

**Kearney, Nebraska**  
**September 8, 2020**  
**5:30 p.m.**

Prior to the regular Council meeting, the Council met as the Board of Directors for the Kearney Area Solid Waste Agency in open and public session at 5:30 p.m. on September 8, 2020 in the Council Chambers at City Hall. This meeting adjourned at 5:33 p.m. A meeting of the City Council of Kearney, Nebraska, was then convened in open and public session at 5:33 p.m. on September 8, 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; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Bryan Waugh, Chief of Police; Andy Harter, Assistant Director of Public Works, Brenda Jensen, Development Services Director and Jena Bice, Assistant Finance 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**

### **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**

Mayor Clouse presented and read aloud the Proclamation encouraging the use of face shields/coverings or cloth face masks to help slow the spread of COVID-19.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

## **III. PUBLIC HEARINGS**

### **VACATE PLATTED SIDE YARD AND REAR YARD SETBACKS LOCATED AT 612 WEST 68TH STREET**

Mayor Clouse opened the public hearing on the application submitted by Trenton Snow

for Jesse and Melissa Pandorf to vacate the platted setbacks being 1) two (2) 25-foot side yard building setbacks and 2) 100-foot rear yard building setback on property described as Lot 1, Austin Estates Fourth Subdivision, a tract of land being part of the West Half of the Northeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (612 West 68th Street) and consider Ordinance No. 8437.

Trenton Snow presented this matter to the Council. When this property was originally platted, all setbacks were identified on the plat which conformed to the current City Code at the time. As a result, the setbacks were doubly reinforced once by City Code and by the plat itself. Once City Code changed for the property's zoning which reduced the setbacks, the plat remained the same. Since you have to go by the more stringent set back, which in this case results to the plat, the property owners are requesting to vacate both the rear and the side yard setbacks so that the property would now follow only City Code from here on out and whatever the City guidelines are in place at the time of future development.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the application submitted by Trenton Snow for Jesse and Melissa Pandorf and introduced Ordinance No. 8437 vacating the platted setbacks being 1) two (2) 25-foot side yard building setbacks and 2) 100-foot rear yard building setback on property described as Lot 1, Austin Estates Fourth Subdivision, a tract of land being part of the West Half of the Northeast Quarter of Section 23, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (612 West 68th Street) 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 Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 8437. 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. 8437 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 Clouse seconded by Nikkila that Ordinance No. 8437 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. 8437 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.

**VACATE PROPERTY LOCATED AT 1910 WEST 24TH STREET**

Mayor Clouse opened the public hearing on the application submitted by Chris Kabourek for Board of Regents of the University of Nebraska, a public body, to vacate all of Lots 5 and 6, and part of Lots 1, 2, 3, 4, 7, 8, Lincoln Way Villa Plots, an addition to City of Kearney, Nebraska, located in part of the North Half of the Northeast Quarter of the Northeast Quarter, Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1910 West 24th Street) and consider Ordinance No. 8438.

Alan Wedige, Campus Architect for the University of Nebraska presented this matter to the Council. Mr. Wedige stated this vacation is simply a cleanup item as the University has been conducting recent surveys of nearby properties and these vacations will assist the cleanup of the properties.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the application submitted by Chris Kabourek for Board of Regents of the University of Nebraska, a public body, and introduced Ordinance No. 8438 vacating all of Lots 5 and 6, and part of Lots 1, 2, 3, 4, 7, 8, Lincoln Way Villa Plots, an addition to City of Kearney, Nebraska, located in part of the North Half of the Northeast Quarter of the Northeast Quarter, Section 3, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1910 West 24th Street) 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 Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8438. 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. Nay: None. Moore abstained. 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. 8438 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. Nay: None. Moore abstained. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8438 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila. Nay: None. Moore abstained. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8438 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.

**AMENDMENT OF THE 2016 COMPREHENSIVE DEVELOPMENT PLAN TO UPDATE THE FUTURE LAND USE MAP**

Mayor Clouse opened the public hearing on the proposed amendment of the 2016 Comprehensive Development Plan for the City of Kearney to update the Future Land Use Map of the Area to align with potential development along the Kearney East Expressway from 11th Street to Coal Chute Road and consider Resolution No. 2020-134.

Brenda Jensen, Director of Development Services presented this matter to the Council. Brenda discussed that tonight's item is overview of a change that City staff is proposing to the Future Land Use Map. The property outlined in the presented materials is in red and is outside of our corporate limits, but within our two-mile extraterritorial jurisdiction on the Southeast side of Kearney. The boundary is approximately a quarter mile east of the Expressway, about a half of a mile West of Antelope Avenue. Coal Chute Road is on the North and 11th Street is bordering on the south.

Over the past year to 18 months, the City has seen quite a bit of interest in development along the East Expressway. Along with that, City staff and DRT have had many conversations and study sessions regarding this area as it has developed from the 2016 Comprehensive Plan along with the Future Land Use Map which was also put in place in 2016. Shortly after 2016 is when the bypass was completed. This was one area that City staff believed needed to be updated to better fit or provide a transition between development along the Expressway with existing development.

Brenda explained the colored outlined areas from the map which were provided in the materials and described the zoning and current Future Land Use Map designations for those areas. With the potential for future growth, she further explained that City staff are proposing to do a transition to a mixed use that will provide for Commercial up to the Business Park. This allows for some Light Industrial uses but not any Industrial zoning districts. This will then provide a transition from Light Industrial Future Land Use Map Designation to an MU3 down to an MU2 further providing a nice transition to allow for some compatible zoning districts for future development along the Expressway.

In addition to the actual map changes, City staff are also proposing to change some of the compatible zoning districts that align with the Future Land Use Map Designation. The table which is included in the Council Memo is an outline of the proposed changes. In accordance with notification requirements and prior to the August 21, 2020 Planning Commission meeting, City staff posted public hearing signs around the property related to these proposed changes. City staff did receive two phone calls from adjacent property owners who had a couple of questions but we have not heard of any opposition to this Future Land Use Map change.

