

*Kearney, Nebraska
August 25, 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 25, 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; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Rod Wiederspan, Director of Public Works; Andy Harter, Assistant Public Works Director; Kevin Thompson, Police Lieutenant; and Brenda Jensen, Development Services Director, were also present. Members of the media present included: Mike Konz, 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

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

BOARD OF EQUALIZATION

Mayor Clouse opened the public hearing for the Council to meet as the Board of Equalization for the purpose of equalizing and levying special assessments on the lots and parcels of land 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 and consider Resolution No. 2020-126.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing for the Council to meet as the Board of Equalization and adopt Resolution No. 2020-126 equalizing and levying special assessments on the lots and parcels of land 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. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2020-126

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. The President and Council find and determine that the streets in Paving Improvement District Nos. 2017-986, 2018-988, 2018-991, 2018-992, 2018-993 have been improved by paving, curbing and guttering and incidental work, that none of the properties listed, which list is marked Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedules do not exceed the amounts which each of said lots and parcels of ground were specially benefited by said improvements and the total amount of said special assessments does not exceed the costs of said improvements exclusive of the cost of the intersections and areas formed by the crossing of streets, avenues and alleys as heretofore determined by the Mayor and City Council.

Section 2. The President and Council find and determine that the water main heretofore ordered installed in Water District Nos. 2017-586, 2018-587, 2018-589, 2018-590, 2018-591 have been installed, together with all incidental work thereto by the City Utilities Department, and that none of the properties listed, which is marked "Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedule does not exceed the amounts which each of said lots and parcels of ground were specially benefited by said water main and the total amount of said special assessments does not exceed the costs of said improvements as heretofore determined by the Mayor and City Council.

Section 3. The President and Council find and determine that the sanitary sewer main heretofore ordered installed in Sanitary Sewer District Nos. 2018-523, 2018-525, 2018-526, 2018-527 have been installed, together with all incidental work thereto by the City Utilities Department, and that none of the properties listed, which is marked "Exhibit "A"

and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedule does not exceed the amounts which each of said lots and parcels of ground were specially benefited by said sanitary sewer main and the total amount of said special assessments does not exceed the costs of said improvements as heretofore determined by the Mayor and City Council.

Section 4. Notice of the time and purpose of hearing on special assessments for equalizing said special assessments has been published as provided by law in the Kearney Hub, and a copy of said notice mailed by certified mail to each party known to have a direct legal interest therein.

Section 5. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Paving Improvement District Nos. 2017-986, 2018-991, 2018-992, 2018-993 shall become delinquent as follows:

- 1/10th fifty days after date of this Resolution
- 1/10th one year after date of this Resolution
- 1/10th two years after date of this Resolution
- 1/10th three years after date of this Resolution
- 1/10th four years after date of this Resolution
- 1/10th five years after date of this Resolution
- 1/10th six years after date of this Resolution
- 1/10th seven years after date of this Resolution
- 1/10th eight years after date of this Resolution
- 1/10th nine years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of 5.0 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of 14.0 per centum per annum until paid.

Section 6. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Paving Improvement District No. 2018-988 shall become delinquent as follows:

- 1/20th fifty days after date of this Resolution
- 1/20th one year after date of this Resolution
- 1/20th two years after date of this Resolution
- 1/20th three years after date of this Resolution
- 1/20th four years after date of this Resolution
- 1/20th five years after date of this Resolution
- 1/20th six years after date of this Resolution
- 1/20th seven years after date of this Resolution
- 1/20th eight years after date of this Resolution
- 1/20th nine years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of 5.0 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of 14.0 per centum per annum until paid.

Section 7. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Water District Nos. 2017-586, 2018-589, 2018-590, 2018-591 shall become delinquent as follows:

- 1/5th fifty days after date of this Resolution
- 1/5th one year after date of this Resolution

- 1/5th two years after date of this Resolution
- 1/5th three years after date of this Resolution
- 1/5th four years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of 5.0 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of 14.0 per centum per annum until paid.

Section 8. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Water District No. 2018-587 shall become delinquent as follows:

- 1/10th fifty days after date of this Resolution
- 1/10th one year after date of this Resolution
- 1/10th two years after date of this Resolution
- 1/10th three years after date of this Resolution
- 1/10th four years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of 5.0 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of 14.0 per centum per annum until paid.

Section 9. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Sanitary Sewer District Nos. 2018-525, 2018-526, 2018-527 shall become delinquent as follows:

- 1/5th fifty days after date of this Resolution
- 1/5th one year after date of this Resolution
- 1/5th two years after date of this Resolution
- 1/5th three years after date of this Resolution
- 1/5th four years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of 5.0 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of 14.0 per centum per annum until paid.

Section 10. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Sanitary Sewer District No. 2018-523 shall become delinquent as follows:

- 1/10th fifty days after date of this Resolution
- 1/10th one year after date of this Resolution
- 1/10th two years after date of this Resolution
- 1/10th three years after date of this Resolution
- 1/10th four years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of 5.0 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of 14.0 per centum per annum until paid.

PASSED AND APPROVED THIS 25TH 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 the Consent Agenda was amended on Monday, to correct Item 13 as there was a calculation error that resulted in the incorrect requested payment amount to the contractor.

