

*Kearney, Nebraska  
September 22, 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 September 22, 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 and Tami James Moore. Absent: Bruce Lear and Jonathan Nikkila. Michael Morgan, City Manager; Michael Tye, City Attorney and Bryan Waugh, Chief of Police were also present.

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**

Members of the Kearney Volunteer Fire Department Honor Guard including Jerry Thompson, John Sydow and Nate Toof 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.

### **RECOGNITION - KEARNEY VOLUNTEER FIRE DEPARTMENT ELECTIONS**

Mayor Clouse and Council Members recognized the New Board Members of the Kearney Volunteer Fire Department and oversaw the Pinning Ceremony for the Newly Elected Officers of the Kearney Volunteer Fire Department.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### III. PUBLIC HEARINGS

There were no public hearings.

### IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held September 8, 2020.

2. Approve the following Claims:

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

5.11 \$1,932.15 smcs; 4imprint \$302.56 smcs; 5Gstore.com \$1,143.49 smcs; 911 Custom \$122.97 smcs; Abos \$49.00 smcs; AccessData Group \$1,259.44 smcs; ACFE \$294.00 smcs; cme Tools \$204.97 smcs; Action Targets \$1,070.20 smcs; Acushnet \$434.45 smcs; Adobe \$29.99 smcs; Agri Coop \$1,382.82 smcs; AICPA \$285.00 smcs; Aircraft Spruce \$918.47 smcs; Airdata \$240.00 smcs; Albrecht,B \$190.91 smcs; Alfred Benesch \$3,637.62 co; All Makes Auto \$3,390.45 smcs; Allied Electronics \$931.88 smcs; Altec \$123.26 smcs; Alvine & Associates \$618.66 co; Amazon \$6,513.25 smcs,co; American \$516.08 smcs; American Compactor \$253.00 smcs; American Flagpole \$128.95 smcs; American Public Works \$1,050.00 smcs; Anautm Geomobile \$8,511.00 smcs; Andersen Wrecking \$37.45 smcs; ndersen,J \$195.79 smcs; Anything Truck \$366.00 smcs; Apple \$0.99 smcs; Apple Roofing \$7,271.07 smcs; Aramark Uniform \$401.16 smcs; Arbor Day Foundation \$35.00 smcs; Arp,D \$190.91 smcs; Ask Supply \$1,667.20 smcs; Associated Bag Co. \$1,258.99 smcs; Aurora Coop \$50.56 smcs; Aussie Hydraulics \$459.60 smcs; Author Klovegreen \$149.80 smcs; Auto Value \$414.65 smcs; B&H Photo \$76.74 co; Baker & Taylor \$9,599.48 smcs; Ballard \$100.98 smcs; Barco Municipal \$3,231.08 smcs; Bartels,M \$55.45 smcs; Bassco Services \$10,000.00 co; Battery Guy \$70.20 smcs; Baxter,T \$58.64 smcs; Beacon Athletics \$1,686.80 smcs; Becker,J \$249.55 smcs; Bielenberg,R \$190.91 smcs; Bill31cmh \$850.00 smcs; Bizco Technologies \$480.00 smcs; Blackstone \$265.27 smcs; Blessing \$5,756.00 smcs; Blue 26 Security \$2,300.00 ps; Bluecross Blueshield \$252,631.45 smcs; Board Tronics \$782.08 smcs; Book Page \$882.00 smcs; Bosselman \$20,114.30 smcs; Bosshammer,S \$190.91 smcs; Bowman,C \$58.64 smcs; Bowman,M \$145.45 smcs; Bpad Group \$250.00 smcs; Brehmer,R \$38.18 smcs; Brierton Engineering \$422.39 smcs; BSK Holdings \$41.98 smcs; Buckle \$400.00 smcs; Buffalo Co. Attorney \$18,750.00 smcs; Buffalo Co. Treasurer \$1,553.49 smcs,co; Buffalo Outdoor Power \$257.93 smcs; Buffalo Wild Wings \$50.00 smcs; Builders \$2,362.26 smcs; C&C Manufacturing \$2,449.74 smcs; Cab Store \$19.99 smcs; Calibre Press \$2,000.00 smcs; Camera Doctor \$506.90 smcs; Carroll,E \$13.96 smcs; Casey's \$6.71 smcs; Cash Wa \$1,821.25 smcs; Center for Psychological \$66.76 smcs; Center Point Publishing \$75.96 smcs; Central Hydraulic \$343.53 smcs; Central NE Bobcat