Council Member Buschkoetter asked a question regarding the future of high-intensity residential zoning in the area. Brenda responded that with any zoning application, City staff would continue to use the same review processes as with any request or rezoning application.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Clouse to close the hearing and adopt Resolution No. 2020-134 approving the proposed amendment of the 2016 Comprehensive Development Plan for the City of Kearney to update the Future Land Use Map of the Area to align with potential development along the Kearney East Expressway from 11th Street to Coal Chute Road. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

**RESOLUTION NO. 2020-134**

WHEREAS, on July 26, 2020, City Council approved Resolution No. 2016-116 adopting the document entitled “2016 Comprehensive Development Plan for the City of Kearney”, also known as the new Plan for the City of Kearney that included text, charts, tables, photographs, illustrations, and maps contained therein; and

WHEREAS, the goal of a Future Land Use (FLU) map and associated legend is to establish a land use pattern with compatible uses; in addition, the FLU map helps minimize unwanted conflict in adjacent land uses such as a single-family house next to an industrial use. The completion of the Kearney East Expressway in November 2016, opened up development opportunities along the corridor. Since that time, there has been some development along the corridor with potential for much more; and

WHEREAS, the area within a quarter-mile of the Kearney East Expressway has been planned with a future land use map since the 1997 Comprehensive Plan update. Planning for this area has continued to evolve with the Kearney Bypass Corridor Plan in 2001, the 2003 Kearney Plan, and the 2016 Comprehensive Plan; and

WHEREAS, This FLU map amendment encompasses an area between 11th Street and Coal Chute Road from approximately a quarter-mile east of the Expressway to a mile and a half west of the Expressway; and

WHEREAS, the amendment of the FLU designations along the Kearney East Expressway and associated legend are considered so consequential that the amendment to the 2016 Comprehensive Development Plan for the City of Kearney is vital to any further land development considerations in the general area of the Kearney East Expressway.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the 2016 Comprehensive Plan for the City of Kearney, adopted July 26, 2020 is inadequate in regard to the impact and influence future land uses of the Kearney East Expressway and the boundaries of the proposed FLU map and associated legend amendments referred to and marked as Exhibit “A” is attached hereto and made a part hereof by reference, be incorporated into the 2016 Comprehensive Plan for the City of Kearney as adopted by Resolution No. 2016-116, passed and approved by the Kearney City Council on July 26, 2016, which shall remain in full force and effect as modified by these said amendments.

PASSED AND APPROVED THIS 8th DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**ONE AND SIX YEAR STREET IMPROVEMENT PLAN**

Mayor Clouse opened the public hearing on the adoption of the One & Six Year Street

Improvement Plan and consider Resolution No. 2020-135.

Assistant Public Works Director Andy Harter presented this matter to the Council. He stated at the last meeting on August 25th they went through all the projects and since that time they opened it up to any comments from the public. He has not received any himself nor had any other City staff. Additionally, Mayor Clouse's comments from the previous meeting regarding future improvements needed on South Central Avenue will be considered.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2020-135 approving the adoption of the One & Six Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

### **RESOLUTION NO. 2020-135**

WHEREAS, the City of Kearney, Nebraska is required by Section 39-2119 of the Nebraska Revised Statutes to adopt a One and Six Year Street Improvement Program.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, at a Public Hearing held at approximately 5:30 p.m. on September 8, 2020 in the Kearney City Council Chambers that the One Year City Street Plan for fiscal year ending September 30, 2021 and the Six Year City Street Plan ending September 30, 2027, are hereby adopted as listed on the Summary of One Year Plan and the Summary of Six Year Plan, marked as Exhibit "A" attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

### **REVISE CITY OF KEARNEY BUDGET FOR THE 2019-2020 FISCAL YEAR**

Mayor Clouse opened the public hearing on the for the purpose of revising the City of Kearney Budget for the 2019-2020 Fiscal Year and consider Ordinance No. 8439.

Wendell Wessels, Finance Director presented this matter to the Council. By Law, the City may not expend more than the total budget of expenditures unless the provisions of State Statute 13-511, R.R.S. 1943 are met. Due to unforeseen circumstances, actual expenditures for the current fiscal year will exceed budgeted expenditures unless the current fiscal year budget is supplemented. Under these circumstances, state law requires that a public hearing be conducted to supplement the previously adopted budget and an ordinance be passed authorizing the expenditure of the additional requirements.

An explanation of the budget adjustments for the two funds are as follows:

Sewer Bond: The budgeted expenditures in the Sewer Bond Fund need to be increased from \$867,089.00 to \$2,123,328, or by \$1,256,239.00. As you may recall, on June 23, 2020, the City Council approved the issuance of Combined Utilities Revenue Refunding Bonds Series 2020B for the purpose of refunding Combined Utilities Revenue Bonds Series 2013 and 2014E. This transaction was not anticipated when the 2019-2020 budget was approved on September 10, 2019, therefore, the 2019-2020 budget needs to be revised to provide the authority to redeem the refunded bonds.

Water Bond: The budgeted expenditures in the Water Bond Fund need to be increased from \$1,205,436.00 to \$9,519,197.00, or by \$8,313,761.00. As you may recall, on June 23, 2020, the City Council approved the issuance of Combined Utilities Revenue Refunding Bonds Series 2020B for the purpose of refunding Combined Utilities Revenue Bonds Series 2012, 2013, 2014E, and 2015. This transaction was not anticipated when the 2019-2020 budget was approved on September 10, 2019, therefore, the 2019-2020 budget needs to be revised to provide the authority to redeem the refunded bonds.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing for the purpose of revising the City of Kearney Budget for the 2019-2020 Fiscal Year and introduced Ordinance No. 8439 revising the City of Kearney Budget for the 2019-2020 Fiscal Year 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. 8439. 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. 8439 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. 8439 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. 8439 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.

### **ADOPT THE CITY OF KEARNEY BUDGET FOR THE 2020-2021 FISCAL YEAR**

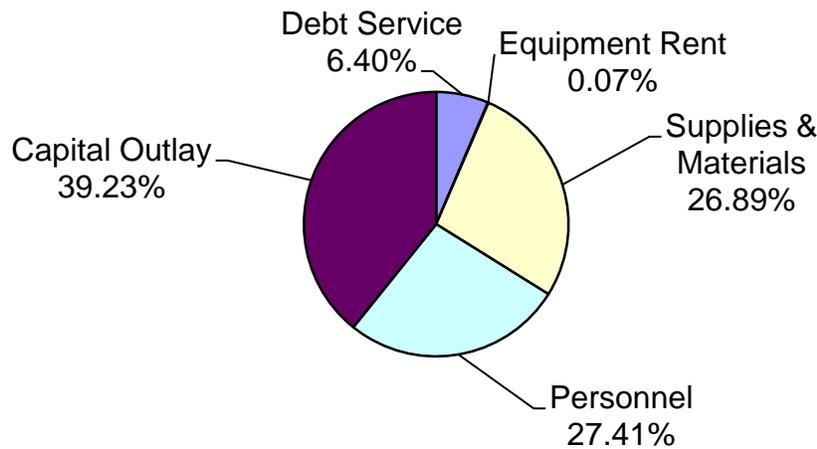
Mayor Clouse opened the public hearing for the purpose of adopting the City of Kearney Budget for the 2020-2021 Fiscal Year and consider Ordinance No. 8440.