Moved by Moore seconded by Lear that Subsections 1 through 15 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held 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

1000bulbs.com-\$635.96-smcs; 24 Hour Wristbands-\$59.65-smcs; 911 Custom-\$58.20-smcs; A&D Rentals-\$35.38-smcs; Ace Irrigation-\$168.48-smcs; Acushnet-\$1,570.06-smcs; Adobe-\$29.99-smcs; Advance Auto Parts-\$49.21-smcs; Agri Coop-\$803.94-smcs; Aguayo, Sara-\$51.63-smcs; Airport Lighting-\$324.91-smcs; Alfred Benesch-\$11,780.98-co; All Makes Auto-\$4,790.86-smcs; Ally B Design-\$25.00-smcs; Alstrom,J-\$9.35-smcs; Alternate Force-\$295.40-smcs; Amazon-\$4,211.27-smcs,co; Amedisys Foundation-\$210.00-smcs; American Legion Emblem-\$40.45-smcs; American Library Assn.-\$5,317.41-smcs; American Red Cross-\$1,405.43-smcs; Andersen Wrecking-\$800.00-smcs; Animoto-\$264.00-smcs; AP Generator Parts-\$85.23-smcs; Apple-\$0.99-smcs; Aramark Uniform-\$259.10-smcs; Arrow Seed-\$472.52-smcs; Ask Supply-\$910.94-smcs; Aurora Coop-\$52.12-smcs; Aussie Hydraulics-\$473.94-smcs; Auto Value-\$87.45-smcs; B&G Investments-\$176.13-smcs; B&H Photo-\$3,207.04-smcs,co; Baird Holm-\$17,130.00-smcs; Baker & Taylor-\$3,750.14-smcs; Bamford-\$225.00-smcs; Baum Hydraulics-\$661.01-smcs; Beacon Athletics-\$4,587.00-co; Big Red Auto-\$255.73-smcs; Blackburn Manufacturing-\$100.52-smcs; Blackstone Audio Books-\$232.49-smcs; Blackstrap-\$1,400.30-smcs; Blue to Gold-\$596.00-smcs; Bluecross Blueshield-\$92,217.13-smcs; Bosselman-\$3,487.13-smcs; Brandt,T-\$100.00-smcs; Broadfoot Sand & Gravel-\$736.50-smcs; Bronwells-\$102.39-smcs; Bryant,D-\$57.83-smcs; BSN Sports-\$283.23-smcs; Buffalo Outdoor Power-\$770.45-smcs; Builders-\$1,755.05-smcs,co; Cab Store-\$164.97-smcs; Cady,K-\$47.68-smcs; Calibre Press-\$199.00-smcs; Capstone Press-\$47.98-smcs; Carquest-\$443.00-smcs; Carrot Top-\$367.90-smcs; Casey's-\$36.23-smcs; Cash Wa-\$3,129.59-smcs; CDW -\$281.88-smcs; Cellebrite-\$2,995.00-smcs; Cenex-\$64.07-smcs; Cengage/Gale-\$92.96-smcs; Central Hydraulic-\$3,032.00-co; Central NE Bobcat-\$292.85-smcs; Central NE Rentals-\$176.01-smcs; Century 21-\$60.29-smcs; Century Hydraulic-\$389.34-smcs; Century Lumber-\$416.91-smcs; Charter-\$196.98-smcs; Chemsearch-\$307.00-smcs; Chesterman-\$1,028.95-smcs; Chicken Coop-\$60.00-smcs; Cintas-\$369.10-smcs; City of Ky-\$35,592.86-smcs,ps; CNA Surety-\$40.00-smcs; Cold Spring Granite-\$224.00-smcs; Comm Act Part of Mid-NE-\$585.00-smcs; Commercial Recreation-\$2,371.69-smcs; Construction Rental-\$1,500.04-

