

*Kearney, Nebraska
October 13, 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 October 13, 2020 in the Council Chambers at City Hall. Present were: Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: Stanley A. Clouse, President of the Council. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Bryan Waugh, Chief of Police and Coelette Gruber, City Planner, were also present.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

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

PLEDGE OF ALLEGIANCE

Vice-President Buschkoetter and Council members led the audience in the Pledge of Allegiance.

ANNOUNCEMENT

Vice-President Buschkoetter announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted on the wall of the Council Chambers.

ORAL COMMUNICATIONS

There were no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

CODE AMENDMENTS TO CHAPTERS 14, 30, 46, 48 AND 49

Vice-President opened the public hearing on the proposed amendments to the following chapters/sections of the City Code as follows: a) Section 30-101 “Purpose” of Chapter 30 “District BP, Business Park District” to add and remove language to provide clarification to align with the purpose of the Business Park zoning district including the removal of extensive and abundant and the inclusion of pedestrian and the typical district location along the Kearney East Expressway and other developing highway and major arterial corridors; b) Section 30-102 “Site Development Regulations” of Chapter 30 “District BP, Business Park District” to add and remove language found in the table which will update setbacks with new Kearney East Expressway, increase maximum building coverage percentage, remove unused site development regulation qualifiers and set a minimum lot size for Planned Development District requirements; c) Section 46-105 “Supplemental Use Regulations: Commercial Uses” of Chapter 46 “Supplemental Use Regulations” to add sub-section L titled Agricultural Sales and Services pertaining to the added supplemental use regulations for the use type of agricultural sales and services; d) Section 48-103 “Landscaping Requirements” of Chapter 48 “Landscaping and Screening Standards” to add language to sub-section A setting 20-feet for any zoning district as the depth of landscaping requirements along the Kearney East Expressway and add sub-section B setting requirements for additional landscape area in the Business Park (BP) zoning district; e) Section 48-105 “Bufferyard and Screening Provisions” of Chapter 48 “Landscaping and Screening Standards” to add notes to clarify screening requirements in the M-1 and M-2 zoning districts and allow for 10-foot opaque barrier for screening along the Kearney East Expressway; f) Section 48-107 “Tree Plantings” of Chapter 48 “Landscaping and Screening Standards” to modify requirements for number of trees required to align with street frontage versus square feet of bufferyard; g) Section 48-108 “General Provisions” of Chapter 48 “Landscaping and Screening Standards” to add requirements for maintenance of required landscape areas and allowed gravel areas; clarification provided for irrigation requirements; h) Section 49-106 “Off-Street Parking Design Standards” of Chapter 49 “Off-Street Parking” to add regulations for allowed gravel areas in the Business Park (BP) zoning district; and i) Table 14-1 “Use Matrix” of Chapter 14 “Zoning District Regulations” to include the following amendments: under “Civic Use Types” column titled BP to amend Clubs (Recreational) and Public Assembly from Permitted by Conditional Use Permit to Permitted by right or by right subject to supplemental regulations, under Group Care Facility (Limited) under column titled BP amend from Planned Development Required to Permitted by Conditional Use Permit; under “Office Use Types” columns titled C-3 & BP to amend Corporate Offices from Planned Development Required to Permitted by right or by right subject to supplemental regulations; under “Commercial Use Types” column titled BP to add Permitted by right or by right subject to supplemental regulations to Ag Sales/Service, Equip Rental/Sales and Equipment Repair; under Business/Trade School to amend from Planned Development Required to Permitted by Conditional Use Permit; under Supplemental Regulations for Ag Sales/Service add reference to 46-105L; under Restricted Adult Entertainment Business amend the Supplemental Regulation from 46-105J to 46-105K; under “Parking and Transportation Use Types” column titled BP to amend Truck Terminal from Planned Development Required to Permitted by right or by right subject to supplemental

regulations; under "Industrial Use Types" column titled BP to amend Light Industry from Permitted by Conditional Use Permit to Permitted by right or by right subject to supplemental regulations; under "Miscellaneous Uses" column titled BP to amend LWECS from Planned Development Required to Permitted by Conditional Use Permit and add entire title to LWECA and SWECS and to consider Ordinance No. 8443.

