rules for Ordinance No. 8430. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City

Clerk read Ordinance No. 8430 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8430 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8430 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 AND SUBDIVISION AGREEMENT FOR NORTH POINTE SUBDIVISION**

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

Mayor Clouse opened the public hearing on the application submitted by Miller & Associates for RK Development LLC, a Nebraska Limited Liability Company for the Final Plat and Subdivision Agreement for North Pointe, a subdivision being part of the Southeast Quarter of the Southwest 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 Southwest Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 70th Street and 40th Avenue) and consider Resolution No. 2020-118.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2020-118 approving the Final Plat and Subdivision Agreement for North Pointe, a subdivision being part of the Southeast Quarter of the Southwest 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 Southwest Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 70th Street and 40th Avenue). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

### **RESOLUTION NO. 2020-118**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of North Pointe, a subdivision being part of the Southeast Quarter of the Southwest 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 Southwest Quarter of Section 16, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: BEGINNING at a brasscap at the Southeast Corner of the Southeast Quarter of the Southwest Quarter of Section 16; thence N 00°13'12" E on the East line of said Southeast Quarter of the Southwest Quarter, and all bearings contained herein are relative thereto, a distance of 897.00 feet to a 5/8" rebar w/cap; thence S 89°20'09" W a

distance of 381.98 feet to a 5/8" rebar w/cap; thence N 00°20'09" E a distance of 62.30 feet to a 5/8" rebar w/cap; thence S 89°20'09" W a distance of 667.12 feet to a 5/8" rebar w/cap; thence N 00°39'51" W a distance of 204.25 feet to a 5/8" rebar w/cap; thence S 89°20'09" W a distance of 263.48 feet to a 5/8" rebar w/cap on the West line of said Southeast Quarter of the Southwest Quarter; thence S 00°07'58" W on said West line a distance of 1140.62 feet to a 5/8" rebar at the Southwest corner of said Southeast Quarter of the Southwest Quarter; thence S 89°39'52" E on the South line of said Southeast Quarter of the Southwest Quarter a distance of 1313.71 feet to the Point of Beginning, containing 29.30 acres more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the 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 Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved and that the President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the final plat on behalf of the City of Kearney, Nebraska.

PASSED AND APPROVED THIS 11TH DAY OF AUGUST, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

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

Mayor Clouse stated he will be abstaining from any action due to a conflict of interest regarding Consent Agenda Item 11; therefore, Vice President Buschkoetter continued the action for the Consent Agenda.

Moved by Buschkoetter seconded by Nikkila that Subsections 1 through 12 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse abstained. Motion carried.

1. Approve Minutes of Regular Meeting held July 28, 2020.

2. Approve the following Claims:

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

Ace Irrigation-\$730.24-smcs; Agri Affiliates-\$60.00-smcs; Agri Coop-\$1,011.44-smcs; ALS Assn.-\$110.00-smcs; Alstrom,J-\$28.05-smcs; Amazon-\$2,135.28-smcs; Antelope Sprinklers-\$515.00-smcs; Appliance Pros-\$220.00-smcs; Arrow Seed-\$400.00-smcs;

