

*Kearney, Nebraska  
July 28, 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 July 28, 2020 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Eric Hellriegel, Assistant City Manager and Brenda Jensen, Development Services Director, were also present. Members of the media present included Ryan Boyd with KGFW.

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

## **I. ROUTINE BUSINESS**

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

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/PRESENTATIONS**

Dick Cochran with Hot Meals USA presented a video showing how the community was assisted during the COVID pandemic from March 15th through June 26th and explained the process Hot Meals USA follows to set up in communities, including Kearney. Many thanks were extended to several people, businesses, schools and churches who volunteered their time and donated money. After Hot Meals USA's services in Kearney and Lexington ended, Mr. Cochran was contacted about providing food boxes, through the USDA food program to communities in need. Through the USDA food program, a Kansas distributor delivers food every week to Kearney, Lexington and Grand Island. In Kearney, volunteers pack food boxes at Cash-Wa, five to six days a week. As of Monday, 127,013 food boxes have been packed; each family receives three boxes that contain approximately 25 meals; to date 42,337 families have been served. The boxes are

distributed to families in North Dakota, South Dakota, Nebraska and western Minnesota. Mr. Cochran requested permission to place the City of Kearney's logo on all trailers Hot Meals USA own. City Manager Michael Morgan and Mayor Stanley Clouse both agreed Hot Meals USA could use the City logo on their trailers.

Mayor Clouse thanked Mr. Cochran as well as the other organizations that assisted Hot Meals USA in serving and delivering meals during the COVID pandemic and additionally thanked the numerous individual volunteers.

Scott Hayden, Director of Park & Recreation stated there was a confirmed find of the Emerald Ash Borer in the Pioneer Neighborhood. Mr. Hayden explained the state agency notification process once the Emerald Ash Borer is found, described what the Emerald Ash Borer is and reviewed the history behind its arriving in the United States in 2002 with its subsequent spread from the East coast, westward. The Park and Recreation Department have been preparing for the Emerald Ash Borer's arrival for several years by starting to remove unhealthy ash trees and removing ash trees from the preferred tree list.

Additionally, Alan Roessler, City Forrester and Mike Fearnley, Assistant City Forrester have been providing educational materials, giving presentations, and discussing the Emerald Ash Borer via media outlets to assist in the public's awareness of the choice's citizens will need to make regarding their ash trees. A dead and dying tree removal grant program has also been established. The program is initiated through contact with the Park and Recreation Department and involves the City Forrester's opinion on whether the right-of-way tree is healthy or not. The program, once the tree is determined to be unhealthy, may reimburse citizens 50% for removal of the tree, or up to \$200. An existing re-leaf grant program will assist with replacing trees in the right-of-way; reimbursement through this program is also 50% for a new tree, or up to \$200. Both programs will continue as long as funding allows.

Information discussed previously as well as information regarding the grant programs can be found on the Park and Recreation webpage. Mr. Hayden stated all ash trees will be incinerated at the landfill. A list of local tree service companies that have registered with the Development Services Department is available on the Park and Recreation website. The Park and Recreation Department has also provided information to local nurseries to provide to citizens. Citizens with questions about the Emerald Ash Borer or the grant programs are encouraged to email [eab@kearneygov.org](mailto:eab@kearneygov.org) which is delivered directly to City Forrester Staff.

Council Member Jonathan Nikkila questioned how the Park and Recreation Department will handle the potential large volume of calls the City Forrester and Assistant City Forrester could receive? Mr. Hayden requested patience from the public as the potential for call volumes increase.

Council Member Nikkila further stated he is a member of the Nebraska Invasive Species Council which deal with cases like the Emerald Ash Borer. This is a huge issue that the Nebraska Invasive Species Council has been concerned about. Through this membership, Council Member Nikkila stated the Nebraska Department of Agriculture has been very complimentary of Park and Recreation Staff and their ability to quickly identify

the Emerald Ash Borer and their subsequent reaction to it. Mayor Clouse stated the League of Nebraska Municipalities has also been discussing their concerns regarding the Emerald Ash Borer for several years. Mr. Hayden stated it is hard to know when the Emerald Ash Borer problem will spike; therefore, they are trying to get out in front of it as quickly as possible.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

### **CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 3208 MARSHALL AVENUE**

Mayor Clouse opened the public hearing on the application submitted by Mountain Tower & Land, LLC for a Conditional Use Permit as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to co-locate telecommunications equipment for wireless communications on property zoned District M-2, General Industrial District and described as Lot 1, Kearney East Viaero Subdivision, a subdivision being part of the South Half of the South Half of the Northeast Quarter of Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying South of the Union Pacific Railroad Right-of-Way (3208 Marshall Avenue) and consider Ordinance No. 8428.