smcs,co; Control Yours-\$285.00-smcs; Copperhead Properties-\$15.75-smcs; Copycat-\$1,393.41-smcs; Core & Main-\$667.54-smcs; Credit Mgmt.-\$96.44-ps; Cron,A-\$84.97-smcs; CS Monitor-\$75.00-smcs; Culligan-\$214.50-smcs; Cummins-\$5,313.59-smcs,co; Cutter & Buck-\$46.50-smcs; Dance Works-\$100.00-smcs; Dan's Plumbing-\$707.75-smcs; Dawson Public Power-\$48,941.42-smcs; Daylight Donuts-\$41.50-smcs; Deaver,M-\$160.00-smcs; Denker, Bailey-\$50.98-smcs; Depository Trust-\$9,617,943.49-ds; Desert Snow-\$1,797.00-smcs; Diestler,A-\$77.50-smcs; Digicert-\$828.00-smcs; Dish-\$217.12-smcs; Dmilaco-\$215.00-smcs; Dollar General-\$24.08-smcs; Dollman,G-\$79.49-smcs; Donahoo,C-\$31.88-smcs; DPC Industries-\$7,350.17-smcs; Dreams Time-\$25.00-smcs; Deterdings-\$1,132.14-smcs; Eagle Distributing-\$2,825.06-smcs; Eakes-\$3,091.62-smcs; Ebay-\$21.29-smcs; Echo Electric-\$924.73-smcs; Ecolab-\$80.26-smcs; Ed Broadfoot & Sons-\$822.25-smcs; Ehrlich-\$57.00-smcs; Ensley Electrical-\$8,553.74-co; Entenmann-Rovin-\$248.50-smcs; Enterprise-\$76.16-smcs; Everything 2 Go-\$718.00-smcs; Expression Wear-\$532.80-smcs; Eyemed -\$1,297.70-smcs; Facebook-\$98.38-smcs; Family Fresh-\$32.50-smcs; Fangmeyer, Aschwege &-\$19.69-smcs; Fastenal-\$385.27-smcs; Fedex-\$107.83-smcs; Felsburg Holt & Ullevig-\$6,365.00-smcs; Fiskarsbran-\$396.03-smcs; Flightware-\$1,000.00-smcs; Flores,B-\$4.44-smcs; Fort Bend Services-\$14,352.00-smcs; Fountain Hills-\$129.94-smcs; Foxit Software-\$139.00-smcs; Frontier-\$7,505.69-smcs; Galeton-\$481.26-smcs; Galls-\$610.62-smcs; Garrett Tires-\$3,867.51-smcs; GI Physical Therapy-\$45.00-ps; Global Industrial-\$765.89-smcs; Gonzalez,B-\$85.00-smcs; Goodwin Tucker-\$240.00-smcs; Govt. Finance Officers-\$225.00-smcs; Graham Tire-\$1,354.56-smcs; Grainger-\$782.09-smcs; Granicus-\$4,500.00-co; Great Plains Asbestos-\$1,600.00-co; Greater NE Cities-\$1,000.00-smcs; Grindstone Hardscapes-\$3,310.00-smcs; Hach-\$776.97-smcs; Hilton-\$259.94-smcs; HOA Solutions-\$1,111.90-smcs; Hobby-Lobby-\$217.12-smcs; Holmes Plumbing-\$2,250.74-smcs; Home Depot-\$2,019.38-smcs; Hooker Brothers-\$536.37-smcs; Howe,S-\$3,882.82-smcs; Hyperikon-\$484.84-smcs; Hy-vee-\$69.39-smcs; ICMA-\$6,819.41-ps; Ideal Electric-\$44,980.00-co; In Flight Planner-\$99.99-smcs; Indelco Plastics-\$833.15-smcs; Interstate Plastics-\$501.88-smcs; Investment Property-\$61.22-smcs; Invoice Home-\$5.00-smcs; IRS-\$168,002.78-ps; Island Supply-\$105.40-smcs; J&A Traffic-\$1,125.00-smcs; Jack Lederman-\$2,050.96-smcs,co; Jaeger,G-\$101.19-smcs; Jay's Uniforms-\$194.82-smcs; JCB Delivery-\$22.00-smcs; Joann Fabric-\$72.71-smcs; Johnstone Supply-\$451.14-smcs; Juice Stop-\$50.00-smcs; Katom Restaurant-\$69.57-smcs; Ky Ace-\$344.82-smcs,co; Ky Animal Shelter-\$10,360.00-smcs; Ky Catholic-\$172.09-smcs; Ky Concrete-\$39,641.34-smcs,co; Ky Crete & Block-\$3,427.20-smcs,co; Ky Hub-\$3,521.00-smcs; Ky Powersports-\$1,331.70-smcs; Ky Regional Medical-\$660.00-smcs; Ky Tire-\$1,165.41-smcs; Ky Towing-\$302.50-smcs; Ky Tropical Snow-\$50.00-smcs; Ky Warehouse-\$2,131.46-smcs; Ky Winlectric-\$4,819.38-smcs,co; Ky Winnelson-\$650.71-smcs; Kearney,K-\$60.00-smcs; Kelly Supply-\$1,372.64-smcs; Kewanna Screen Printing-\$142.04-smcs; Koettters,J-\$9.35-smcs; Konica Minolta-\$276.58-smcs; KRMC-\$100.00-smcs; Ktown Cakery-\$20.00-smcs; Landmark Implement-\$1,308.93-smcs; Lawson Products-\$886.93-smcs; Lifeguard Store-\$89.01-smcs; Lockmobile-\$14.70-smcs; Loves-\$51.05-smcs; Lulzbot-\$96.86-smcs; Macqueen Equipment-\$5,453.60-smcs; Mallory Safety-\$89.98-smcs; Marlatt Machine-\$6,505.36-smcs,co; Martin,S-\$107.56-smcs; Masek Golf-\$239.92-smcs; Masters True Value-\$1,091.24-smcs; Matheson Tri-Gas-\$39.49-smcs; McDonald Uniforms-\$422.99-smcs; McElhinney Builders-\$20.89-smcs; Mefferd,E-\$1,516.00-smcs; Menards-\$9,767.53-smcs,co; Midway Chrysler-\$224.10-smcs; Midwest Connect-\$2,959.00-smcs; Midwest Partitions-\$41.90-smcs; Midwest Turf-\$1,794.20-smcs; Milco Environmental-\$1,564.05-