Ask Supply-\$1,129.93-smcs; Aurora Coop-\$101.12-smcs; Auto Value-\$227.12-smcs; Avfuel-\$14,930.90-smcs; Baker & Taylor-\$6,959.53-smcs; Beacon Athletics-\$386.00-smcs; Bicak,M-\$45.00-smcs; Bill's Trailer-\$3,700.00-co; Blackstone Publishing-\$1,015.67-smcs; Blackstrap-\$4,433.01-smcs; BlueCross BlueShield-\$119,907.87-smcs; Bosselman-\$40,103.13-smcs; Brandt,K-\$4.64-smcs; Bridgett Lavene Consulting-\$5,833.00-smcs; Broadfoot's-\$2,070.00-smcs; Bryant Elementary-\$90.00-smcs; Builders-\$333.35-smcs,co; Buysm Sod-\$346.32-co; Carquest-\$3,551.28-smcs; Cash-Wa-\$3,233.65-smcs; Central States Wire-\$1,638.24-smcs; Chavez,K-\$100.47-smcs; Chesterman-\$2,397.60-smcs; Cigna-\$7,970.95-smcs; Cisneros,B-\$4.25-smcs; City Glass-\$3,990.00-smcs; City of Ky-\$433,196.33-smcs,ps; Core & Main-\$2,185.47-smcs; Cold Spring Granite-\$177.00-smcs; Comm Serv Fund of NE-\$58.00-ps; Comm. Health Agencies-\$106.00-ps; Compasscom-\$225.00-smcs; Compute North-\$26,229.95-smcs; Construction Rental-\$281.13-smcs,co; Cottonmill Enterprises-\$800.00-smcs; Credit Management Serv-\$102.64-ps; Crites,C-\$8.46-smcs; Crystal Clean-\$489.00-smcs; Cullen,M-\$336.33-smcs; Cutting Edge Cleaning-\$180.00-smcs; D & K Products-\$15,640.00-smcs; Dan's Plumbing-\$299.67-smcs; Dean,C-\$21.31-smcs; Decker,K-\$60.00-smcs; Deterding's-\$3,888.00-smcs; Diamond Engineering.-\$64,467.22-co; Eagle Distributing-\$2,755.20-smcs; Eakes-\$1,566.54-smcs,co; Easy Picker-\$540.12-smcs; Ed Broadfoot & Sons-\$1,551.00-smcs; Elliott Equipment-\$2,876.82-smcs;Enforcement Video-\$249.00-smcs; Exchange Bank-\$35.00-smcs; Family Practice-\$2,080.00-ps; Fastenal-\$1,480.00-co; Garrels,J-\$413.00-smcs; GD Construction-\$53,132.40-co; Gentrup,B-\$135.00-smcs; Heartland Refrigeration-\$153.75-smcs; Hermoso,D-\$36.64-smcs; HM Life Insurance-\$59,788.14-smcs; Hometown Leasing-\$522.04-smcs; Hometown Production-\$409.95-smcs; HTS AG-\$4,946.92-smcs; ICMA-\$6,825.07-ps; Iowa Plains Signing-\$1,205.00-smcs; IRS-\$170,678.64-ps; Jack Lederman-\$2,445.04-smcs; Jack's Uniforms-\$2,221.56-smcs; Jackson Services-\$351.46-smcs; Ky Crete & Block-\$79.47-smcs; Ky Noon Rotary-\$140.00-smcs; Ky Powersports-\$22,637.99-co; Konen,T-\$10.01-smcs; Konica Minolta-\$960.39-smcs; Kostenbauer,M-\$30.92-smcs; Kowalek,G-\$28.05-smcs; Lamberts,C-\$191.30-smcs; Landmark Implement-\$21,329.11-co; Lawn Builders-\$116.78-smcs; Leach,C-\$102.72-smcs; Lerner Publications-\$167.91-smcs; Logan Contractors-\$213.00-co; Lybarger,M -\$5.04-smcs; Magic Cleaning-\$7,050.00-smcs; Magic Wand Company-\$4,165.00-smcs; Marlatt Machine-\$36.47-smcs; Mead Lumber-\$61.14-co; Menards-\$153.46-smcs,co; Mid-American Signal-\$96.00-smcs; Mid-NE Garage Doors-\$1,580.00-smcs; Midwest Connect-\$7,721.88-smcs; Miller & Associates-\$51,640.70-smcs,co; Miller Signs-\$3,290.00-smcs; Mirror Image-\$268.64-smcs; Muir,S-\$11.52-smcs; Mundorf,J-\$22.06-smcs; Municipal Supply-\$5,462.05-smcs; Murphy Tractor-\$719.53-smcs; NE Child Support-\$2,287.35-ps; NE Dept of Revenue-\$56,873.10-ps; NE Salt & Grain-\$3,099.49-smcs; Nebraskaland Distributors-\$5,164.40-smcs; Nelson,E-\$35.60-smcs; Northwestern Energy-\$1,554.22-smcs; Nuco Pump Sales-\$1,000.00-smcs; O'Keefe Elevator-\$465.55-smcs; Olsson-\$15,173.63-co; One Call Concepts-\$425.86-smcs; O'Reilly Auto-\$701.86-smcs; Outdoor Recreation-\$3,290.00-co; Panhellenic Council-\$120.00-smcs; Paramount-\$31.26-smcs; Payflex-\$531.25-smcs,ps; Peerless Machine-\$13,110.06-smcs; Pep Co-\$412.02-smcs; Peyton,A-\$649.00-smcs; Pfeiffer,C-\$14.50-smcs; Philip Carkoski Const.-\$85,210.00-co; Ping-\$439.73-smcs; Power Tech-\$718.32-smcs; Presto-X-\$292.00-smcs; Provantage-\$1,500.00-smcs; Recorded Books-\$1,358.61-smcs; Reinke's-\$456.10-smcs; Resource Mgmt.-\$962.40-smcs; Rheome Tree-\$3,675.00-smcs; Rutt's Heating-\$479.82-smcs; Safe Slide Restoration-\$92,150.00-co; Schaub,M-\$35.00-smcs; Schumacher Bros Fencing-\$400.00-smcs; Schwarz,Z-\$28.05-smcs; Secretary of State-\$30.00-smcs; See