Mike Harms with Mountain Tower & Land, LLC presented this matter to the Council. Mr. Harms stated they are requesting approval of a CUP for an additional carrier to be placed on the existing tower. This is in conjunction with the First Net project which is a nationwide project that provides First Responders a guaranteed channel of communication for cell phones; similar installations will take place at approximately 400 other sites throughout Nebraska and Colorado.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the application submitted by Mountain Tower & Land, LLC and introduced Ordinance No. 8428 for a Conditional Use Permit as provided in Paragraph H of Section 46-110 "Telecommunications Towers" of Chapter 46 "Supplemental Use Regulations" of the City Code to co-locate telecommunications equipment for wireless communications on property zoned District M-2, General Industrial District and described as Lot 1, Kearney East Viaero Subdivision, a subdivision being part of the South Half of the South Half of the Northeast Quarter of Section 32, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, lying South of the Union Pacific Railroad Right-of-Way (3208 Marshall 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. 8428. 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. 8428 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. 8428 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. 8428 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.

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

Council Member Tami Moore noted many amazing citizens serve on various Boards for the City and the list of people being approved this evening, regarding Consent Agenda Item #4, are no exception. Mayor Clouse agreed.

Moved by Lear seconded by Buschkoetter that Subsections 1 through 13 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held Special Joint Meeting held July 9, 2020 and Minutes of Regular Meeting held July 14, 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-\$289.35-smcs; 4Imprint-\$462.84-smcs; 5.11-\$1,379.68-smcs; 911 Custom-\$3,036.68-co; Accucut-\$169.10-smcs; Action Targets-\$156.33-smcs; Acushnet-\$2,156.50-smcs; Adobe-\$29.99-smcs; Advance Auto-\$48.42-smcs; Agri Coop-\$2,746.64-smcs; Air Filters Delivered-\$79.02-smcs; Aircraft Spruce-\$1,237.90-smcs,co; Airnav-\$555.00-smcs; Airport Lighting-\$62.40-smcs; All City Garage Door-\$622.00-smcs; All Makes-\$265.57-smcs; Alvine & Associates-\$1,710.00-co; Amazon-\$8,650.12-smcs,co; Ambiron Trust Wave-\$191.54-co; American-\$235.45-smcs; American Red cross-\$1,642.00-smcs; Anautm Geomobile-\$3,120.00-co; Anderson Brothers-\$1,171.00-smcs; Apple-\$106.92-smcs; Apple Market-\$27.83-smcs; Aramark Uniform-\$397.26-smcs; Armageddon Gear-\$129.81-smcs; ASA Properties-\$39.95-smcs; Ask Supply-\$3,495.31-smcs; Aurora Coop-\$50.56-smcs; Aussie Hydraulics-\$50.36-smcs; Auto