Coelette Gruber, City Planner, presented this matter to the Council. Ms. Gruber stated the amendments are due to potential future development along Kearney East Expressway. Ms. Gruber reviewed the overall goals of the code amendments which included creating a transitional zoning district between C-3 and M-1, amending site development regulations to facilitate the transition between the zoning districts mentioned above and updating the Land Use Matrix to align with these overall goals. Ms. Gruber highlighted the major proposed changes which included modifying the Site Development Regulations Table, adding subsection L to Supplemental Use Regulations for Agricultural Sales and Services, updating the landscaping requirements for landscaping for all Districts adjacent to Kearney East Expressway, updating screening requirements for M-1 and M-2 zoning districts and property adjacent to Kearney East Expressway, adding maintenance standards for gravel areas, adding minimum irrigation requirements for BP District, and allow for gravel areas within BP District.

Council Member Jonathan Nikkila suggested in the future, he would like to see City staff look into and explore ideas to encourage or use landscaping that does not require irrigation to maintain it.

Ms. Gruber stated she understands Council Member Nikkila's suggestions on zero scaping and water conservation and stated City staff does support the use of Buffalo grass in M-1 areas; however, turf choices, by the Developer, are allowed and most people choose to install turf that requires irrigation.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Proposed amendments to the following chapters/sections of the City Code as follows: a) Section 30-101 "Purpose" of Chapter 30 "District BP, Business Park District" to add and remove language to provide clarification to align with the purpose of the Business Park zoning district including the removal of extensive and abundant and the inclusion of pedestrian and the typical district location along the Kearney East Expressway and other developing highway and major arterial corridors; b) Section 30-102 "Site Development Regulations" of Chapter 30 "District BP, Business Park District" to add and remove language found in the table which will update setbacks with new Kearney East Expressway, increase maximum building coverage percentage, remove unused site development regulation qualifiers and set a minimum lot size for Planned Development District requirements; c) Section 46-105 "Supplemental Use Regulations: Commercial Uses" of Chapter 46 "Supplemental Use Regulations" to add sub-section L titled Agricultural Sales and Services pertaining to the added supplemental use regulations for the use type of agricultural sales and services; d) Section 48-103 "Landscaping Requirements" of Chapter 48 "Landscaping and Screening Standards" to add language to sub-section A setting 20-feet for any zoning district as the depth of landscaping requirements along the Kearney East Expressway and add sub-section B setting requirements for additional landscape area in the Business

Park (BP) zoning district; e) Section 48-105 "Bufferyard and Screening Provisions" of Chapter 48 "Landscaping and Screening Standards" to add notes to clarify screening requirements in the M-1 and M-2 zoning districts and allow for 10-foot opaque barrier for screening along the Kearney East Expressway; f) Section 48-107 "Tree Plantings" of Chapter 48 "Landscaping and Screening Standards" to modify requirements for number of trees required to align with street frontage versus square feet of bufferyard; g) Section 48-108 "General Provisions" of Chapter 48 "Landscaping and Screening Standards" to add requirements for maintenance of required landscape areas and allowed gravel areas; clarification provided for irrigation requirements; h) Section 49-106 "Off-Street Parking Design Standards" of Chapter 49 "Off-Street Parking" to add regulations for allowed gravel areas in the Business Park (BP) zoning district; and i) Table 14-1 "Use Matrix" of Chapter 14 "Zoning District Regulations" to include the following amendments: under "Civic Use Types" column titled BP to amend Clubs (Recreational) and Public Assembly from Permitted by Conditional Use Permit to Permitted by right or by right subject to supplemental regulations, under Group Care Facility (Limited) under column titled BP amend from Planned Development Required to Permitted by Conditional Use Permit; under "Office Use Types" columns titled C-3 & BP to amend Corporate Offices from Planned Development Required to Permitted by right or by right subject to supplemental regulations; under "Commercial Use Types" column titled BP to add Permitted by right or by right subject to supplemental regulations to Ag Sales/Service, Equip Rental/Sales and Equipment Repair; under Business/Trade School to amend from Planned Development Required to Permitted by Conditional Use Permit; under Supplemental Regulations for Ag Sales/Service add reference to 46-105L; under Restricted Adult Entertainment Business amend the Supplemental Regulation from 46-105J to 46-105K; under "Parking and Transportation Use Types" column titled BP to amend Truck Terminal from Planned Development Required to Permitted by right or by right subject to supplemental regulations; under "Industrial Use Types" column titled BP to amend Light Industry from Permitted by Conditional Use Permit to Permitted by right or by right subject to supplemental regulations; under "Miscellaneous Uses" column titled BP to amend LWECS from Planned Development Required to Permitted by Conditional Use Permit and add entire title to LWECA and SWECS 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. 8443. Vice-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: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. 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. 8443 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8443 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8443 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 TO LAND USE MAP FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF 47TH STREET AND KEARNEY EAST EXPRESSWAY

Agenda Items 2 through 5 can be discussed together but voted on separately.