Clear Cleaning-\$3,000.00-smcs; Shafto,B-\$28.70-smcs; Sherwin Industries-\$465.65-smcs; Shredding Solutions-\$58.80-smcs; Silverstone-\$5,155.92-smcs; SOS Portable Toilets-\$210.00-smcs; Spiegel,D-\$1.01-smcs; State of NE/DAS-\$31.50-smcs; Stutsman-\$2,745.00-smcs; Taillon,R-\$413.00-smcs; Thiele,G-\$14.11-smcs; Trade Well Pallet-\$980.00-smcs; Truck Center Companies-\$173,701.00-co; Turner Body Shop-\$200.00-smcs; Tye & Rowling-\$14,136.07-smcs; Tyler Technologies-\$6,376.65-co; Underground Construction-\$5,875.25-smcs; Union Bank & Trust-\$83,845.16-ps; United Way of Ky-\$337.00-ps; Verizon-\$9,505.43-smcs; Village Cleaners-\$221.24-smcs; Villalobos,V-\$25.44-smcs; VW Golf-\$244.50-smcs; Wagner's Irrigation-\$335.00-smcs; Ward Laboratories-\$82.50-co; Wilkins Architecture Design-\$85.00-smcs; Winter Equipment-\$4,065.60-smcs; Wittmus,L-\$120.00-smcs; Payroll Ending 07/18/2020 -- \$ 544,142.28. 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 setting August 25, 2020 at 5:30 p.m. as the time and date to meet as the Board of Equalization to assess costs in connection with Paving Improvement District Nos. 2017-986, 2018-988, 2018-991, 2018-992, 2018-993; Water District Nos. 2017-586, 2018-587, 2018-589, 2018-590, 2018-591; and Sanitary Sewer District Nos. 2018-523, 2018-525, 2018-526, 2018-527.

4. Adopt Resolution No. 2020-119 approving the Peterson Senior Activity Center Annual Nutrition Service Contract between the City of Kearney and Community Action Partnership of Mid-Nebraska.

#### **RESOLUTION NO. 2020-119**

BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the City Manager be and is hereby authorized and directed to execute the Peterson Senior Activity Center Annual Nutrition Service Contract on behalf of the City of Kearney. The said Contract, marked as Exhibit "1", is attached hereto and made a part hereof be reference.

PASSED AND APPROVED THIS 11TH DAY OF AUGUST, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

5. Adopt Resolution No. 2020-120 approving Application and Certificate for Payment No. 4 in the amount of \$8,553.74 submitted by Ensley Electrical Services and approved by City staff for the installation of a new generator at the Law Enforcement Center.