Value-\$4,148.00-smcs; Avery Products-\$20.23-smcs; B&H Photo-\$2,013.03-smcs,co; B2 Environmental-\$372.00-co; Bailey,M-\$24.90-smcs; Baird Holm-\$10,000.00-smcs; Baker & Taylor-\$6,396.01-smcs; Barco Municipal-\$1,068.00-smcs; Barney Building & Land-\$6,792.50-smcs; Beki Hemingway Music-\$530.48-smcs; Bells Construction-\$480.00-smcs; Big Red Auto Glass-\$684.09-smcs; Bill's Trailer-\$5,700.00-smcs; Blackstone Publishing-\$389.46-smcs; Blue 26 Security-\$5,000.00-smcs; Blue to Gold-\$298.00-smcs; Bluebeam-\$349.00-smcs; BlueCross BlueShield-\$76,938.23-smcs; Bosselman-\$13,750.12-smcs; Bowman,E-\$125.00-smcs; Broadfoot's -\$3,590.35-smcs; Brungardt Engineering-\$400.00-smcs; Buffalo Co. Comm. Partners-\$2,500.00-smcs; Buffalo Co. Treasurer-\$86.61-smcs,co; Buffalo Outdoor Power-\$2,078.06-smcs,co; Builders-\$2,162.54-smcs; Bulk Apothecary-\$155.99-smcs; Cab Store-\$47.03-smcs; Clark,K-\$17.76-smcs; Capstone Press-\$2,986.97-smcs; Carquest-\$226.99-smcs; Casey's-\$11.29-smcs; Cash Wa-\$2,676.93-smcs; CDW-\$695.21-co; Cenex-\$86.40-smcs; Center Point Publishing-\$75.96-smcs; Central District Health-\$3,241.50-smcs; Central Hydraulic-\$466.56-smcs; Central NE Bobcat-\$379.17-smcs; Chemsearch-\$3,744.95-smcs; Cintas-\$567.81-smcs; City of Ky-\$15,492.11-co,; smcs; City of Ky-\$11,548.19-ps; City Plumbing-\$220.76-smcs; CNS Frame Displays-\$4,730.51-smcs; Coldspring-\$640.40-smcs; Commercial Recreation-\$3,340.22-smcs; Construction Rental-\$822.86-smcs,co; Control Yours-\$200.00-smcs; Cook Construction-\$1,500.00-smcs; Copycat Printing-\$123.69-smcs; Core & Main-\$4,970.22-smcs; Crader Distributing-\$90.00-smcs; Credit Management Serv.-\$330.39-ps; Culligan-\$312.00-smcs; Cummins-\$2,827.09-smcs; Cutter & Buck-\$632.86-smcs; D&D Industries-\$360.00-smcs; Danko Emergency-\$3,048.02-smcs; Dan's Plumbing-\$432.42-smcs; David Mellen-Valor Fire -\$600.00-smcs; Dawson Public Power-\$41,982.71-smcs; Demco-\$1,457.85-smcs; Deterdings-\$4,240.67-smcs; DGS Retail-\$250.08-smcs; Digidigert-\$1,046.00-smcs; Dish-\$217.12-smcs; Dmilaco-\$208.65-smcs; Dollar General-\$23.54-smcs; Dowhy Towing-\$800.00-smcs; DPC Industries-\$7,494.70-smcs; Drapery Den-\$69.00-smcs; Dreams Time-\$25.00-smcs; E Replacement Parts-\$64.54-smcs; Eagle Distributing-\$821.50-smcs; Eakes-\$5,292.62-smcs; Earl May -\$354.61-smcs; Ecolab-\$80.26-smcs; Ed Broadfoot's-\$1,223.75-smcs; Eileen's Cookies-\$125.00-smcs; Elifeguard-\$63.92-smcs; Elliott Equipment-\$1,510.03-smcs; Emblem Authority-\$231.75-smcs; EMC Insurance-\$35,365.29-smcs; Emergency Medical-\$96.82-smcs; Encompass Parts-\$15.80-co; Ensley Electric-\$20,382.00-co; Entenmann-Rovin-\$362.50-smcs; Enterprise-\$309.00-smcs; Environmental Resource-\$668.17-smcs; Etsy-\$304.96-smcs; Evans,L-\$125.00-smcs; Eyemed-\$1,190.69-smcs; Facebook -\$57.37-smcs; Fairfield Inn-\$92.24-smcs; Fastenal-\$286.74-smcs; Field Trial-\$103.70-smcs; First National Bank-\$75.00-smcs; For Soap Make-\$70.43-smcs; Foreflight-\$499.99-smcs; Frontier-\$7,572.69-smcs; Gale/Cengage-\$149.98-smcs; Galls-\$552.64-smcs; Gammon Technical-\$883.80-smcs; Gangwish Turf-\$10.58-smcs; Garrett Tires-\$11,830.14-smcs; Getac USA-\$457.95-co; GI Physical Therapy-\$135.00-ps; Glendale Parade Store-\$192.00-smcs; Godaddy.com-\$163.52-smcs; Govt. Finance Officers-\$249.00-smcs; Graham Tire-\$520.00-smcs; Grainger-\$823.05-smcs; Great Plains Safety-\$200.00-smcs; Greater NE Cities-\$1,000.00-smcs; Hach-\$4,692.44-smcs; Hang-ups-\$51.17-smcs; Haupt,M-\$366.40-smcs; Headset Plus-\$812.05-co; Heartland Motor Sports-\$131.72-smcs; Hobby-Lobby-\$217.36-smcs; Holmes Plumbing-\$1,056.91-smcs; Home Depot-\$1,224.40-smcs; Homestore Directs-\$1,584.00-smcs; HP-\$464.32-smcs; Hren,B-\$200.00-smcs; Hyatt Hotels-\$558.52-smcs; Hy-Vee-\$6.63-smcs; ICMA-\$6,821.16-ps; Instrumart-\$60.50-smcs; Internation-\$77.71-smcs; Interstate Plastics-\$1,084.14-smcs; Invoice Home -\$5.00-smcs; IRS-\$175,481.92-ps; Jack Lederman-\$5,845.44-smcs,co;