Wendell Wessels, Finance Director, presented this matter to the Council.

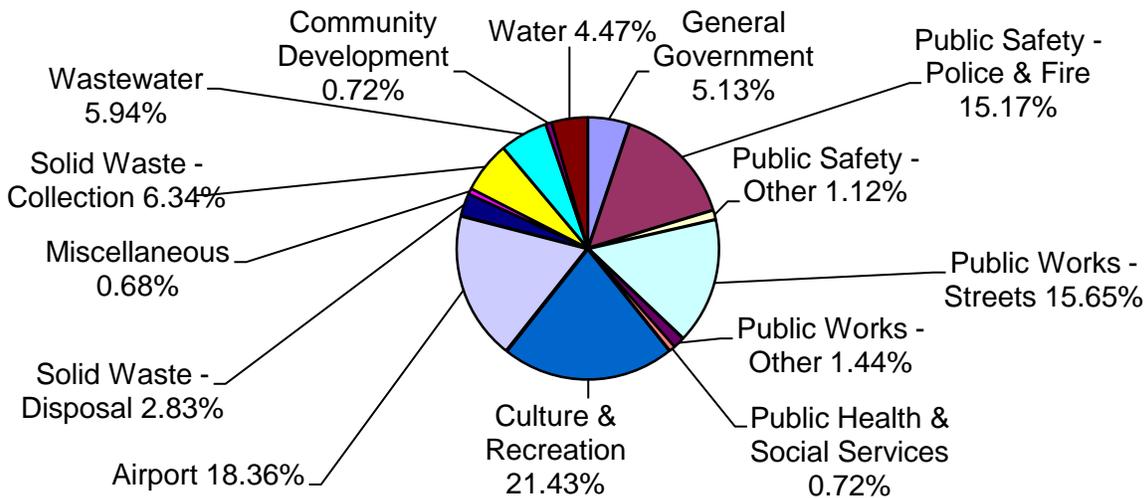
**City of Kearney Proposed Expenditures:**

Expenditures:	<u>FY20</u>	<u>FY21</u>
▪ General Fund	\$25,269,124	\$26,437,510
▪ Special Revenue Funds	\$6,634,183	\$5,702,221
▪ Capital Project Funds	\$20,321,899	\$20,597,628
▪ Debt Service Funds	\$3,022,243	\$1,957,266
▪ Enterprise Funds	\$21,308,616	\$35,935,634
▪ Internal Service Funds	\$8,141,046	\$8,196,152
▪ Fiduciary Funds	\$716,237	\$716,237
<b>Total</b>	<b>\$85,413,348</b>	<b>\$99,542,648</b>

**City of Kearney All Funds by Object**



**City of Kearney Budget by Function**



### **City of Kearney Personnel**

- 0% Pay Plan Adjustment – Governmental Funds \$0
- 0% Pay Plan Adjustment – Proprietary Funds \$0
- Total 0% Pay Plan Adjustment \$0
- Position additions/removals:
  - Added full-time FBO Administrative Clerk – Airport
  - Added three part-time Aviation Services Technicians - Airport

### **City of Kearney Capital Outlay**

- General Fund \$1,988,706
- Special Revenue Funds \$547,015
- Capital Project Funds \$17,804,462
- Enterprise Funds \$17,977,199
- Internal Service Funds \$110,000
- Total \$38,427,382

### **City of Kearney Capital Outlay – Top Ten Projects (in value)**

1. Tennis Recreation Facility \$8,800,000
2. Taxiway A & Connecting Taxiways (FAA) \$7,080,785
3. Airport Terminal Addition (FAA) \$4,500,000
4. Avenue N, 28<sup>th</sup> Street to 39<sup>th</sup> Street \$2,732,876
5. 2<sup>nd</sup> Avenue Overpass Improvements \$1,643,864
6. WWTP Phase II \$1,421,363
7. Western NE Property Development 3<sup>rd</sup> Add \$1,202,881
8. Two Airport T-Hangers (FAA) \$800,000
9. 31<sup>st</sup> Street, Avenue D to Avenue G \$589,630
10. Stormwater Improvements \$580,000

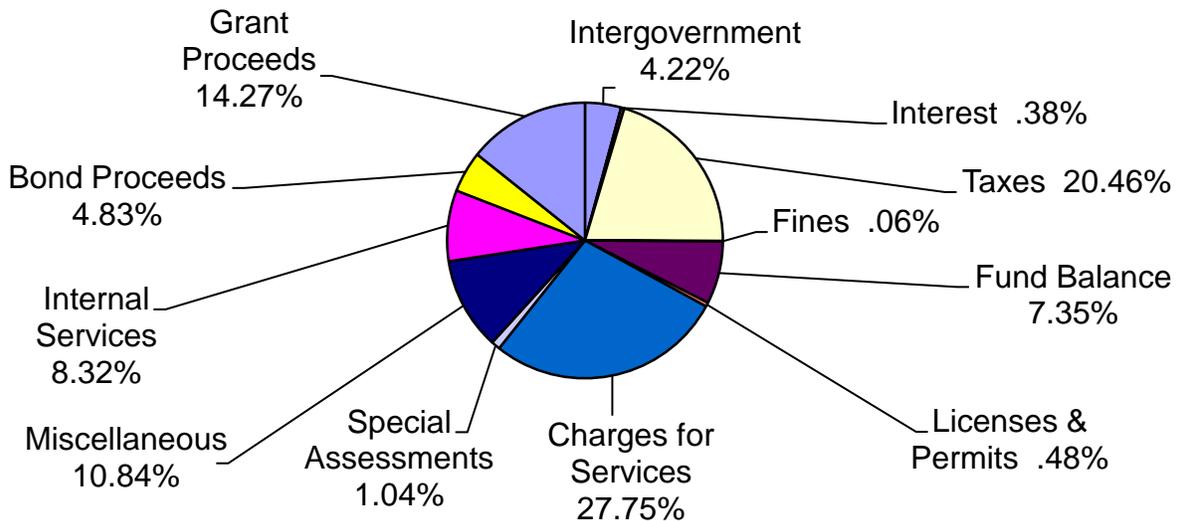
### **City of Kearney Debt Service (Principal Only)**

	<u>Public Safety</u>	<u>Various Purpose</u>	<u>Revenue</u>	<u>Total</u>
Beginning	\$3,990,000	\$25,015,000	\$21,349,366	\$50,354,366
Paid off	(\$305,000)	(\$3,170,000)	(\$1,878,999)	(\$5,353,999)
New debt	\$0	\$2,853,777	\$1,950,026	\$4,803,803
Ending	\$3,685,000	\$24,698,777	\$21,420,393	\$49,804,170
Net change	(\$305,000)	(\$316,223)	\$71,027	(\$550,196)