#### **RESOLUTION NO. 2020-120**

WHEREAS, Ensley Electrical Services of Grand Island, Nebraska has performed services in connection with the installation of a new generator at the Law Enforcement Center, and City staff, have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$8,553.74 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)	+ 2,293.00
Change Order No. 3 (7-14-20)	<u>+ 394.00</u>
Contract Sum to Date	\$ 414,712.00
Gross Amount Due	414,712.00
Retainage (10%)	<u>- 41,471.20</u>
Amount Due to Date	373,240.80
Less Previous Certificates for Payment	<u>- 364,687.06</u>
Current Payment Due	\$ 8,553.74

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

PASSED AND APPROVED THIS 11TH DAY OF AUGUST, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

6. Accept the bids received for the 2020 Part 7 Improvements; Downtown Asphalt and adopt Resolution No. 2020-121 awarding the bid to Blessing Construction in the amount of \$447,590.00.

**RESOLUTION NO. 2020-121**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on August 4, 2020 at 2:00 p.m. for the 2020 Part 7 Improvements for the resurfacing construction of 24th Street from 2nd Avenue to Central Avenue, 23rd Street from 2nd Avenue to 1st Avenue, 22nd Street from 2nd Avenue to Central Avenue, 21st Street from 2nd Avenue to 1st Avenue, North Railroad Street from 5th Avenue to Central Avenue, 1st Avenue from 25th Street to 21st Street, and E Avenue from 25th Street to 23rd Street; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$449,635.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Blessing Construction of Kearney, Nebraska in the amount of \$447,590.00 for the total base bid (that includes Bid A for Base Bid in the amount of \$264,607.25, Bid B for E Avenue in the amount of \$49,250.00 and Bid C for North Railroad Street in the amount of \$133,957.75) be accepted as the lowest responsible bid for the 2020 Part 7 Improvements for the resurfacing construction of 24th Street from 2nd Avenue to Central Avenue, 23rd Street from 2nd Avenue to 1st Avenue, 22nd Street from 2nd Avenue to Central Avenue, 21st Street from 2nd Avenue to 1st Avenue, North Railroad Street from 5th Avenue to Central Avenue, 1st Avenue from 25th Street to 21st Street, and E Avenue from 25th Street to 23rd Street.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska that the said Engineer’s recommendation is hereby accepted, that Blessing Construction be and is the lowest responsible bidder for the 2020 Part 7

Improvements for the resurfacing construction of 24th Street from 2nd Avenue to Central Avenue, 23rd Street from 2nd Avenue to 1st Avenue, 22nd Street from 2nd Avenue to Central Avenue, 21st Street from 2nd Avenue to 1st Avenue, North Railroad Street from 5th Avenue to Central Avenue, 1st Avenue from 25th Street to 21st Street, and E Avenue from 25th Street to 23rd Street to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Blessing Construction in the amount of \$447,590.00 for the total base bid (that includes Bid A for Base Bid in the amount of \$264,607.25, Bid B for E Avenue in the amount of \$49,250.00 and Bid C for North Railroad Street in the amount of \$133,957.75) be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$449,635.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the Vice-President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 11TH DAY OF AUGUST, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

7. Adopt Resolution No. 2020-122 approving Application and Certificate for Payment No. 1 in the amount of \$105,747.30 submitted by Morten Construction, LLC and approved by Miller & Associates for the 2020 Trail Restoration.

**RESOLUTION NO. 2020-122**

WHEREAS, Morten Construction, LLC of Kearney, Nebraska has performed services in connection with the 2020 Trail Restoration, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$105,747.30 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 201,450.00</u>
Contract Sum To Date	201,450.00
Gross Amount Due	117,497.00
Retainage (10%)	- 11,749.70
Amount Due to Date	<u>105,747.30</u>
Less Previous Certificates for Payment	- 0.00
Current Payment Due	<u>\$ 105,747.30</u>

NOW, THEREFORE, BE IT RESOLVED by the Vice-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 11TH DAY OF AUGUST, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

8. Approve the recommendation from the Development Services Division on the annual renewal of East Lawn Mobile Homes Estates, 2900 and 3010 Grand Avenue manufactured home court license until May 31, 2021.