Jack's Uniforms-\$784.43-smcs; Jackson Services-\$290.76-smcs; JCB Delivery-\$144.00-smcs; Jimmy Johns-\$75.00-smcs; Johnson Controls-\$11,088.95-smcs; Johnstone Supply-\$343.05-smcs; Kart Man-\$2,485.78-smcs; Kaw Valley -\$124.77-smcs; Ky Ace-\$1,342.26-smcs; Ky Animal Shelter-\$10,000.00-smcs; Ky Builders Assn.-\$675.00-smcs; Ky Concrete-\$23,016.85-smcs,co; Ky Crete & Block-\$1,018.51-smcs,co; Ky Hub-\$1,974.58-smcs; Ky Powersports-\$290.10-smcs; Ky Towing -\$1,500.00-smcs; Ky Visitors Bureau-\$30,941.20-smcs; Ky Warehouse-\$308.63-smcs; Ky Winlectric-\$12,588.46-smcs,co; Ky Winnelson-\$255.09-smcs; Kelly Supply-\$1,156.69-smcs; Kimball Midwest-\$514.05-smcs; Kings III Emergency-\$480.06-smcs; Konica Minolta-\$1,066.37-smcs; Kussmaul Electronics-\$166.70-smcs; Landmark Implement-\$639.57-smcs; Law Enforcement Seminars-\$350.00-smcs; Lawn Builders-\$1,086.25-smcs; Lawson Products-\$1,396.45-smcs; League of NE Municipalities-\$325.00-smcs; Lerner Publications-\$4,226.27-smcs; Lifeguard Store-\$86.79-smcs; Lockmobile-\$41.95-smcs; Mac Faucets-\$397.04-smcs; Macqueen Equipment-\$8,617.90-smcs; Magic Cleaning-\$400.00-smcs; Mallory Safety-\$469.95-smcs,co; Marlatt Machine-\$1,870.03-smcs; Masek Golf Car-\$84.88-smcs; Masters True Value-\$945.26-smcs,co; Matheson Tri-Gas-\$56.91-smcs; Maxwell Medals-\$1,343.25-smcs; Mead Lumber-\$519.10-co; Menards-\$5,667.40-smcs; Mid-NE Garage Doors-\$800.00-smcs; Mid-Plains Equipment-\$260.15-smcs; Midwest Breathing-\$134.75-smcs; Midwest Connect-\$649.00-smcs; Midwest Turf-\$222.23-smcs; Miller & Associates-\$15,872.85-smcs,co; Miller Signs-\$730.00-smcs; Modern Samurai-\$800.00-smcs; Moonlight Embroidery-\$898.35-smcs; Mountain High Equipment-\$356.21-smcs; MPH Industries-\$287.40-smcs; Municipal Emergency-\$113.21-ps; Municipal Supply-\$22,267.05-smcs; NE Child Support-\$2,287.35-ps; NE Crane-\$350.00-smcs; NE Dept of Revenue-\$69,499.04-smcs; NE Machinery-\$1,764.11-smcs; NE Main Street Network-\$595.00-smcs; NE Public Health-\$30.00-smcs; NE Safety & Fire-\$465.00-smcs; NE Salt & Grain-\$28,559.30-smcs; NE Society of CPAs-\$155.00-smcs; NE State Fire Marshal-\$120.00-smcs; NE Truck Center-\$2,316.63-smcs; Nebraskaland Distributors-\$1,795.85-smcs; Nelson,S-\$205.00-smcs; Nevco Scoreboard-\$4,249.35-smcs; NI SFM Elevator-\$360.00-smcs; Nielsen Contracting-\$85,943.45-co; Nielsen,D-\$8.97-smcs; Nok-Out-\$144.00-smcs; Northwest Electric-\$190.92-smcs; Northgate Veterinary-\$231.00-smcs; Northwestern Energy-\$1,499.68-smcs; NRG Media-\$410.00-smcs; Nutrien Ag-\$345.40-smcs; OCLC-\$764.46-smcs; Officemax-\$2,146.81-smcs; Optics Planet-\$55.18-smcs; O'Reilly-\$25.98-smcs; Orscheln-\$1,190.44-smcs; OTC Brands-\$17.35-smcs; Outdoor Recreation-\$610.00-co; Overhead Door-\$230.10-smcs; Paramount-\$62.52-smcs; Peerless-\$1,726.09-smcs; Penworthy-\$121.25-smcs; Pep Co.-\$50.00-smcs; Pepplitsch,A-\$35.00-smcs; Petersen,R-\$85.00-smcs; Petsmart-\$184.89-smcs; PGA Member Info-\$521.00-smcs; Phillips 66 -\$11.23-smcs; Ping-\$49.26-smcs; Pioneer Athletics-\$80.17-smcs; Pitney Bowes-\$1,169.54-smcs; Platinum Awards-\$52.55-smcs; Platte Valley Auto -\$111.49-smcs; Platte Valley Comm.-\$695.58-smcs; Platte Valley Laboratories-\$62.50-smcs; Platte Valley Roofing-\$1,412.60-smcs; Pohlman,K-\$13.37-smcs; Police Officers' Assn of NE-\$100.00-smcs; Poster My Wall-\$2.99-smcs; Presto-X-\$228.00-smcs; Provantage-\$3,825.00-smcs; Psychological Resources-\$270.00-smcs; Public Agency Training-\$75.00-smcs; Pump & Pantry-\$40.90-smcs; Quill-\$1,062.73-smcs; Rasmussen Mechanical-\$15,000.00-co; Ready Mixed Concrete-\$101.50-smcs; Reams-\$1,753.68-smcs; Recorded Books-\$148.47-smcs; Red Willow Co.-\$3,135.10-smcs; Redman's Shoes-\$225.00-co; Rentokil -\$189.00-smcs; Republic National-\$2,244.16-smcs; Rheome Tree-\$4,210.00-smcs; Roundhouse Bunker Gear-\$613.05-smcs; Rourke Educational Media-\$800.00-smcs; S&B Heating-\$244.00-smcs; Sahling Kenworth-