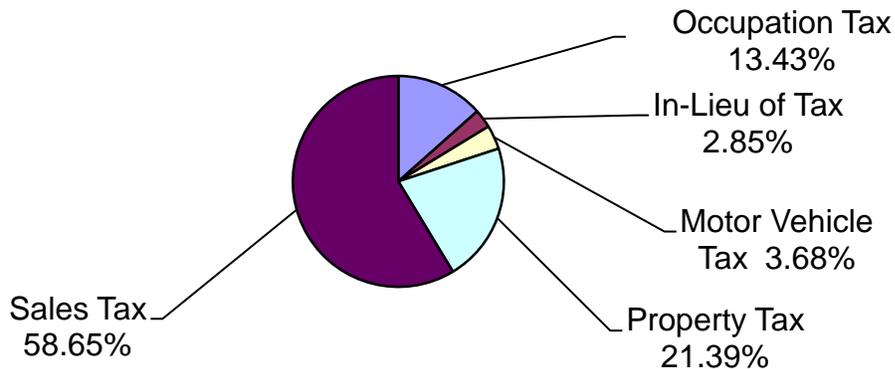
**City of Kearney Proposed Revenues**

	<u>FY 20</u>	<u>FY 21</u>
• Taxes	\$20,962,379	\$20,371,222
• Licenses & permits	\$565,800	\$480,200
• Charges for services	\$25,007,909	\$27,637,397
• Fines	\$62,750	\$55,400
• Special assessments	\$1,606,990	\$1,036,770
• Interest	\$628,145	\$373,861
• Bond proceeds	\$1,705,000	\$4,803,803
• Grants	\$2,723,500	\$14,208,467
• Internal services	\$8,283,288	\$8,278,148
• Miscellaneous	\$9,623,812	\$10,787,019
• <u>Intergovernmental – State</u>	<u>\$4,628,799</u>	<u>\$4,198,868</u>
<b>Total</b>	<b>\$75,798,372</b>	<b>\$92,231,155</b>

**City of Kearney All Funds by Source**



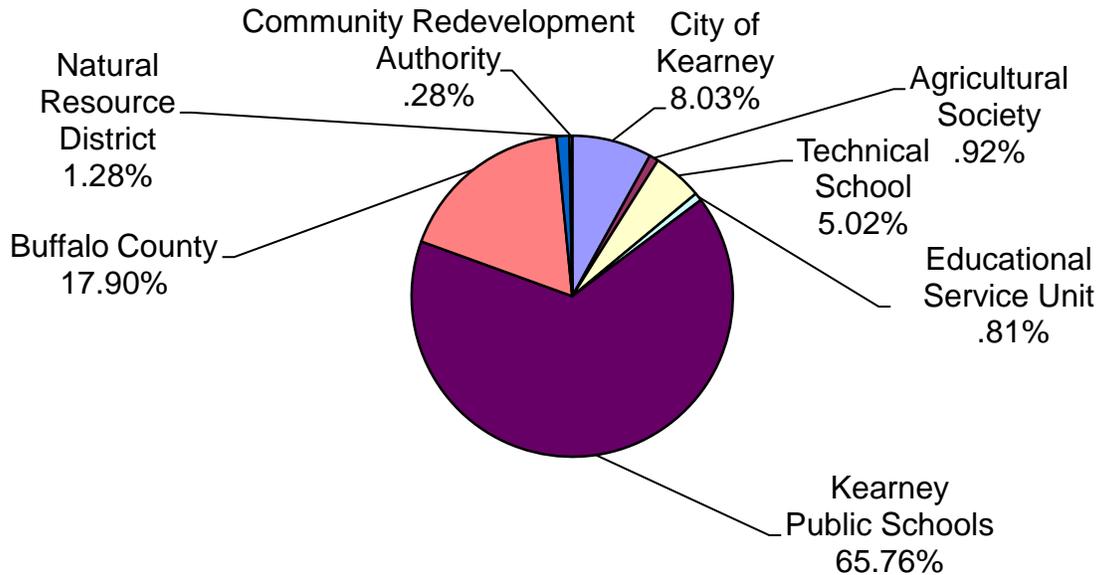
**City of Kearney Tax Revenues by Source**



**City of Kearney Proposed Property Tax Request**

City of Kearney valuation (actual 2.39% growth)	\$2,919,102,531
General Fund property tax requirement	\$3,985,395
Public Safety TAB Fund property tax requirement	<u>\$360,273</u>
Total property tax requirement	\$4,345,668
Total property tax levy (per \$100)	\$0.14887
 <u>Change over FY20:</u>	
Total property tax requirement (2.39% increase)	\$101,371
Total property tax levy (per \$100) (0.00% increase)	\$0.0000
Taxes on a \$200,000 home	\$297.74