9. Accept the bids received for the purchase of two (2) Jet A refueler trucks to be used at the Kearney Regional Airport and award the bid to Proflo Industries in the amount of \$445,990.00.

10. Approve the Development Agreement between Compute North NE, LLC, Economic Development Council of Buffalo County, Inc. and the City of Kearney establishing the terms and conditions to be complied with as part of the development of approximately 6 acres of land at Tech oNE Crossing and adopt Resolution No. 2020-123.

**RESOLUTION NO. 2020-123**

BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska, to approve the Development Agreement between the City of Kearney, Economic Development Council of Buffalo County, Inc. and Compute North NE05, LLC establishing the terms and conditions to be complied with as part of the development of six acres of land at Tech one Crossing. A copy of said Development Agreement, marked as Exhibit A, is attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 11TH DAY OF AUGUST, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

11. Authorize the Vice-President of the Council to execute the Release of Telecommunications Easement on a tract of land located in part of the Northeast Quarter of the Northwest Quarter and part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and approve Resolution No. 2020-124.

**RESOLUTION NO. 2020-124**

BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the President be and is hereby directed and authorized to execute a Release of Telecommunications Easement, a copy of which marked Exhibit "1" is attached hereto. A copy of the said Release of Telecommunications Easement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 11TH DAY OF AUGUST, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

12. Adopt Resolution No. 2020-125 approving Application and Certificate for Payment

No. 3 in the amount of \$145,397.47 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. 2020-125**

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. 3 in the amount of \$145,397.47 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	266,660.50
Retainage (10%)	- <u>26,666.05</u>
Amount Due to Date	239,994.45
Less Previous Certificates for Payment	<u>94,596.98</u>
Current Payment Due	<u>\$ 145,397.47</u>

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 3, as shown on Exhibit “A”, be and is hereby accepted and approved.

PASSED AND APPROVED THIS 11TH DAY OF AUGUST, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

RANDY BUSCHKOETTER  
VICE-PRESIDENT OF THE COUNCIL

**V. CONSENT AGENDA ORDINANCES**

None.

**VI. REGULAR AGENDA**

**ORDINANCE NO. 8429 AMENDING CHAPTER 9 “PUBLIC WORKS” TO ADOPT THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE**

Mayor Clouse stated City staff recommended to further postpone to the August 25, 2020 City Council meeting, Ordinance No. 8429 amending Section 9-213 “International Energy Conversation Code” of Article 2 “Building Code Generally” of Chapter 9 “Public Works” to adopt the 2018 International Energy Conservation Code.

Moved by Clouse seconded by Nikkila to further postpone to the August 25, 2020 meeting, Ordinance No. 8429 amending Section 9-213 “International Energy Conversation Code” of Article 2 “Building Code Generally” of Chapter 9 “Public Works” to adopt the 2018 International Energy Conservation Code. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**VII. REPORTS**

City Manager Michael Morgan gave an update from the COVID meeting he attended today; from the hospitals standpoint, there has been a slight uptick in patient cases but not considerable. Mr. Morgan requested City Council give City staff guidance on the mask wearing recommendation. Schools have asked the City to utilize some of their electronic billboards that are leased to spread additional communication about masks; they have also requested the use of the City's portable signage to assist with sharing the message. In addition, a few weeks ago, Michaella Bendfeldt, Executive Assistant to the City Manager put together a downloadable kit that was dispersed to businesses that included graphics and documents that can be placed in their business regarding COVID guidelines and masks.

Mayor Clouse requested Council members contact Mr. Morgan regarding their thoughts about a mask recommendation that was discussed earlier. Mayor Clouse stated he does not have a problem with issuing a Proclamation or Resolution regarding a mask recommendation only.

**VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 5:55 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

**ATTEST:**

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

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