\$328.45-smcs; Sandry Fire Supply-\$140.40-smcs; Sanitation Products-\$1,604.52-smcs; Sapp Brothers-\$49,176.21-smcs; Schmidt,J-\$85.00-smcs; Sedcatch-\$804.31-smcs; See Clear Cleaning-\$2,569.00-smcs; Sequel Bookshop-\$780.00-smcs; Shoptoro-\$210.02-smcs; Sign Center-\$87.70-co; Sign It-\$157.00-smcs; Silver State Consulting-\$115.00-smcs; Siteone Landscape-\$801.02-smcs; SLN Membership-\$60.00-smcs; Small Engine Suppliers-\$165.40-smcs; SOS Portable -\$360.00-smcs; Southern Glazier-\$2,531.62-smcs; Spectrum-\$841.13-smcs; Sportsturf Irrigation-\$940.00-smcs; Sprinkler Warehouse-\$888.21-smcs; Steinbrink's-\$1,303.88-smcs; Stitch 3-\$141.60-smcs; Straight Line Striping-\$40,874.25-smcs; Stutsman-\$4,941.00-smcs; Sughroue,D-\$24.34-smcs; Sunbelt Rentals-\$909.27-smcs; Sunset Law Enforcement-\$25,323.55-smcs; Superior-\$31,200.00-co; Superior Signals-\$1,560.90-smcs; Superteacher-\$3.00-smcs; Supply House-\$27.93-smcs; Target-\$187.37-smcs; Teachers Pay Teachers-\$5.00-smcs; Tennis Balls Supplies-\$50.00-smcs; Thermoweb-\$89.75-smcs; Tielke's-\$185.44-smcs; Titan Machinery-\$25,547.22-smcs; Tractor Supply-\$3,160.99-smcs; Trade Well Pallet-\$1,700.00-smcs; Transunion-\$136.70-smcs; Turfwerks-\$1,803.13-smcs; Turner Body Shop-\$1,000.00-smcs; TVH Parts-\$804.45-smcs; Ty's Outdoor Power-\$26,404.25-co; U.S. Airmotive-\$585.50-smcs; Uline-\$1,675.17-smcs; Union Bank & Trust-\$86,472.23-ps; Union Pacific Railroad-\$2,768.46-er; United States Flag-\$92.92-smcs; USA Communications-\$174.85-smcs; USDA-Aphis Animal-\$85.00-smcs; USPS-\$1,670.75-smcs; Valley Vending-\$143.85-smcs; Van Diest-\$1,883.96-smcs; Van Wall-\$82.70-smcs; Verizon-\$245.00 -smcs; Vermont Systems-\$315.00-smcs; Viking Industrial Painting-\$31,500.00-smcs;Walgreens-\$34.19-smcs; Wal-mart-\$1,473.40-smcs; Web Network -\$39.99-smcs; WEF Main-\$83.00-smcs; West Villa Animal-\$386.79-smcs; Whalen,J-\$15.00-smcs; Whalen,S-\$400.00-smcs; When To Work-\$120.00-smcs; Whipkey,N-\$54.70-smcs; Wilco Life Insurance-\$10.00-ps; WPCI-\$620.00-ps; Zdigitizing-\$5.00-smcs; Zoro Tools-\$503.48-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. Receive recommendations of Planning Commission and set August 11, 2020 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Adopt Resolution No. 2020-110 appointing citizens to serve on the Airport Advisory Board, Community Redevelopment Authority, Downtown Improvement Board, Kearney Housing Agency, Library Advisory Board, Advisory Board of Park and Recreation Commissioners, Planning Commission and Senior Services Advisory Board.