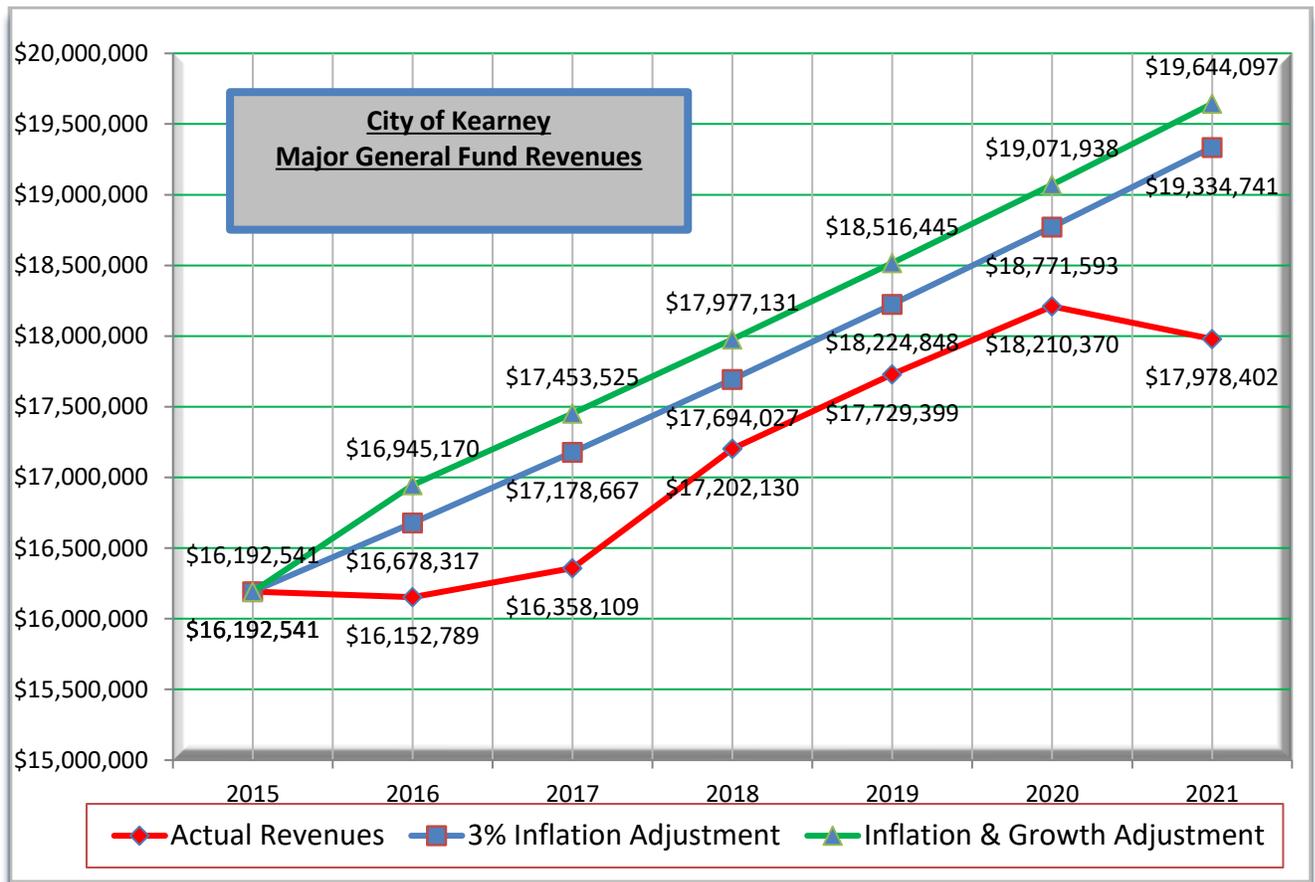
**City of Kearney Property Tax Distribution – 2019**



### City of Kearney Sales Tax Revenues

	<u>Actual FY 19</u>	<u>Est. Actual FY 20</u>	<u>Proposed FY 21</u>
<b>One cent sales tax</b>			
General Fund	\$6,660,834	\$6,661,978	\$6,371,995
Street Improvement Fund	\$1,387,951	\$1,228,159	\$666,614
Various Purpose Bond Fund	\$277,257	\$437,336	\$926,386
<b>Subtotal</b>	<b>\$8,326,042</b>	<b>\$8,327,473</b>	<b>\$7,964,995</b>
<b>One-half cent sales tax</b>	<b>\$4,163,021</b>	<b>\$4,163,736</b>	<b>\$3,982,497</b>
<b>Total (after NE Adv. Act)</b>	<b>\$12,489,063</b>	<b>\$12,491,209</b>	<b>\$11,947,492</b>
<b>Nebraska Advantage Act</b>	<b>\$ 25,362</b>	<b>\$278,126</b>	<b>\$36,087</b>
<b>Total (before NE Adv. Act)</b>	<b>\$12,514,426</b>	<b>\$12,769,335</b>	<b>\$11,983,579</b>

### City of Kearney Major General Fund Revenues



**City of Kearney Comprehensive Fee Schedule Changes**

- **Police**  
Adjusted various fees
- **Development Services**  
Adjusted various fees
- **Park & Recreation**  
Adjusted various fees
- **Solid Waste – Collection**  
Utility rates increased 3%
- **Wastewater**  
Utility rates increased 3%
- **Water**  
Utility rates increased 3%
- **Airport**  
Agriculture land cash rents adjusted

**City of Kearney Fund Balance**

The following Funds do not meet the current Fund Balance Policy for FY21 which is 25% of operating expenses:

	<u>Required</u>	<u>Estimated</u>	<u>Shortfall</u>
Golf Fund	\$264,700	\$5,454	\$259,246

**City of Kearney Other Notable Items**

- Project Honor funding source/use for FY21:  
Economic Development Fund - \$250,000  
(Community Services - \$100,000)  
(Workforce Factors - \$150,000)

Wendell mentioned that much of the budget remained unchanged since the preliminary budget that was reviewed in July. The one item that had changed was that the valuations from Buffalo County had been received. Also, Wendell stated that next year, due to a new legislation, the City Council will have to meet to hold a special meeting specifically to address the budget but they could hold this meeting prior to the normally scheduled meeting, similar to the Kearney Area Solid Waste Agency.

Mayor Clouse thanked Wendell and staff for their work on the budget.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing for the purpose of adopting the City of Kearney Budget for the 2020-2021 Fiscal Year and introduced Ordinance No. 8440 adopting the City of Kearney Budget for the 2020-2021 Fiscal Year 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 close the hearing and suspend the rules for Ordinance No. 8440. 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, Moore, Buschkoetter, Lear, Nikkila. 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. 8440 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8440 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Nikkila, Moore. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8440 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.

**ADOPT THE OFFSTREET PARKING DISTRICT NO. 1 BUDGET FOR THE 2020-2021 FISCAL YEAR**

Mayor Clouse opened the public hearing for the purpose of adopting the City of Kearney Offstreet Parking District No. 1 Budget for the 2020-2021 Fiscal Year and consider Resolution No. 2020-136.

Wendell Wessels, Director of Finance presented this matter to the Council. The Offstreet Parking Board met back on July 1, 2020 and approved this budget. City Council is required to conduct a public hearing on the City of Kearney Offstreet Parking District No. 1 proposed budget for the 2020-2021 fiscal year. Total expenditures is \$124,906, total revenue is \$55,857. Property taxes being requested are \$54,507 for Fiscal Year 2021 which is up \$1,329 over the current fiscal year. Finance Director discussed the expenses. Overall, their budget would be \$124,907.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2020-136 approving the adoption of the City of Kearney Offstreet Parking District No. 1 Budget for the 2020-2021 Fiscal Year. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

**RESOLUTION NO. 2020-136**

A RESOLUTION TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR THE CITY OF KEARNEY OFFSTREET PARKING DISTRICT NO. 1; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES

AND LIABILITIES FOR THE CITY OF KEARNEY OFFSTREET PARKING DISTRICT NO. 1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that after complying with all procedures required by law, the budget for the City of Kearney Offstreet Parking District No. 1 presented and set forth in the budget statement (Annual Operating Budget and Program of Services for the Fiscal Year beginning October 1, 2020 through September 30, 2021) is hereby approved as the Annual Appropriation Bill. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Kearney Offstreet Parking District No. 1. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Buffalo County, Nebraska, for use by the levying authority.