Vice-President Buschkoetter opened the public hearing on the application submitted by Miller & Associates for Two Sisters' Farm, Inc. and Gary and Mary Henderson for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Commercial Mixed Use to Business Park for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest Corner of 47th Street and Kearney East Expressway) and to consider Resolution No. 2020-152.

Craig Bennett with Miller and Associates presented this matter to the Council. Mr. Bennett described the location of the approximate 90-acre parcel of ground. The existing Future Land Use Map for the entire 90-acre parcel shows BP and MU-3 uses; Developers are requesting the approximate 20-acre parcel of land currently shown as MU-3 be amended to BP. Once the Future Land Use Map is amended, the parcel of ground will then be rezoned from AG to BP and will include Nebraska Department of Transportation (NDOT) ground on the east side of the Kearney East Expressway which will make the subdivision contiguous and adjacent to the City of Kearney's current corporate limits so that the subdivision can be annexed.

Mr. Bennett explained how infrastructure will come from the north and extend south onto the property; storm water drainage will flow north and south from the property into the Natural Resources District (NRD) outfall channel. Mr. Bennett demonstrated the location of the 1% chance of annual flood, which is primarily contained to the NRD outfall channel, and the location of the .2% chance, or what is considered the 500-year flood, both of which have been determined by FEMA. Review of the Comprehensive Transportation Plan showed access into and out of the property illustrating how 47th Street could potentially be extended east/west for connection between Kearney East Expressway and Antelope Avenue and how Chase Avenue will provide the north/south connection from 56th Street to 47th Street. Mr. Bennett presented the Infrastructure Feasibility Plan outlining the sanitary sewer and water connections for the entire parcel and then specified the connections for the platted parcel (Lot 1). Part of 47th Street and Chase Avenue abutting Lot 1 will be paved along with improvements to the stacking turn lane off of Kearney East Expressway onto 47th Street. The final plat of Lot 1, Butler Addition will include approximately 10 acres.

City Manager Michael Morgan stated there has been a tremendous amount of work and effort that went into this project and thanked Darren Robinson, President of the Economic Development Council of Buffalo County, for his great leadership on the project and further thanked Butler Machinery and City Attorney, Michael Tye, for their work as well. Several

years ago, the City of Kearney received funding to build the Kearney East Expressway to help create development in this area. Today, because of the Developer's willingness to assume the great amount of risk and investment associated with the project, this project rates as one of the most important development projects in Kearney's history as the project begins development along the Expressway. Additionally, the City has invested well over \$1,000,000 in infrastructure for this area in preparation for development.

Mr. Robinson introduced additional members of Butler Machinery who were in attendance which included: Chris Gay, CFO, Mark Mattson, Director of Ag and Dan Werdle, Western Nebraska/Western South Dakota Operations Manager. He further stated he appreciated everyone's efforts and further commented Butler Machinery has been a great partner. Mr. Robinson noted other developers have been in contact with him regarding their interest in surrounding sites in this area and feels having industrial lots that already have infrastructure in place benefits everyone greatly.

Vice-President Buschkoetter stated the City of Kearney is very grateful for Butler Ag and Machinery's investment into the Kearney community.