### **RESOLUTION NO. 2020-110**

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

WHEREAS, vacancies currently exist on certain Boards/Commissions.

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

**AIRPORT ADVISORY BOARD**

Mark Pullman reappointed to July 31, 2025

**COMMUNITY REDEVELOPMENT AUTHORITY**

Tanya Wegner reappointed to July 31, 2025

**DOWNTOWN IMPROVEMENT BOARD**

Kari Printz reappointed to July 31, 2025

**KEARNEY HOUSING AGENCY**

Joyce Lieske reappointed to July 31, 2025

Ariel Ahrens, Resident Commissioner, reappointed to July 31, 2025

**LIBRARY ADVISORY BOARD**

Evan Lewandowski reappointed to July 31, 2024

Stefanie Green reappointed to July 31, 2024

Connie Jelkin appointed to succeed Heather Brummels to July 31, 2024

**ADVISORY BOARD OF PARK AND RECREATION COMMISSIONERS**

Kyle Flaherty reappointed to July 31, 2025

**PLANNING COMMISSION**

Dave Malone reappointed to July 31, 2023

Melissa Scott-Pandorf reappointed to July 31, 2023

Brent Yaw appointed to succeed Patrick O'Neill to July 31, 2023

**SENIOR SERVICES ADVISORY BOARD**

Dick Johnson reappointed to July 31, 2023

Shelia Kennedy appointed to succeed Patricia Candy to July 31, 2023

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

PASSED AND APPROVED THIS 28TH DAY OF JULY, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

5. Authorize the Mayor to send a letter of approval to the Nebraska Liquor Control Commission for an Addition to Liquor License submitted by Jersey's Sports Bar & Grill LLC dba Jersey's Sports Bar & Grill located at 5012 3rd Avenue, Suite 190 in connection with their Class I-070888 liquor license.

6. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Xue Huang Zhao submitted by HJZ Food Kearney Inc dba Hunan Chinese Restaurant located at 305 West 11th Street in connection with their Class C-123204 liquor license.

7. Accept the bids received for the AIP Project No. 3-31-0045-032 in connection with the Taxiway 'A' & Connecting Taxiway Rehabilitation project at the Kearney Regional

Airport and adopt Resolution No. 2020-111 awarding the bid to Paulsen, Inc. in the amount of \$6,070,824.60.

8. Adopt Resolution No. 2020-112 approving the revised Kearney Public Library Policy Manual to include an amended policy for exhibits and displays as recommended by the Library Advisory Board.

**RESOLUTION NO. 2020-112**

WHEREAS, the “Policy Manual for the Kearney Public Library” of the Kearney Public Library was adopted on September 12, 2006 by Resolution No. 2006-156; and

WHEREAS, in 2008 the Library Advisory Board determined it was necessary to revamp the entire policy and brought forward a new policy which was adopted by the City Council by Resolution No. 2008-57 on April 8, 2008; and

WHEREAS, on April 10, 2012, April 13, 2015, May 23, 2017 and again on October 8, 2019 the Council approved the revised policy by Resolution Nos. 2012-59, 2015-74, 2017-85 and 2019-186 respectively; and

WHEREAS, the Library Advisory Board has made some changes and is recommending the City Council approve the changes and adopt the revised policy.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the recommendation from the Library Advisory Board, on adopting a revised Kearney Public Library Policy Manual, a copy marked as Exhibit “A”, attached hereto and made a part hereof, be and is hereby adopted.

BE IT FURTHER RESOLVED that the revised policy adopted in 2019 by Resolution No. 2019-186 be and is hereby repealed in its entirety.

PASSED AND APPROVED THIS 28TH DAY OF JULY, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

9. Adopt Resolution No. 2020-113 approving Application for Payment No. 2 in the amount of \$64,467.22 submitted by The Diamond Engineering Company and approved by Oak Creek Engineering for the Cherry Avenue Pedestrian Bridge Replacement.