\$96.95 smcs; Central Platte Natural \$50.00 smcs; Charter \$69.98 smcs; Chemsearch \$307.00 smcs; Chesterman \$769.00 smcs; Cintas \$302.72 smcs; City of Krny \$28,093.83 smcs,ps; City Plumbing \$1,497.73 smcs; Clark,D \$38.18 smcs; CNA Surety \$120.00 smcs; Coffman,R \$190.91 smcs; Cold Spring Granite \$478.80 smcs; Comcate \$2,277.12 smcs; Commercial Rec. Spec. \$259.66 smcs; Conoco \$20.50 smcs; Construction Rental \$640.32 smcs; Control Yours \$252.70 smcs; Cook,K \$32.00 smcs; Copycat Printing \$621.80 smcs,co; Core & Main \$2,409.56 smcs; Cornhusker Cleaning \$303.54 smcs; Credit Mgmt. Services \$95.61 ps; Cricut \$101.58 smcs; Crocker,B \$58.64 smcs; Culligan \$322.50 smcs; Cummins \$1,357.83 smcs; Cunningham's \$60.00 smcs; Danko Emergency \$12,396.35 smcs; Davis Equipment \$456.19 smcs; Davis,T \$17.06 smcs; Davis,W \$87.50 smcs; Dawson Public Power \$50,927.23 smcs; Daylight Donuts \$190.90 smcs; Dell \$14,126.27 co; Demco \$932.74 smcs; Denny,D \$58.64 smcs; Derr,M \$21.21 smcs; Deterdings \$6,326.79 smcs; Dillons Fuel \$17.71 smcs; Disc Magic \$242.85 smcs; Dish \$217.12 smcs; Dmilaco \$485.52 smcs; Dollar General \$10.17 smcs; Dr. Brad Rodgers \$250.00 smcs; Dreams Time \$25.00 smcs; Drozd, Andy \$190.91 smcs; Duluth Trading \$357.60 smcs; Eagle Distributing \$2,245.00 smcs; Eakes \$2,143.45 smcs; Echo Electric \$767.72 smcs; Ecolab \$80.26 smcs; Ed Broadfoot & Sons \$1,056.00 smcs; Ehrlich \$57.00 smcs; Elsen,D \$25.45 smcs; Elsen,R \$55.45 smcs; EMC Insurance \$5,828.12 smcs; Ensley Electrical \$41,471.20 smcs,co; Enterprise \$284.41 smcs; Enterprise Electric \$26,633.00 smcs; Etsy \$333.84 smcs; Eustis Body Shop \$100.00 smcs; Eyemed \$1,241.02 smcs; Facebook \$60.25 smcs; Family Fresh \$37.61 smcs; Family Practice \$918.00 ps; Fastenal \$499.86 smcs; Fiero Automation \$104.07 smcs; Fire Safety Education \$218.00 smcs; First Care Medical \$127.00 smcs; Flagpoles \$677.00 smcs; Fremstad,M \$30.92 smcs; Friesen Chevrolet \$59.81 smcs; Frontier \$7,502.05 smcs; Gale \$1,265.17 smcs; Gammon Technical \$1,433.55 smcs; Garrett Tires \$12,450.33 smcs; GI Physical Therapy \$90.00 ps; Glass Doctor \$30.03 smcs; Global Leadership \$149.00 smcs; Goodner,L \$145.45 smcs; Graham Tire \$1,088.00 smcs; Grainger \$1,300.03 smcs; Greater NE Cities \$1,000.00 smcs; Greenpartstore.com \$49.01 smcs; Hach \$840.17 smcs; Hampton Inn \$815.40 smcs; Hansen,B \$4.44 smcs; Harrison,R \$2.73 smcs; Hauschild,J \$55.45 smcs; Heartland Refrigeration \$358.10 smcs; Heater,M \$145.45 smcs; Hillburn,K \$22.63 smcs; Hिरeright \$17.32 smcs; Hobby-Lobby \$422.05 smcs; Holmes Plumbing \$368.58 smcs; Home Depot \$3,479.02 smcs; Horner,J \$145.45 smcs; Hunter Central \$109.00 smcs; Hy-Vee \$146.00 smcs; IACP \$50.00 smcs; IAEI \$140.00 smcs; ICMA \$6,888.84 ps; In the Line of Duty \$100.00 smcs; Integrated Security \$488.30 smcs; Invoicehome.com \$5.00 smcs; IRS \$172,334.86 ps; Island Supply \$2,521.46 smcs; Jack Lederman \$81.72 smcs; Jack's Uniforms \$14,170.75 smcs; Jackson Service \$289.98 smcs; JMAC Supply \$647.33 smcs; Johnson Controls \$163.05 smcs; Johnson,B \$200.00 smcs; Johnstone Supply \$134.05 smcs; Kantaras,M \$145.45 smcs; Krny Ace \$508.92 smcs,co; Krny Animal Shelter \$10,000.00 smcs; Krny Concrete \$29,563.72 smcs,co; Krny Crete & Block \$2,090.24 smcs,co; Krny Hub \$1,892.82 smcs; Krny Public Schools \$50.00 smcs; Krny Quality Sew \$10.69 smcs; Krny Regional Medical \$700.76 smcs; Krny Tire \$1,324.04 smcs; Krny Towing \$650.00 smcs; Krny Visitors Bureau \$75,945.85 smcs; Krny Warehouse \$2,121.12 smcs; Krny Winlectric \$1,960.20 smcs; Krny Winnelson \$3,339.11 smcs; Kelly Supply \$718.33 smcs; Kershner,K \$55.45 smcs; Kimball Midwest \$348.79 smcs; Kings III Emergency \$480.06 smcs; Knaggs Construction \$14.90 smcs; Knox Company \$4,503.05 smcs; Kohls \$9.62 smcs; Kolling,T \$145.45 smcs; Kommers,P \$38.18 smcs; Konica Minolta \$1,721.34 smcs; Kost,D \$190.91 smcs; Landmark Implement \$1,199.54 smcs; Language Line \$8.01 smcs; Larry's Pistol and Pawn \$575.00 smcs; Lawson Products \$383.35 smcs; LCL Truck \$25,510.00