smcs; Minitex-\$1,596.00-smcs; Mobotrex-\$2,070.00-smcs; Moonlight Embroidery-\$1,286.50-smcs; Moore & O'Connor-\$148.96-smcs; Moore,J-\$0.05-smcs; Morten Construction-\$105,747.30-co; Motion Picture-\$245.81-smcs; Mountain High Equipment-\$516.73-smcs; MPH Industries-\$2,930.00-smcs; Municipal Automation-\$182.88-smcs; Municipal Supply-\$11,332.53-smcs,co; Municode-\$1,295.00-smcs; Musicians Friend-\$2,668.58-co; My Pilot Store-\$178.75-smcs; Nat'l Petroleum Equipment-\$391.41-smcs; NCH Software-\$36.04-smcs; NCL of Wisconsin-\$511.44-smcs; NE Central Seniors Golf-\$84.00-smcs; NE Child Support-\$2,287.35-ps; NE Crane-\$214.29-smcs; NE Dept Revenue-\$82,131.50-smcs; NE Golf Assn.-\$704.00-smcs; NE Library Commission-\$3,869.02-smcs; NE Machinery-\$845.19-smcs; NE Safety-\$210.00-smcs; NE Truck Center-\$2,372.48-smcs; Nebraskaland Distributors-\$517.00-smcs; Nebraskarur-\$225.00-smcs; New Pig Corp-\$472.35-smcs; NI NDA Device-\$60.50-smcs; Nielsen Contracting-\$145,397.47-co; Nordhues,B-\$47.56-smcs; Northwest Electric-\$1,795.00-smcs; Northwestern Energy-\$1,146.32-smcs; Nova Fitness-\$544.50-ps; NRG Media-\$410.00-smcs; NSA POAN-\$840.00-smcs; NSWCCO-\$2,100.00-smcs; Nutrien Ag-\$2,243.57-smcs; Oak Creek Engineering-\$4,370.50-co; OCLC-\$764.46-smcs; Office Depot-\$1,011.01-smcs; Office Net-\$302.58-smcs; Online Training-\$150.00-smcs; O'Reilly Auto-\$1,163.96-smcs; Orscheln-\$531.04-smcs; Out of Print-\$70.57-smcs; Paessler-\$437.50-smcs; Paper Roll Products-\$186.00-smcs; Paramount-\$104.42-smcs; Parts Town-\$45.27-smcs; Peerless Machine-\$120.00-smcs; Penworthy-\$352.05-smcs; Pep Co.-\$87.34-smcs; Pet Pick Ups-\$497.38-smcs; Pickleball Central-\$178.10-smcs; Platinum Awards-\$23.85-smcs; Platte Valley Auto-\$865.74-smcs; Platte Valley Comm.-\$2,190.80-smcs; Powertech-\$540.00-smcs; Presto-X Company-\$129.00-smcs; ProQuest-\$466.17-smcs; Provantage-\$28,357.00-smcs; Quantum Saw-\$361.80-smcs; Quill-\$395.23-smcs; Rain Bird-\$109.29-smcs; Rapp,K-\$18,843.18-co; Ready Mixed Concrete-\$7,173.13-smcs,co; Reams-\$6,500.08-smcs,co; Recorded Books-\$509.28-smcs; Redbox-\$3.53-smcs; Redman's Shoes-\$218.99-smcs,co; Regal Advertising-\$136.68-smcs; Rentokil-\$358.00-smcs; Republican National-\$661.50-smcs; Rivershore Reading Store-\$160.00-smcs; S&J Construction-\$25,120.00-smcs; Safelite Glass -\$299.97-smcs; Safety Kleen-\$432.60-smcs; Safety Products-\$89.28-smcs; Sahling Kenworth-\$1,965.77-smcs; Salina Blueprint-\$183.51-smcs; Sanitation Products-\$526.99-smcs; Saylor Screenprinting-\$988.75-smcs,ps; School District #7-\$253.10-smcs; Schroeder,K-\$66.36-smcs; Schuller,M-\$111.58-smcs; Schutt,J-\$90.00-smcs; Schwarz,A-\$3.79-smcs; Secretary of State-\$120.00-smcs; Senior Learning-\$30.00-smcs; Sequel Bookshop -\$620.00-smcs; Severson,P-\$90.00-smcs; Sherwin Williams-\$115.53-smcs; Shredding Solutions-\$348.30-smcs; Signit-\$58.76-smcs; Silvio,S-\$60.00-smcs; Siteone Landscape-\$4,368.90-smcs; Snap-on Tools-\$138.00-smcs; Snider,C-\$20.51-smcs; Snover,C-\$8.00-smcs; Society for HR-\$219.00-smcs; Solid Wast Assn.-\$223.00-smcs; Spectrum-\$907.27-smcs; Spellman,T-\$38.48-smcs; Sprinkler Warehouse-\$2,374.65-smcs; Sprint-\$250.00-smcs; Star Homes-\$200.00-smcs; Steinbrink Landscaping-\$1,309.92-smcs; Stittle,P-\$110.00-smcs; Straight Line Striping-\$11,869.00-smcs; Stutsman-\$1,647.00-smcs; Sunbelt Rentals-\$252.85-smcs; Super Seer-\$484.80-smcs; Superior Signals-\$122.60-smcs; Supplyhouse-\$410.83-smcs; Taillon,R-\$25.25-smcs; Target-\$306.29-smcs; TCH Central-\$545.89-smcs; Tidei,J-\$800.00-smcs; Tielke's Sandwiches-\$63.76-smcs; Titan Machinery-\$1,341.63-smcs; Totally Promotional-\$274.46-smcs; Tractor-Supply-\$1,391.68-smcs; Transunion-\$119.60-smcs; Travelocity-\$110.88-smcs; Tri City Concrete-\$3,024.00-smcs; Tri - CoGlass-\$193.00-smcs; Trittech Forensics-\$37.99-smcs; Tumbleweed Press-\$3,393.50-smcs; Turfwerks-\$1,847.64-smcs; Turner Body Shop-\$100.00-smcs; Uline-\$148.82-