**RESOLUTION NO. 2020-113**

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. 2 in the amount of \$64,467.22 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	113,195.64
Retainage (10%)	<u>- 11,319.56</u>
Amount Due to Date	101,876.07
Less Previous Certificates for Payment	<u>- 37,408.85</u>

Current Payment Due

\$ 64,467.22

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

PASSED AND APPROVED THIS 28TH DAY OF JULY, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**10.** Adopt Resolution No. 2020-114 approving Change Order No. 1 showing a decrease in the amount of \$5,100.00, Application and Certificate for Payment No. 1-Final in the amount of \$85,210.00, and accept the Certificate of Substantial Completion submitted by Philip Carkoski Construction & Trenching, Inc. and approved by Miller & Associates for the Airport Lift Station Grinder.

**RESOLUTION NO. 2020-114**

WHEREAS, Philip Carkoski Construction and Trenching, Inc. of Loup City, Nebraska has performed services in connection with the Airport Lift Station Grinder, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$5,100.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Philip Carkoski Construction and Trenching, Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$85,210.00 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 90,310.00
Change Order No. 1 (7/28/2020)	- 5,100.00
Contract Sum To Date	85,210.00
Gross Amount Due	85,210.00
Retainage (0%)	- 0.00
Amount Due to Date	85,210.00
Less Previous Certificates for Payment	- 0.00
Current Payment Due	\$ 85,210.00

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of July 10, 2020, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 1-Final, as shown on Exhibit "B" and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF JULY, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

11. Adopt Resolution No. 2020-115 approving Change Order No. 1 extending the Date of Substantial Completion to September 15, 2020 submitted by J.I.L. Asphalt Paving Company and approved by Miller & Associates for 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.

**RESOLUTION NO. 2020-115**

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 Change Order No. 1 extending both the original substantial completion date to September 15, 2020 and the final completion date to October 1, 2020 due to delays caused by the COVID-19 pandemic as shown on Exhibit “A” attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit “A”, be and is hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF JULY, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

12. Adopt Resolution No. 2020-116 approving Change Order No. 1 extending the Date of Substantial Completion to October 16, 2020 submitted by Nielsen Contracting, LLC and approved by Miller & Associates for the 2020 Part 5 Improvements for the removal and replacement of 11th Street and 2nd Avenue Intersection.

**RESOLUTION NO. 2020-116**

WHEREAS, Nielsen Contracting, LLC of Kearney, Nebraska has performed services in connection with the 2020 Part 5 Improvements for the removal and replacement of 11th Street and 2nd Avenue Intersection, and the City’s engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 extending both the original substantial completion date to October 16, 2020 and the final completion date to October 30, 2020 due to delays caused by the COVID-19 pandemic as shown on Exhibit “A” attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit “A”, be and is hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF JULY, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**13.** Adopt Resolution No. 2020-117 approving Application for Payment No. 3 in the amount of \$53,132.40 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. 2020-117**

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. 3 in the amount of \$53,132.40 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	185,297.50
Retainage (10%)	<u>- 18,529.75</u>
Amount Due to Date	166,767.75
Less Previous Certificates for Payment	<u>113,635.35</u>
Current Payment Due	\$ 53,132.40

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 is hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF JULY, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**V. CONSENT AGENDA ORDINANCES**

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

Moved by Buschkoetter to postpone until August 11, 2020 City Council Meeting and place on Regular Agenda the consideration 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.

Council Member Randy Buschkoetter requested removal of this item from the Consent Agenda Ordinances for further discussion as he feels the cost savings regarding future energy bills does not outweigh the increase in construction costs; therefore, Council should explore their other options before approving this new Code.

City Manager Michael Morgan explained there has been some confusion on whether cities have options regarding the adoption of the 2018 International Energy Conservation Code. Council Member Buschkoetter's understanding is that there are some Nebraska cities that have not adopted the new Code. Mr. Morgan agreed that a few Nebraska cities have chosen not to adopt the new Code and further stated Council could also choose not to adopt the new Code.

If the 2018 International Energy Conservation Code is not adopted, the City of Kearney would not enforce any energy code locally; therefore, if a citizen would have concerns regarding an energy code issue, they would be directed to the State of Nebraska for resolution. The City of Kearney does not have the option to amend this Code or deviate from it as it was passed by the Nebraska Legislature and became effective on July 1, 2020 as state law; therefore, Council will need to either eliminate reference to the 2009 International Energy Conservation Code or adopt the 2018 International Energy Conservation Code. Grand Island has chosen not to adopt the 2018 International Energy Conservation Code.