co; Leeds,B \$145.45 smcs; Lockmobile \$5.90 smcs; Lundeen-Isaacson \$3,166.80 ps; Mac Tools \$2,269.98 smcs; Macqueen Equipment \$272,821.35 smcs,co; Magic Cleaning \$400.00 smcs; Magic Wand \$6,063.99 smcs; Maline,S \$58.64 smcs; Malone,S \$58.64 smcs; Marlatt Machine \$738.08 smcs; Marriott \$697.60 smcs; Masters True Value \$887.70 smcs,co; Matheson \$92.77 smcs; May,D \$145.45 smcs; Mcdowell,P \$22.26 smcs; Medic Batteries \$87.75 smcs; Mellen,D \$4,000.00 smcs; Menards \$2,884.41 smcs,co; Microfilm Imaging \$1,419.04 smcs; Microsoft Store \$211.88 smcs; Mid American Signal \$15,000.00 smcs; Mid-State Eng. & Testing \$290.00 co; Midwest Connect \$1,343.63 smcs; Midwest Turf \$264.04 smcs; Miller & Associates \$8,307.85 co; Miller Signs \$450.00 smcs; Miller,R \$55.45 smcs; Mirror Image \$393.68 smcs; Mitchell1 \$1,728.00 smcs; Mobile Pro Shop \$2,329.21 smcs; Modern Office \$199.00 smcs; Moonlight Embroidery \$1,363.00 smcs; Municipal Supply \$17,252.17 smcs; Murphy Tractor \$138.58 smcs; Nat'l Alliance Youth Sports \$20.00 smcs; Nat'l Petroleum \$1,028.51 smcs; Nat'l Technical \$50.00 smcs; NE Child Support Pyt. Ctr. \$1,784.82 ps; NE Dept. Environmental \$7,500.00 smcs; NE Dept. Revenue \$79,501.21 smcs; NE Machinery \$10,270.73 smcs; NE Peterbilt \$512.40 smcs; NE State Treasurer \$1,021.64 smcs; NE Truck Center \$1,118.53 smcs; NFPA \$94.10 smcs; NI SFM Boiler \$162.00 smcs; Nielsen Contracting \$40,189.35 co; Niemann,D \$38.18 smcs; Northern Safety \$128.52 smcs; Northern tool \$1,223.00 smcs; Northgate Vet Clinic \$45.00 smcs; Northwest Electric \$10,431.30 smcs; Northwestern Energy \$2,211.85 smcs; Nova Fitness \$6,562.61 ps; NRG Media \$410.00 smcs; Nutrien Ag \$422.09 smcs; Nuttelman Fencing \$10,526.60 smcs; Oak Creek Engineering \$3,620.50 co; OCLC \$764.46 smcs; Officemax \$1,329.51 smcs; Officenet \$248.36 smcs; Olson,S \$190.91 smcs; Omaha Airport \$48.00 smcs; One Call Concepts \$415.38 smcs; O'Reilly Auto Parts \$3,032.94 smcs; Orscheln \$521.73 smcs; Overdrive \$5,200.00 smcs; Overhead Door \$8,312.00 smcs; Paramount \$67.84 smcs; Penworthy \$662.15 smcs; Petersen,C \$145.45 smcs; Petsmart \$199.96 smcs; Pioneer Industrial \$6,216.00 smcs; Pioneer Manufacturing \$881.25 smcs; Pitney Bowes \$1,060.00 smcs; Platinum Awards \$159.05 smcs; Platt Electric \$539.49 smcs; Platte Valley Auto \$977.17 smcs; Platte Valley Comm. \$9,066.67 smcs,co; Positive Promotions \$502.00 smcs; Postermyswall \$29.95 smcs; Power DMS \$7,322.48 smcs; Prestige \$307.92 smcs; Presto-X \$281.00 smcs; Pro Dryers \$900.00 smcs; Provantage \$1,440.72 smcs; Pump & Pantry \$90.77 smcs; Purdy,C \$58.64 smcs; Purdy,R \$58.64 smcs; Quill \$1,403.12 smcs; Rain Bird \$707.10 co; Ravenna Sanitation \$139.05 smcs; RDG Planning \$18,571.71 co; Ready Mixed Concrete \$9,896.57 co; Reams \$2,171.89 smcs; Recorded Books \$172.64 smcs; Reiss,T \$20.36 smcs; Renner,T \$130.00 smcs; Rewinkle,A \$58.64 smcs; Reynolds Farm \$61.84 smcs; Roll N Rack \$8,610.00 smcs; Rouse,H \$100.00 smcs; Rugged Notebooks \$57.68 smcs; Russells Appliance \$1,000.00 smcs; Safety Products \$82.81 smcs; Saldivar,R \$145.45 smcs; Samsung Parts \$103.61 co; Sandry Fire \$8,672.51 smcs; Sanitation Products \$239.27 smcs; Saylor Screenprinting \$52.24 smcs; Schoening,W \$55.45 smcs; School District #7 \$6,102.20 smcs; Schumacher Bros. \$2,405.00 smcs; See Clear Cleaning \$2,525.75 smcs; Senior Learn \$30.00 smcs; Shada,T \$55.45 smcs; Shafer,M \$38.18 smcs; Shell Oil \$12.75 smcs; Sherwin Williams \$178.20 co; Showcases \$1,630.80 smcs; Shredding Solutions \$45.00 smcs; Sign Center \$860.27 smcs; Silver State Consulting \$230.00 smcs; Silverstone Group \$5,155.92 smcs; Siteone Landscape \$825.31 smcs; SOS Portable \$235.00 smcs; Spectrum \$858.95 smcs; Sporting Edge \$79.96 smcs; Sprinkler Warehouse \$1,259.48 smcs,co; Star Homes \$50.13 smcs; Steinbrink's \$97,806.58 smcs,co; Stutsman \$1,647.00 smcs; Suburban Fire \$29,059.08 smcs,ps; Sunbelt Rentals \$27.11 smcs,co; Superion \$640.00 smcs; Superior Signals \$1,749.24 smcs;