smcs; Union Bank & Trust-\$84,043.74-smcs,ps; UNK-\$145.53-ps; UPS -\$366.32-smcs; US Cellular-\$150.00-smcs; USA Communications-\$193.76-smcs; USDA Wildlife Service-\$360.00-smcs; USPS-\$279.80-smcs; Van Diest-\$248.31-smcs; Van Wall-\$306.55-smcs; Vazquez,J-\$45.89-smcs; Verizon-\$455.00-smcs; Village Payment-\$208.53-smcs; Volaire Aviation-\$2,000.00-smcs; VW Golf-\$861.36-smcs; Walgreens-\$20.32-smcs; Walmart-\$1,308.53-smcs; Walter's Electric-\$777.96-smcs; Walters Morgan Const.-\$55.56-smcs; Ward Laboratories-\$120.50-smcs; Webstaurant Store-\$35.14-smcs; Weis Fire & Safety-\$2,452.69-smcs; Wells,T-\$81.62-smcs; Westbrook, Melvin-\$35.00-smcs; Western NRG-\$3,052.80-smcs; Whentowork-\$100.00-smcs; Wilco Life-\$10.00-ps; Wilke-\$119.98-smcs; Winter Equipment-\$1,865.62-smcs; World Book-\$1,998.15-smcs; WPCI-\$432.00-pc; WT Cox Subscriptions-\$45.00-smcs; Yant Equipment-\$355.50-smcs; Zoro Tools-\$697.05-smcs; Payroll Ending 8/15/2020 -- \$524,173.51. 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 September 8, 2020 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the Plans and Specifications for the Early Grading Package for the Community Tennis Facility and set the bid opening date for September 15, 2020 at 2:00 p.m.
5. Adopt Resolution No. 2020-127 approving the final allocation of levy authority in the amount of \$146,450.00 for the Community Redevelopment Authority of the City of Kearney for fiscal year 2020-2021 and the final allocation of levy authority in the amount of \$54,507.00 for Offstreet Parking District No. 1 for fiscal year 2020-2021.

RESOLUTION NO. 2020-127

WHEREAS, Neb. Rev. Stat. Section 77-3443.03, (R.R.S. 1943), as amended), requires Community Redevelopment Authorities and Offstreet Parking Districts to submit a preliminary request for levy allocation, on or before August 1, to the City Council; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney submitted to the City, on July 6, 2020, a preliminary request for levy allocation in the amount of \$146,450.00; and

WHEREAS, the Downtown Improvement Board, on behalf of Offstreet Parking District No. 1, submitted to the City, on July 1, 2020, a preliminary request for levy allocation in the amount of \$54,507.00; and

WHEREAS, Neb. Rev. Stat. Section 77-3443.04, as amended, requires the City Council to adopt, by September 1, a resolution (by a majority vote of members present) which determines a final allocation of levy authority to the Community Redevelopment Authority and Offstreet Parking District No. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), as amended, that a final allocation of levy authority of \$146,450.00 is hereby approved for the Community Redevelopment Authority of the City of Kearney for 2020 and a final allocation of levy authority of \$54,507.00 is hereby approved for Offstreet Parking District No. 1 for 2020.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that, pursuant to the provisions of Neb. Rev. Stat. Section 77-3443.04 (R.R.S. 1943), that the City Clerk is ordered to forward a copy of this resolution to the chairperson of the Community Redevelopment Authority of the City of Kearney and the chairperson of the Downtown Improvement Board.

BE IT FURTHER RESOLVED that all ordinances and resolutions or parts if ordinances and resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect September 1, 2020, and shall be published in pamphlet form.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

- 6. Adopt Resolution 2020-128 approving the Use and Operations Agreement (T-920 at 5145 Airport Road) between the City of Kearney and SkyWest Airlines providing scheduled air service.

RESOLUTION NO. 2020-128

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the Use and Operations Agreement (Hangar T-920 at 5145 Airport Road) on behalf of the City of Kearney, Nebraska, with SkyWest Airlines for Hangar T-920 at 5145 Airport Road located at the Kearney Regional Airport providing scheduled air service. A copy of the Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

- 7. Approve the purchase of VirTra V-180 Judgmental Use of Force Simulator in the amount of \$134,856.11 for the Kearney Police Department.

- 8. Approve amendments to the League of Nebraska Municipalities "Articles of Incorporation" and "Bylaws" to allow the League Annual Conference and Annual Business Meeting to be held by telephone conferencing, videoconferencing or similar technological means and authorize the Mayor to sign the "Regular Member Ballot".

- 9. Adopt Resolution No. 2020-129 approving the Hangar T-385 Lease Agreement between the City of Kearney and Darrel Albers for aircraft storage at the Kearney Regional Airport.

RESOLUTION NO. 2020-129

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute Hangar T-385

Lease Agreement, on behalf of the City of Kearney, Nebraska, with Darrel Albers. The Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Approve the Plans and Specifications for the 2020 Part 6 Improvements for 22nd Avenue and 6th Street consisting of Paving Improvement District Nos. 2020-002 and 2020-003, Water District Nos. 2020-592 and 2020-593 and Sanitary Sewer Improvement District No. 2020-528 and set the bid opening date for September 15, 2020 at 2:00 p.m.