Council Member Nikkila stated the decision isn't made by the builders; they will have to comply with the Code either way. Mr. Morgan agreed. There was further discussion between Mr. Morgan and Council Members concerning clarification on the 2018 International Energy Conservation Code and the role the City Inspectors would have in the process. If the Code is adopted, City Inspectors would inspect the structure as it is being built to assure the Builder is meeting the energy standards set by the new Code. Additionally, all concerns from property owners regarding energy code issues would also be handled locally by the City Inspectors. If the new Code is not adopted, City Inspectors would not inspect the structure as it was being built to assure energy standards were being followed set by the 2018 International Energy Conservation Code; instead, Builders would be referred to the State of Nebraska to schedule inspections regarding this new Code. Additionally, property owners would also be referred to their Builder and the State of Nebraska to resolve any concerns they may have. It was noted, this would only apply to 2018 International Energy Conservation Code inspections and issues.

Council Member Bruce Lear stated there are numerous Codes that the City adheres to that are not local Codes. Mr. Morgan agreed and added, with the exception of the Electric Code, the City is able to make amendments to many of them.

Brenda Jensen, Development Services Director, stated the State of Nebraska requires Builders to meet or exceed their requirements. City staff has notified local builders that if they would like to provide written documentation for amendments to the 2018 International Energy Conservation Code and include a specific reason for the amendment, City staff will submit their amendment to the State of Nebraska requesting approval of their amendment from the Nebraska Energy Office.

City Attorney Mike Tye reiterated that the City of Kearney does not have the option to amend this Code or deviate from it as it was passed by the Nebraska Legislature and became effective on July 1, 2020 as state law; therefore, Council will need to either eliminate reference to the 2009 International Energy Conservation Code or adopt the 2018 International Energy Conservation Code. If Council chooses not to adopt the 2018

International Energy Conservation Code, it does not mean there is no energy code, it means the City of Kearney will not participate in the enforcement process. Mr. Morgan stated the State of Nebraska has one Energy Inspector for the entire State.

Council Member Moore stated she is concerned the quality of construction may suffer by not keeping it under the auspices of the City.

Council Member Buschkoetter expressed his frustration with the adoption of the 2018 International Energy Conservation Code by the State and the unfairness it creates by not being able to make amendments to it, while other Cities are able to and further stated he is not comfortable enforcing this Code without questioning the issue.

Mr. Morgan stated two items could be brought back in front of Council at the August 11, 2020 Council Meeting; the first being approval of the adoption of the 2018 International Energy Conservation Code, the second being removal of the reference to the 2009 International Energy Conservation Code in current City of Kearney Code.

Mayor Clouse questioned if the City does not adopt the 2018 International Energy Conservation Code, would possession of a new dwelling be delayed if inspections aren't completed by the State of Nebraska? Mr. Morgan stated that it would not create a delay.

Mr. Morgan stated the Development Services Department has reached out to other First-Class City's regarding this issue and will provide a report on their findings at the August 11th City Council meeting.

Council member Nikkila questioned where he could find a list of changes to this Code; Council Member Moore referred him to LB405.

Seconded by Lear that Ordinance No. 8429 be postponed until August 11, 2020 City Council Meeting and placed on Regular Agenda the consideration to amend 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, Lear, Nikkila, Buschkoetter. Nay: Moore. Motion carried.

## **VI. REGULAR AGENDA**

### **OPEN ACCOUNT CLAIM**

Moved by Nikkila seconded by Moore that the Open Account Claim in the amount of \$105,988.13 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse abstained. Motion carried.

Moved by Clouse seconded by Nikkila that the Open Account Claim in the amount of \$10.59 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter abstained. Motion carried.

## **VII. REPORTS**

Council Member Nikkila encouraged the public to wear masks.

Mr. Morgan stated the first submittal for the Federal grant for the Airport has been submitted. Mr. Morgan restated the City is very fortunate to have two Arborists on staff and commended the Park and Recreation Department on all of their work regarding the Emerald Ash Borer. Additionally, the City has been working directly with SkyWest regarding postponing the start of the second flight to Denver; this flight has the minimum revenue guarantee. SkyWest is willing to work with the City and has agreed to a pro-rated share once the second Denver flight starts again. Beginning September 1st, the flight to Chicago will begin again; the non-stop to Denver has been up and operating.

## **VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 6:18 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

**ATTEST:**

---

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

---

**LAUREN BRANDT  
CITY CLERK**