Supplyhouse.com \$126.75 smcs; Supthen \$2,600.00 smcs; Suzuki,R \$145.45 smcs; Target \$48.06 smcs; Thermo Web \$283.49 smcs; Thorell,R \$38.90 smcs; Tielke's \$192.29 smcs; Titan Machinery \$1,205.16 smcs; Tractor Supply \$2,038.80 smcs; Transunion \$114.00 smcs; Tri-Co Glass \$116.50 smcs; Turfwerks \$2,989.58 smcs; Ty's Outdoor \$379.27 smcs; Uline \$556.26 smcs; Ullman,M \$145.45 smcs; Union Bank & Trust \$91,091.61 smcs,ps; Unique Mgmt. \$134.25 smcs; UPS \$20.86 smcs; USA Comm. \$202.78 smcs; USPS \$891.40 smcs; Valley Forklift \$1,021.16 smcs; Van Diest \$717.71 smcs; Village Payment \$57.21 smcs; Vinzenz,J \$145.45 smcs; Volaire Aviation \$2,000.00 smcs; Vulcan Signs \$3,731.88 smcs; VVS \$87.18 smcs; Wall,W \$145.45 smcs; Wallwey,G \$400.00 smcs; Wal-mart \$2,584.30 smcs; Walters Electric \$1,188.02 smcs; Watchguard Video \$342.41 smcs; Weaver,N \$38.24 smcs; Webstaurant Store \$98.10 smcs; Westech Fuel \$335.99 smcs; Whalen,S \$320.00 smcs; Wheeler,J \$100.00 smcs; Wilco Life \$10.00 smcs; Wilson,B \$55.45 smcs; Windham Weaponry \$138.70 smcs; indy Prairie Systems \$1,500.00 smcs; WPCI \$412.50 smcs; Yant Equipment \$3,783.41 smcs; Zeman,D \$200.00 smcs; Zero Waster \$946.65 smcs; Zoro Tools \$147.96 smcs; Payroll Ending 09/12/2020 -- \$515,437.60. 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 October 13, 2020 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2020-145 approving Change Order No. 1 showing an increase in the amount of \$13,600 as submitted by Safe Slide Restoration for the restoration of the Harmon Park Pool Slide.