11. Adopt Resolution No. 2020-130 approving Application for Payment No. 3 in the amount of \$122,542.85 submitted by The Diamond Engineering Company and approved by Oak Creek Engineering for the Cherry Avenue Pedestrian Bridge Replacement.

RESOLUTION NO. 2020-130

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. 3 in the amount of \$122,542.85 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	249,354.35
Retainage (10%)	<u>- 24,935.44</u>
Amount Due to Date	224,418.95
Less Previous Certificates for Payment	<u>- 101,876.07</u>
Current Payment Due	\$ 122,542.85

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. 3, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. Adopt Resolution No. 2020-131 approving Application for Payment No. 1 in the amount of \$110,250.00 submitted by J.I.L. Asphalt Paving Company and approved by Miller & Associates for 2020 Part 4 Improvements for the removal and replacement of asphalt roadway of 20th Street/Q Avenue/Coal Chute Road from M Avenue east to the City limit.

RESOLUTION NO. 2020-131

WHEREAS, J.I.L. Asphalt of Grand Island, Nebraska has performed services in connection with the 2020 Part 4 Improvements for the removal and replacement of asphalt roadway of 20th Street/Q Avenue/Coal Chute Road from M Avenue east to the City limit, and the City’s engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$110,250.00 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 466,284.70</u>
Contract Sum To Date	466,284.70
Gross Amount Due	122,500.00
Retainage (10%)	<u>- 12,250.00</u>
Amount Due to Date	110,250.00
Less Previous Certificates for Payment	<u>- 0.00</u>
Current Payment Due	<u>\$110,250.00</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 are hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. AMENDED ITEM. Adopt Resolution No. 2020-132 approving Application for Payment No. 4 in the amount of \$92,695.04 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. 2020-132

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. 4 in the amount of \$92,695.05 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	288,292.00
Retainage (10%)	<u>- 28,829.20</u>
Amount Due to Date	259,462.80
Less Previous Certificates for Payment	<u>166,767.75</u>
Current Payment Due	<u>\$ 92,695.05</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. 4, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

14. Approve Amendments 001 & 002 of the Standard Form of Agreement for the Community Tennis Facility with RDG Planning & Design RDG Planning & Design and adopt Resolution No. 2020-133.

RESOLUTION NO. 2020-133

WHEREAS, on June 11, 2020, City Council adopted Resolution No. 2019-95 accepting the Proposals received for the Community Tennis Facility, awarding the Proposal submitted by RDG Planning & Design to serve as the Architect/Project Manager for the design and construction observation of the Community Tennis Facility Project and approving the Standard Form of Agreement with RDG Planning & Design; and

WHEREAS, RDG Planning & Design has submitted Amendment No. 001 is provided for design services for the administrative office addition for \$185,000.00 and Amendment No. 002 is provided for design services for an early grading package for \$25,000.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute Amendment No. 001 & 002 between RDG Planning & Design and the City of Kearney. Amendment No. 001 & 002, marked as Exhibit "A" are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

15. Accept the proposals received for the 2020 Impound Lot Fencing and award the bid to American Fence Company of Western Nebraska in the amount of \$56,060.00.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8431 CREATING PAVING IMPROVEMENT DISTRICT NO. 2020-002

Council Member Lear introduced Ordinance No. 8431 creating Paving Improvement District No. 2020-002 for 6th Street from the West line of 22nd Avenue Easterly to the West line of Yanney 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 Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8431. 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. 8431 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8431 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8431 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.

ORDINANCE NO. 8432 CREATING PAVING IMPROVEMENT DISTRICT NO. 2020-003

Council Member Lear introduced Ordinance No. 8432 creating Paving Improvement District No. 2020-003 for Centerline of 6th Street Northerly on 22nd Avenue to the South line of Lot 1, Western Nebraska Property Development Second 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 Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8432. 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. 8432 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8432 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8432 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.

ORDINANCE NO. 8433 CREATING WATER DISTRICT NO. 2020-592

Council Member Lear introduced Ordinance No. 8433 creating Water District No. 2020-592 for 6th Street from the West line of 22nd Avenue Easterly to the West line of Yanney 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 Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8433. 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. 8433 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8433 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8433 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.

ORDINANCE NO. 8434 CREATING WATER DISTRICT NO. 2020-593

Council Member Lear introduced Ordinance No. 8434 creating Water District No. 2020-593 for 22nd Avenue from the South line of 6th Street Northerly to the South line of Lot 1, Western Nebraska Property Development Second Addition, 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 Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8434. 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. 8434 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8434 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8434 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.

ORDINANCE NO. 8435 CREATING SANITARY SEWER IMPROVEMENT DISTRICT NO. 2020-528

Council Member Lear introduced Ordinance No. 8435 creating Sanitary Sewer Improvement District No. 2020-528 for 6th Street from the West line of 22nd Avenue Easterly to the West line of Yanney 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 Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8435. 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. 8435 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8435 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8435 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.