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**2020 PROPERTY TAX LEVY**

Mayor Clouse opened the public hearing on setting the 2020 City of Kearney property tax levy at a different amount than the preliminary property tax levy set for the City of Kearney by the Buffalo County Clerk and consider Resolution No. 2020-137.

Wendell Wessels, Finance Director presented this matter to the Council. State statute requires a hearing if the total property tax levy will be different than what the current year property tax is. The total requirement of property taxes for the upcoming fiscal year is \$4,345,668 which is more than the current year property tax requirements of \$4,244,297 so they have to have a public hearing and set that property tax requirement.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing and adopt Resolution No. 2020-137 approving setting the 2020 City of Kearney property tax levy at a different amount than the preliminary property tax levy set for the City of Kearney by the Buffalo County Clerk. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

**RESOLUTION NO. 2020-137**

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the City Council of the City of Kearney passes a majority vote a resolution or ordinance setting the 2021 property tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the 2021 property tax request;

NOW, THEREFORE, the City Council of the City of Kearney, resolves that:

1. The 2020-2021 General Fund property tax request be set at \$3,985,394.94 and the 2020-2021 Bond Fund property tax request be set at \$360,273.06.

2. The total assessed value of property differs from last year's total assessed value by 2%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.145397 per \$100 of assessed value.
4. The City of Kearney proposes to adopt a property tax request that will cause its tax rate to be \$.148870 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Kearney will exceed last year's by 15%.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 13, 2020.

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

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

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

1. Approve Minutes of Regular Meeting held August 25, 2020.
2. Approve the following Claims:
 

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

Ace Irrigation \$355.00 co; Addison,D \$7.30 smcs; Agri Coop \$1,577.27 smcs; All City Garage Door \$229.00 smcs; Amazon \$2,271.40 smcs; American Fence \$556.87 smcs; Anderson Ford Lincoln \$145,532.00 co; Ask Supply \$2,203.81 smcs; Atchison,M \$20.00 smcs; Atlas Business Solutions \$1,708.20 smcs; Aurora Coop \$75.84 smcs; AV Fuel \$14,750.91 smcs; Axtell,L \$106.03 smcs; Baker & Taylor \$6,328.02 smcs; Baltzell,J \$20.00 smcs; Bamford \$250.00 smcs; Bassco Services \$12,500.00 co; Bauer,L \$20.00 smcs; Baughman,J \$77.50 smcs; Blackstone \$975.89 smcs; Blackstrap \$7,482.77 smcs; BlueCross Blue Shield \$94,001.23 smcs; Bosselman \$43,966.97 smcs; Bridgett Lavene Consult. \$2,500.00 smcs; Britton,V \$20.00 smcs; Broadfoot's \$2,377.50 smcs; Builders \$266.22 smcs,co; Bules,E \$200.00 smcs; Buresh,M \$20.00 smcs; Cash-Wa \$4,078.24 smcs; Cellebrite \$7,700.00 smcs; Chandler Well Service \$1,242.29 smcs; Chesterman \$1,265.50 smcs; Cigna \$7,973.13 smcs; City of Kearney \$430,961.69 smcs,ps; Civic Plus \$10,759.14 smcs; Comm Act Part of Mid NE \$342.00 smcs; Community Health Agency \$106.00 ps; Community Service Fund \$58.00 ps; Compasscom \$225.00 smcs; Compute North \$24,972.04 smcs; Construction Rental \$576.00 co; Copycat \$248.27 smcs; Country Partners \$11,418.30 smcs; Credit Management \$93.92 ps; Cutting Edge Cleaning

\$245.00 smcs; Danko Emergency \$5,264.50 smcs; Davis,G \$90.00 smcs; Deyle,Y \$20.00 smcs; Diamond Engineering \$122,542.85 co; DPC Industries \$7,375.51 smcs; Eagle Distributing \$1,318.40 smcs; Eakes \$4,112.52 smcs; Ebsco Info \$3,963.00 smcs; Ed Broadfoot & Sons \$2,949.25 smcs; Ellis,C \$20.00 smcs; EMC Insurance \$6,392.55 smcs; Erickson,V \$180.00 smcs; Faro Technologies \$8,190.00 smcs; Fay,A \$20.00 smcs; Felsburg Holt & Ullevig \$9,562.50 smcs; Fidler,C \$180.00 smcs; Fisher,K \$20.00 smcs; Fitch,S \$72.50 smcs; Flynn,B \$152.50 smcs; Fougeron,M \$40.00 smcs; Fruhing,J \$180.00 smcs; Gale/Cengage Learning \$339.76 smcs; Garrett Tires \$52.95 smcs; GD Concrete Construction \$92,695.05 co; Geisler,C \$20.00 smcs; Glass Doctor \$895.96 smcs; Goodwin Tucker \$909.40 smcs; Guge,N \$20.00 smcs; Hall,B \$20.00 smcs; Hart,D \$5.54 smcs; Hehnke,T \$90.00 smcs; Heiman Fire Equipment \$6,542.76 smcs; Hinrichs,A \$72.50 smcs; Hinrichs,G \$180.00 smcs; HM Life Insurance \$60,293.12 smcs; Hometown Leasing \$159.08 smcs; Hunke,J \$2.48 smcs; ICMA \$6,876.65 ps; Integrated Security \$328.00 smcs; Iowa Plains Signing \$853.04 smcs; IRS \$165,578.25 ps; J.I.L. Asphalt Paving \$110,250.00 co; Jacobson,C \$20.00 smcs; Jacobson,P \$110.00 smcs; Janzen,F \$20.00 smcs; JCB Delivery \$27.00 smcs; Jinks,C \$20.00 smcs; Jorgensen,K \$90.00 smcs; Kearney Towing \$62.50 smcs; Kearney Winlectric \$5,983.34 smcs; Keenportz,B \$90.00 smcs; Keller,S \$20.00 smcs; Kelly Supply \$75.26 smcs; Kenton,J \$90.00 smcs; Konica Minolta \$277.64 smcs; Lamprecht, Craig \$90.00 smcs; Landmark Implement \$10,000.00 co; Larue Tactical \$4,454.75 smcs; Laue,D \$20.00 smcs; Lawn Builders \$150.00 smcs; League NE Municipalities \$4,167.00 smcs; Lefeber,J \$94.49 smcs; Lerner Publication \$209.93 smcs; Levrack \$6,362.00 co; Lockhorn,S \$90.00 smcs; Lockmobile \$128.75 smcs; Loeffelholz,J \$40.00 smcs; Lombard,J \$20.00 smcs; Lynch,B \$11.08 smcs; Macqueen Equipment \$606.87 smcs; Magic Cleaning \$6,650.00 smcs; Magnet Forensics \$3,500.00 smcs; Mc2 \$9,505.64 co; Mead Lumber \$138.45 co; Menards \$479.88 smcs; Mercer,A \$20.00 smcs; Meza,M \$125.00 smcs; Microfilm Imaging \$8,200.00 smcs; Mid-State Engineering \$2,658.00 co; Midwest Breathing \$4,500.00 smcs; Midwest Connect \$7,432.60 smcs; Milco Environmental \$2,049.93 smcs; Miller & Associates \$88,572.35 smcs,co; Miller Signs \$425.00 smcs; Morse,P \$90.00 smcs; Motorola Solutions \$31,809.05 co; Mundorf,J \$22.06 smcs; Museum of NE Art \$5,000.00 smcs; NE Child Support Pmt \$2,287.35 ps; NE Dept of Revenue \$55,156.68 ps; Ne Public Health \$2,466.00 smcs; NE Safety & Fire \$125.00 smcs; Nebraskaland Distributors \$2,929.75 smcs; Newell,B \$187.50 smcs; Newman Traffic Signs \$95.02 smcs; Noel,N \$255.00 smcs; Nova Fitness \$4,909.40 ps; Olsson \$2,457.50 co; Overdrive \$1,500.00 smcs; Overhead Door \$125.60 smcs; Paramount \$31.26 smcs; Park,K \$15.00 smcs; Payflex \$531.25 smcs,co; Pep Co \$50.00 smcs; Presto-X \$624.00 smcs; Prime Communications \$1,258.00 smcs; Ready Mixed Concrete \$161.25 co; Recorded Books \$187.39 smcs; Reiners,J \$20.00 smcs; Reinke's \$130.68 smcs; Republic National \$545.50 smcs; Resource Mgmt. \$1,279.20 smcs; Ruhter,S \$20.00 smcs; Sandry Fire \$6,965.00 smcs; Sanks,L \$40.00 smcs; Schuster,B \$20.00 smcs; Schwarz,G \$100.00 smcs; Sheldon,S \$69.55 smcs; Shredding Solutions \$75.15 smcs; Shultz,M \$58.99 smcs; Skrdlant,R \$20.00 smcs; Smallcom,H \$10.00 smcs; Snap-on Tools \$78.50 smcs; SOS Portable Toilets \$235.00 smcs; State Fire Marshal \$150.00 smcs; State of NE/DAS \$33.60 smcs; Steinbrink,P \$20.00 smcs; Stevenson,B \$20.00 smcs; Straight Line Striping \$998.75 smcs; Stutsman \$3,294.00 smcs; Talavat,N \$158.20 smcs; Taylor,A \$180.00 smcs; Thompson,K \$109.80 smcs; Trade Well Pallet \$3,400.00 smcs; Trugreen \$282.00 smcs; Turner Body Shop \$300.00 smcs; Tye & Rowling \$14,179.90 smcs; Union Bank & Trust \$83,792.08 ps; Unique Management \$44.75 smcs; United Way of Kearney \$337.00 ps; Van Dyke,C \$180.00 smcs; Verizon \$8,777.77 smcs; Village Uniform \$268.93 smcs;