**RESOLUTION NO. 2020-145**

WHEREAS, Safe Slide Restoration, from Fredickstown, Missouri has performed services in connection with the restoration of the Harmon Park Pool Slide, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$13,600.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

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. 1, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

5. Adopt Resolution No. 2020-146 approving the following T-Hangar Lease Agreements at the Kearney Regional Airport: Flying Warriors, LLC, JD Air LLC, Buck Enterprises dba Thrifty Car Rental, Central Nebraska Spinal Surgery Center, P.C./David Alvarado Benavides, Lorin Downing and Kaufmann Center, LLC.

**RESOLUTION NO. 2020-146**

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 the following T-Hangar Lease Agreements, on behalf of the City of Kearney, Nebraska:

BB Garage – Buck Enterprises, dba Thrifty Car Rental
B-03 – Flying Warriors, LLC
B-10 – JD Air, LLC
C-02 – Central Nebraska Spinal Surgery Center, P.C./David Alvarado Benavides
C-04 – Saadat Hosseini
C-07 – Lorin Downing
C-09 – Kaufmann Center, LLC

The Agreements, marked Exhibits 1 through 7 inclusive, are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 22ND DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

6. Approve the Amended Developer Agreement for Hoehner Estates Third Addition, Lots 2, 3, & 4, Block Two between the City of Kearney and Kyle and Michelle Hoehner and Christopher and Sarah Hoehner in connection with Water Connection District 2011-1 and Sanitary Sewer Connection District 2011-1 and adopt Resolution No. 2020-147.

**RESOLUTION NO. 2020-147**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled “Amended Developer Agreement – Hoehner Estates Third Addition, Lots 2, 3, & 4, Block Two” between the City of Kearney and Kyle W. Hoehner and Michele D. Hoehner, Husband and Wife and Christopher P. Hoehner and Sarah M. Hoehner, Husband and Wife, be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 22ND DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

7. Adopt Resolution No. 2020-148 approving Change Order No. 1 extending the original contract completion dates to reflect a substantial completion date of September

15, 2020 and a final completion date of September 30, 2020 as a result of COVID-19 and Application for Payment No. 5 in the amount of \$53,508.69 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. 2020-148**

WHEREAS, GD Concrete Construction Inc. of Overton, Nebraska has performed services in connection with the 2020 Sidewalk ADA Improvements, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 extending the original contract completion dates to reflect an increased substantial completion date of September 15, 2020 and an increased final completion date of September 30, 2020 as a result of COVID-19 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, GD Concrete Construction Inc. and Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 5 in the amount of \$53,508.69 as shown on Exhibit "B" 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	347,746.10
Retainage (10%)	<u>- 34,774.61</u>
Amount Due to Date	312,971.49
Less Previous Certificates for Payment	<u>259,462.80</u>
Current Payment Due	\$ 53,508.69

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. 1, as shown on Exhibit "A" and Application and Certificate for Payment No. 5, as shown on Exhibit "B", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 22ND DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**8.** Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Barbara Sellers submitted by Kearney Lodging LLC dba Ramada Inn located at 301 2nd Avenue in connection with their CK-096499 liquor license.