ORDINANCE NO. 8436 AMENDING SECTION 7-208 "ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON" OF ARTICLE 2 "ADVISORY BOARD OF PARK AND RECREATION COMMISSIONERS" OF CHAPTER 7 "PARK AND RECREATION"

Council Member Lear introduced Ordinance No. 8436 amending Section 7-208 "Election of Chairperson and Vice-Chairperson" of Article 2 "Advisory Board of Park and Recreation Commissioners" of Chapter 7 "Park and Recreation" to amend the annual election of a Chairperson and Vice-Chairperson to the election occurring only on even numbered years, 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 Buschkoetter seconded the motion to suspend the rules for Ordinance No. 8436. 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. 8436 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None.

Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8436 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8436 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

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

Moved by Clouse seconded by Nikkila to remove Regular Agenda Item No. 1 from the table. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Absent: None. Motion carried.

Mayor Clouse opened for discussion the adoption of 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.

Brenda Jensen, Development Services Director, presented this matter to the Council. Ms. Jensen stated since her memo was prepared, City staff have met with several local contractors, a committee from the Kearney Area Builders Association and additional peer communities. Because of these meetings, she is recommending Council withdraw Ordinance No. 8429 at this time. City staff will continue to work with local contractors on amendments to the 2018 IECC and submit them to the Department of Environment and Energy. Once a response is received from the State regarding the proposed amendments, this item will again be presented so City Council can make a more informed decision regarding adoption of this Code.

Council Member Bruce Lear thanked City Attorney, Mike Tye, City Manager, Michael Morgan and City staff for the time they have spent on this issue and the research that has gone on to finding the best solution, since the adoption will have significant effects on a large section of the community.

Council Member Randy Buschkoetter agreed with Council Member Lear and is happy with the recommendation this evening allowing everyone more time to research this item.

Council Member Jonathan Nikkila agreed with both Council Members Lear and Buschkoetter and noted Council is not debating whether the policy is good or not, but how to fix it. He further encouraged the local contractor community to demonstrate leadership regarding this issue when talking to the State since ultimately, the State will make the final decision on any changes to the Code, not City Council.

Ms. Jensen agreed and stated this matter deals with State statute and State statute cannot be overruled and further noted City staff appreciates all the efforts local contractors have made thus far and noted they have been very willing to work with the City in preparing information.

Moved by Nikkila seconded by Moore to withdraw Ordinance No. 8429. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

ONE & SIX YEAR STREET IMPROVEMENT PLAN

Mayor Clouse opened for discussion the One & Six Year Street Improvement Plan and set the public hearing date for September 8, 2020 to adopt the One and Six Year Street Improvement Plan.

Andy Harter, Assistant Public Works Director, presented this matter to the Council.

The following is the summary of the One Year Plan:

Project Name	Location	Type	Est. Total Cost
2020 Part 1	Avenue N, from 28th Street to 39th Street	City	\$2,732,876.00
2020 Part 2	31st Street from Avenue D to Avenue G	City	\$523,130.00
2020 Part 3	2nd Avenue Overpass	City	\$1,643,864.00
2020 Part 4	20th Street, Avenue M & Coal Chute Road	City	\$466,000.00
2020 Part 5	2nd Avenue South of 11th Street	City	\$260,000.00
2020 Part 6	22nd Avenue & 6th Street	City	\$1,143,000.00
2020 Part 7	Downtown Asphalt	City	\$447,590.00
Pony Express Improvements	Pony Express, North of 39th Street	City	\$215,000.00
Spruce Hollow Estates Eighth	Spruce Hollow Boulevard, 11th Avenue, 12th Avenue Place & 64th Street Place	Developer	\$927,000.00
Arbor View First	65th Street, R Avenue, O Avenue Place, P Avenue Place & Q Avenue Place	Developer	\$2,153,000.00
Hillside Estates	10th Avenue, 42nd Street & 10th Avenue Place	Developer	\$1,018,000.00
Millennial Estates Third	V Avenue & 37th Street	Developer	\$650,000.00
Parkview Estates Ninth	15th Avenue, 16th Avenue & 7th Street	Developer	\$720,000.00
Fox Creek Phase 3	8th Avenue	Developer	\$560,000.00
		TOTAL	\$13,459,460.00

Many of the major projects on the One Year Plan were postponed due to COVID and have therefore been carried forward; however, several maintenance projects were completed. The top three projects that were postponed are: Avenue N from 28th Street to 39th Street, 31st Street from Avenue D to Avenue G and the 2nd Avenue overpass.

Mr. Harter stated the 20th Street and Avenue M to Coal Chute Road project began as a maintenance project and turned into a larger project. The project is almost complete and

asphalt will be laid later this week. Council Member Nikkila questioned if that area gets used as much since the bypass was installed? Mr. Harter stated that the area continues to receive heavy traffic due to a truck school located in the area and Monsanto.

Council Member Nikkila questioned how the 2nd Avenue overpass project will affect traffic and how long the project will last? Mr. Harter stated a specific timeframe for completion of the project is unknown at this time; the work will take place over the summer and will be constructed under traffic with a lane open each way. The project will include lighting and sidewalk improvements. Council Member Lear questioned if there is some reasonable expectation that the 2nd Avenue overpass will be an ongoing issue? Mr. Harter feels the upcoming repair will fix numerous issues. Council Member Lear made note of the large amount of work that was done a few years ago; Mr. Harter stated that work was completed by the State before the City took ownership of the overpass. Rod Wiederspan, Director of Public Works, stated the majority of the work Council Member Lear was referring to was done to the deck of the overpass and that will remain intact. Mr. Harter stated the upcoming work will address a lot of issues not pertaining to the deck.