Payroll Ending 09/04/2020 -- \$521,790.23. 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. Adopt Resolution No. 2020-138 allowing the City of Kearney to increase its "Budget Authority" by an additional one percent or \$153,522.89 which will be carried over to the 2020-2021 Budget as "Unused Budget Authority".

### **RESOLUTION NO. 2020-138**

WHEREAS, on April 2, 1998 the Nebraska Legislature passed and approved LB 989 which imposes a two and one half percent lid on certain restricted funds for local governments; and

WHEREAS, Section 13-519.03 of the Nebraska Revised Statutes, as amended, allows governmental units to exceed the two and one half percent limit as provided in Section 13-519.01 of the Nebraska Revised Statutes, as amended, by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body; and

WHEREAS, the Mayor and City Council of the City of Kearney Nebraska hereby finds and determines that it is in the best interests of the City of Kearney that the City of Kearney exceed the limit as provided in Section 13-519.01 of the Nebraska Revised Statutes, as amended, by an additional one percent as allowed pursuant to Section 13-519.03 of the Nebraska Revised Statutes, as amended.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska, that the City of Kearney exceed the limit as provided in Section 13-519.03 of the Nebraska Revised Statutes, as amended, by an additional one percent.

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 October 1, 2020.

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

4. Approve the recommendation submitted by the Keno Committee on the allocation of non-departmental keno funds designed for outside agencies.

5. Adopt Resolution No. 2020-139 repealing Resolution No. 2020-34 and adopt the 2020-2021 Comprehensive Fee Schedule setting forth the fees for items and services to be provided by the City during the 2020-2021 year.

### **RESOLUTION NO. 2020-139**

WHEREAS, the Mayor and City Council of the City of Kearney have established fees for items and services provided to its citizens; and

WHEREAS, the Comprehensive Fee Schedule setting forth the fees for such items and services to be provided during the 2019-2020 fiscal year was adopted by Resolution

No. 2019-152 on September 10, 2019 by the City Council, and amended by Resolution No. 2020-34 on March 10, 2020; and

WHEREAS, the Comprehensive Fee Schedule attached hereto as Exhibit "A" sets out the proposed fees for such items and services to be provided during the 2020-2021 fiscal year; and

WHEREAS, it is recommended that such Comprehensive Fee Schedule be adopted.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Comprehensive Fee Schedule attached hereto as Exhibit "A" is hereby approved and adopted with an effective date of October 1, 2020.

BE IT FURTHER RESOLVED that Resolution No. 2020-34 be and is hereby repealed in its entirety as of October 1, 2020.

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

6. Adopt Resolution No. 2020-140 authorizing the Mayor to sign the certification of the Municipal Annual Certification of Program Compliance Form 2020 to Nebraska Board of Public Roads Classifications and Standards as required by the Nebraska Department of Transportation.

**RESOLUTION NO. 2020-140**

WHEREAS, State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

WHEREAS, State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, the Mayor is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance form.

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

7. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Chelsea Loparco submitted by Pepperjax Development, LLC dba Good Evans located at 1010 3rd Avenue Suite F in connection with their Class I-123329 liquor license.

8. Adopt Resolution No. 2020-141 approving Change Order No. 1 showing a decrease in the amount of \$41,161.70, Application and Certificate for Payment No. 4-Final in the amount of \$40,189.35 and accepting the Certificate of Substantial Completion

submitted by Nielsen Contracting and approved by Olsson for 2019 Part 3 Improvements for the reconstruction of A Avenue, from 25th Street to 27th Street.