**9.** Accept the bids received for the Early Grading Package for the Community Tennis Facility and adopt Resolution No. 2020-149 awarding the bid to Blessing Construction in the amount of \$82,250.

**RESOLUTION NO. 2020-149**

WHEREAS, RDG Planning & Design and the City of Kearney have reviewed the sealed bids which were opened on September 15, 2020 at 2:00 p.m. for the Early Grading Package for the Community Tennis Facility; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was between \$150,000 and \$250,000; and

WHEREAS, RDG Planning & Design and the City have recommended the bid offered by Blessing Construction of Kearney, Nebraska in the amount of \$82,250 be accepted as the lowest responsible bid for Early Grading Package for the Community Tennis Facility.

NOW, THEREFORE, BE IT RESOLVED by the 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 Early Grading Package for the Community Tennis Facility 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 \$82,250 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$150,000 and \$250,000 be and is hereby accepted.

BE IT FURTHER RESOLVED that the 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 22ND DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**10.** Adopt Resolution No. 2020-150 approving the Developer Constructed Infrastructure Agreement for Fox Creek Addition, Phase 3 between the City of Kearney and Timothy Norwood, Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company for the construction of paving, water main, sanitary sewer main and storm sewer for Lots 8 through 13, Block Three; Lots 2 through 7, Block Four, all of Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska.

**RESOLUTION NO. 2020-150**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled “Developer Constructed Infrastructure Agreement for Fox Creek Addition, Phase 3” between the City of Kearney and Timothy Norwood, Member of Fox Creek Development, LLC, a Nebraska Limited Liability Company, for the construction of paving, water main, sanitary sewer main and storm sewer for Lots 8 through 13, Block Three; Lots 2 through 7, Block Four, all of Fox Creek, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 22ND DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

11. Adopt Resolution No. 2020-151 approving the revised City of Kearney Personnel Manual.

**RESOLUTION NO. 2020-151**

WHEREAS, the City of Kearney has adopted a Personnel Manual since September 1, 1973, and has for several years prior to that time, maintained a cohesive personnel program including standard rules and regulations; and

WHEREAS, on August 22, 2006, the City Council formally adopted the revised Personnel Manual of the City of Kearney as the embodiment of the City’s rules and regulations governing personnel matters; as amended by the City Council on December 26, 2007 by Resolution No. 2007-264, amended on October 28, 2014 by Resolution No. 2014-224, amended on October 25, 2016 by Resolution No. 2016-184, amended on March 27, 2018 by Resolution No. 2018-41, amended on May 22, 2018 by Resolution No. 2018-77; and

WHEREAS, the City Manager and administrative staff have made several revisions and essential changes to the latest version of the Personnel Manual adopted on August 22, 2006, as amended in 2007, 2014, 2016, and 2018 and have recommended the adoption of a newly revised Personnel Manual; and

WHEREAS, the City Council having reviewed these recommended revisions and changes, finds them to be appropriate and necessary to the continued effective performance of duties by employees of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Personnel Manual adopted on August 22, 2006, as amended in 2007, 2014, 2016 and 2018, be and are hereby repealed.

BE IT FURTHER RESOLVED that the newly revised Personnel Manual be and is hereby adopted and will become effective immediately. A copy of the newly revised Personnel Manual, marked Exhibit “A”, is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to implement the policies and provisions of the said Personnel Manual in the fairest and most constructive manner possible.

PASSED AND APPROVED THIS 22ND DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**V. CONSENT AGENDA ORDINANCES**

There were no Consent Agenda Ordinances.

**VI. REGULAR AGENDA**

**OPEN ACCOUNT CLAIM**

Due the absences of Lear and Nikkila and Clouse abstaining, the Open Account Claim in the amount of \$126,359.36 to Nebraska Public Power District was postponed to the October 13, 2020 meeting.

**VII. REPORTS**

City Manager, Michael Morgan, updated the Council on the recent communication efforts that the City has been working on to encourage the use of masks.

**VIII. ADJOURN**

Moved by Buschkoetter seconded by Clouse that Council adjourn at 5:39 p.m. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Moore. Nay: None. Lear and Nikkila absent. Motion carried.

**ATTEST:**

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

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**LAUREN BRANDT  
CITY CLERK**