Mr. Harter stated 2020 Part 6 will move forward with the creation of Districts at tonight's meeting.

The following is a summary of the Six Year Plan:

Project Name	Location	Type	Est. Total Cost
18th St Imp	18th Street from Central Avenue to 1st Avenue - Storm	City	\$670,000.00
1st Ave Imp	1st Avenue from 18th Street to South Railroad Street - Storm	City	\$1,532,000.00
30th Ave Imp	30th Avenue Bridge Expansion	City	\$2,100,000.00
11th St Imp	11th Street from Avenue A to Avenue F	City	\$1,500,000.00
39th St Imp	39th Street, from 17th Avenue to 22nd Avenue	City	\$1,250,000.00
31st St Imp	31st Street from Avenue G to Avenue L, 1400'	City	\$555,000.00
A Ave Imp	Avenue A, from 31st Street to 35th Street, 1280'	City	\$625,000.00
30th St Imp	30th Street, from Avenue E to Avenue I, 1330'	City	\$630,000.00
28th St Imp	28th Street, from Avenue I to Avenue M, 1250'	City	\$735,000.00
16th St Imp	16th Street, from 1st Avenue to 5th Avenue, 1500'	City	\$805,000.00
56th St Imp	56th Street & Avenue N Turning Lanes	City	\$975,000.00
		TOTAL	\$11,377,000.00

Mr. Harter stated 16th Street Improvements have been added to the Six Year Plan. Council Member Nikkila feels it is good that the City is able to move on to discussion of some secondary roads. Mr. Harter agreed and stated within the next couple of years the City should be in a good place with regard to arterial roadwork and therefore can move on to looking at more local collective roadways.

Mr. Harter stated the 30th Avenue overpass continues to be on the list as development continues in this area; however, currently he feels the road is functioning very well. Council Member Buschkoetter questioned what the tipping point is? Mr. Harter stated the tipping point would be traffic counts. 30th Avenue has some maintenance that needs to

be done but overall Mr. Harter feels comfortable with how it currently operates. Council Member Buschkoetter and Mr. Harter both agreed the traffic issues for morning travel have been alleviated. Council Member Nikkila stated he has heard very few complaints since the changes were done to the lanes on the overpass.

Mr. Harter noted that the 39th Street Improvements will address an older portion of the street that is still at the City's previous standard of 46 feet wide; it will be brought up to current standard.

Mayor Clouse questioned if there were any plans for Central Avenue, from 11th Street south on Central Avenue? Mr. Harter stated that currently, that area, is more of a repair work issue; however, that could change.

Mr. Harter reminded Council projects on the six-year plan are fluid and may be moved around depending on how the streets fair through winter months.

Mayor Clouse questioned if there are plans to address the turn lane off of Highway 30, left onto 30th Avenue, as he has been approached with questions about this area even though it is the State's responsibility. Mr. Harter stated the State still maintains a left turn light to go south onto 30th Avenue continues to not be justifiable at this time.

Mr. Harter noted that the 56th Street and Avenue N intersection has been added to the Six Year Plan due to large amount of development in the area.

Moved by Moore seconded by Lear to set the public hearing for September 8, 2020 for the One & Six Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

PROCLAMATION ENCOURAGING THE USE OF FACE SHIELDS/COVERINGS OR CLOTH FACE MASKS

Mayor Clouse opened for discussion the consideration to issue a proclamation encouraging the Use of Face Shields/Coverings or Cloth Face Masks to help slow the spread of COVID-19.

Mayor Clouse reminded Council and members of the audience that a presentation was made regarding this item at the August 25th City Council meeting.

Lauren Brandt, City Clerk, presented this matter to the Council. If Council chooses to issue a Proclamation one can be drawn up to encourage the use of face masks. It was noted that the Proclamation would only be to encourage the wearing of masks, not mandate, which is similar to what Mr. Stephan suggested at the last Council Meeting.

Council Member Nikkila stated he feels the Proclamation is a good, important, middle ground. He also wanted to make sure people understand that issuing a recommendation to wear masks is not akin to shutting down the economy. Council Member Nikkila feels issuing the recommendation will be in line with the schools and is hopeful that it will help people who may have more concerns about the virus, feel more comfortable getting out.

Council Member Bruce Lear stated he thinks anyone who feels they benefit from wearing a mask should feel comfortable doing so; however, requiring the wearing of a mask is a bit of an overstep.

Moved by Lear seconded by Buschkoetter to approve the drafting and issuance of a proclamation encouraging the use of face shields/coverings or cloth face masks to help slow the spread of COVID-19. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$124,844.06 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

Council Member Nikkila commented that he is happy to see kids being outside, working out, football starting, and seeing more people getting out and interacting. Council Member Buschkoetter agreed with Council Member Nikkila, and further stated that he is happy to get back, even though it is not completely normal, to having kids on campus and feels the town has a lot more energy when UNK is in session. Council Member Buschkoetter also commented that the mural Downtown for UNK was long overdue and is a really neat addition to Downtown.

Council Member Lear feels the community really benefits from the responsible people in it and feels that is why Kearney is not seeing the impact that other Nebraska communities are seeing. Council Member Lear additionally stated Kearney’s healthcare facilities have risen to the occasion and stated Dr. Messbarger has been a great resource to the community; he feels very thankful for this.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:04 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**