**RESOLUTION NO. 2020-141**

WHEREAS, Nielsen Contracting of Kearney, Nebraska has performed services in connection with the 2019 Part 3 Improvements for the reconstruction of A Avenue, from 25th Street to 27th Street, and the City’s Engineer, Olsson, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$41,161.70 as shown on Exhibit “A” attached hereto and made a part hereof by reference; and

WHEREAS, Nielsen Contracting and Olsson have filed with the City Clerk Application and Certificate for Payment No. 4-Final in the amount of \$40,189.35 as shown on Exhibit “B” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 321,345.50
Change Order No. 1 (9-8-2020)	- 41,161.70
Contract Sum To Date	280,183.80
Gross Amount Due	280,183.80
Retainage (0%)	- 0.00
Amount Due to Date	280,183.80
Less Previous Certificates for Payment	- 239,994.45
Current Payment Due	\$ 40,189.35

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of August 21, 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. 4-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 8TH DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

9. Adopt Resolution No. 2020-142 approving Application and Certificate for Payment No. 5-Final in the amount of \$41,471.20 and accepting the Certificate of Substantial Completion submitted by Ensley Electrical Services and approved by City staff for the installation of a new generator at the Law Enforcement Center.

**RESOLUTION NO. 2020-142**

WHEREAS, Ensley Electrical Services of Grand Island, Nebraska has performed services in connection with the installation of a new generator at the Law Enforcement Center, and City staff, have filed with the City Clerk Application and Certificate for Payment No. 5-Final in the amount of \$41,471.20 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ 402,680.00
Change Order No. 1 (4-28-20)	+ 9,345.00
Change Order No. 2 (6-9-20)	+ 2,293.00
Change Order No. 3 (7-14-20)	+ 394.00
Contract Sum to Date	<u>\$ 414,712.00</u>
Gross Amount Due	414,712.00
Retainage (0%)	- 0.00
Amount Due to Date	414,712.00
Less Previous Certificates for Payment	<u>- 373,240.80</u>
Current Payment Due	\$ 41,471.20

WHEREAS, the City staff and the Contractor have now certified to the City Clerk that work is completed as of June 24, 2020, as shown by Exhibit “B” 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 Application and Certificate for Payment No. 5-Final, as shown on Exhibit “A” and the Certificate of Substantial Completion as shown on Exhibit “B” be and are hereby accepted and approved.

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2020.

ATTEST:  
 LAUREN BRANDT  
 CITY CLERK

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

**10.** Adopt Resolution No. 2020-143 approving the Grant Agreement between the City of Kearney and Federal Aviation Administration in connection with AIP No. 3-31-0045-032-2020 for the Taxiway ‘A’ & Connecting Taxiway Rehabilitation project at the Kearney Regional Airport.

**RESOLUTION NO. 2020-143**

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR PROJECT NO. 3-31-0045-032-2020 TO RECONSTRUCT TAXIWAY A (APPROXIMATELY 5,700 FEET BY 35 FEET); RECONSTRUCT TAXIWAY C (APPROXIMATELY 405 FEET BY 35 FEET).

WHEREAS, the City of Kearney, Nebraska has submitted a project application to the Federal Aviation Administration for Project No. 3-31-0045-032-2020 to reconstruct Taxiway A (approximately 5,700 feet by 35 feet); and reconstruct Taxiway C (approximately 405 feet x 35 feet) for the Kearney Regional Airport; and

WHEREAS, the Federal Aviation Administration has approved the project for the Kearney Regional Airport.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that:

1. The City of Kearney shall enter into a Grant Agreement with the Federal Aviation Administration for Project No. 3-31-0045-032-2020 to reconstruct Taxiway A (approximately 5,700 feet by 35 feet); and reconstruct Taxiway C (approximately 405 feet

x 35 feet) for the Kearney Regional Airport. The Grant Agreement, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

2. The Mayor of the City of Kearney is hereby authorized and directed to execute said Grant Agreement on behalf of the City of Kearney and the City Clerk is hereby authorized to attest said execution.

PASSED AND APPROVED THIS 8TH DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

11. Adopt Resolution No. 2020-144 approving Change Order No. 1 showing an increase in the amount of \$30,400.00 submitted by Paulsen, Inc. and approved by Alfred Benesch and Company for AIP Project No. 3-31-0045-032 in connection with the Taxiway 'A' & Connecting Taxiway Rehabilitation project at the Kearney Regional Airport.

**RESOLUTION NO. 2020-144**

WHEREAS, Paulsen, Inc. of Cozad, Nebraska has performed services in connection with Taxiway 'A' and Connecting Taxiways Rehabilitation (AIP 3-31-0045-032) at the Kearney Regional Airport, and the City's engineer, Alfred Benesch and Company, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract sum in the amount of \$30,400.00 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows;

Original Contract Sum	\$ 6,070,824.60
Change Order No. 1 (9-8-2020)	- 30,400.00
Total New Revised Contract Amount	\$ 6,040,424.60

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 8TH DAY OF SEPTEMBER, 2020.

ATTEST:  
LAUREN BRANDT  
CITY CLERK

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

**V. CONSENT AGENDA ORDINANCES**

**ORDINANCE NO. 8441 AMENDING SECTION 8-1515 "TOBACCO; POSSESSION BY MINORS; UNLAWFUL" OF ARTICLE 15 "GENERAL OFFENSES" OF CHAPTER 8 "POLICE"**

Council Member Lear introduced Ordinance No. 8441 amending Section 8-1515 "Tobacco; Possession by Minors; Unlawful" of Article 15 "General Offenses" of Chapter 8 "Police" of the City Code by amending the age of unlawful possession by minors of tobacco from 19 years to 21 years based on the update to Nebraska Revised State Statute 28-1418 (per LB1064) to become effective October 1, 2020, 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. 8441. 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. 8441 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 Buschkoetter seconded by Clouse that Ordinance No. 8441 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. 8441 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. 8442 REPEALING ORDINANCE NO. 8417 ADOPTING SALARY ORDINANCE**

Council Member Lear introduced Ordinance No. 8442 repealing Ordinance No. 8417 and classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for payment of vehicle allowance; and provide for payment of health and dental benefits for active full-time employees; to provide for payment of health benefits for early retiree employees pursuant to Resolution No. 2019-68A, 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. 8442. 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. 8442 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 Buschkoetter seconded by Clouse that Ordinance No. 8442 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. 8442 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**

There were no Regular Agenda items.

## **VII. REPORTS**

Council Member Nikkila requested City staff to analyze energy efficiency or what we are doing as a City. Could we do things a little better or be more sustainable? He felt that with the recent energy code discussions, it would be interesting to examine this more.

## **VIII. ADJOURN**

Moved by Clouse seconded by Nikkila that Council adjourn at 6:14 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Lear, Nikkila. Nay: None. Motion carried.

**ATTEST:**

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

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