Chris Gay, CFO of Butler Ag and Machinery, stated there was a lot of work that went on behind the scenes and thanked Mr. Robinson, Mr. Bennett, Mr. Morgan and Mayor Stanley Clouse as well as adjacent landowners who partnered with them. Mr. Gay stated Butler Ag and Machinery currently has four locations already in Nebraska including Pickrell, Fremont, Chadron, and in Kearney where they are currently renting a building; they are looking forward to building their own larger facility to provide more services.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2020-152 approving the application submitted by Miller & Associates for Two Sisters' Farm, Inc. and Gary and Mary Henderson for an amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Commercial Mixed Use to Business Park for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest Corner of 47th Street and Kearney East Expressway). Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2020-152

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for a tract of land being part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a 1" B.L.M. Copper Clad at the Southeast corner of the Northeast Quarter of Section 29; thence N 89°28'33" W on the South line of said Northeast Quarter, and all bearings contained herein are relative thereto, a distance of 33.22 feet to the West Right-of-Way of Cherry Avenue and the POINT OF BEGINNING; thence S 00°10'31" W on said West Right-of-Way a distance of

76.15 feet; thence S 88°19'00" W a distance of 271.66 feet to the East line of Kearney East Expressway; thence N 80°33'11" W a distance of 231.35 feet to the West line of said Kearney East Expressway; thence N 09°09'38" E on the West Right-of-Way of said Kearney East Expressway a distance of 10.85 feet; thence N 89°28'33" W parallel with the North line of said Southeast Quarter a distance of 687.50 feet; thence N 00°31'01" E a distance of 210.01 feet; thence Northerly on a tangent curve to the Right having a central angle of 07°42'18", a radius of 1033.00 feet, an arc distance of 138.92 feet, and a chord bearing of N 04°22'10" E a distance of 138.81 feet; thence N 08°13'19" E a distance of 397.24 feet; thence S 89°28'59" E a distance of 1118.86 feet to said West Right-of-Way of Cherry Avenue; thence S 00°11'35" W on said West Right-of-Way a distance of 702.32 feet to the Point of Beginning, containing 20.24 acres, more or less, all in Buffalo County, Nebraska from Commercial Mixed Use to Business Park, and

WHEREAS, the said application for change in the Comprehensive Land Use Plan has been approved by the City Planning Commission, after a public hearing properly published and held, and

WHEREAS, the City Council has held a public hearing upon the said revision and voted in favor of a motion to approve the change in the Land Use Plan as requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Commercial Mixed Use to Business Park the use classification for a tract of land being part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a 1" B.L.M. Copper Clad at the Southeast corner of the Northeast Quarter of Section 29; thence N 89°28'33" W on the South line of said Northeast Quarter, and all bearings contained herein are relative thereto, a distance of 33.22 feet to the West Right-of-Way of Cherry Avenue and the POINT OF BEGINNING; thence S 00°10'31" W on said West Right-of-Way a distance of 76.15 feet; thence S 88°19'00" W a distance of 271.66 feet to the East line of Kearney East Expressway; thence N 80°33'11" W a distance of 231.35 feet to the West line of said Kearney East Expressway; thence N 09°09'38" E on the West Right-of-Way of said Kearney East Expressway a distance of 10.85 feet; thence N 89°28'33" W parallel with the North line of said Southeast Quarter a distance of 687.50 feet; thence N 00°31'01" E a distance of 210.01 feet; thence Northerly on a tangent curve to the Right having a central angle of 07°42'18", a radius of 1033.00 feet, an arc distance of 138.92 feet, and a chord bearing of N 04°22'10" E a distance of 138.81 feet; thence N 08°13'19" E a distance of 397.24 feet; thence S 89°28'59" E a distance of 1118.86 feet to said West Right-of-Way of Cherry Avenue; thence S 00°11'35" W on said West Right-of-Way a distance of 702.32 feet to the Point of Beginning, containing 20.24 acres, more or less, all in Buffalo County, Nebraska.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

REZONING OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF 47TH STREET AND KEARNEY EAST EXPRESSWAY

Agenda Items 2 through 5 can be discussed together but voted on separately.

Vice-President Buschkoetter opened the public hearing on the application submitted by Miller & Associates for Two Sisters' Farm, Inc. and Gary and Mary Henderson to rezone from District AG, Agricultural District to District BP, Business Park District for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest Corner of 47th Street and Kearney East Expressway) and to consider Ordinance No. 8444.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the application submitted by Miller & Associates for Two Sisters' Farm, Inc. and Gary and Mary Henderson to rezone from District AG, Agricultural District to District BP, Business Park District for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Northwest Corner of 47th Street and Kearney East Expressway) 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 Nikkila seconded the motion to close the hearing and suspend the rules for Ordinance No. 8444. Vice-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: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. 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. 8444 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Nikkila seconded by Moore that Ordinance No. 8444 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8444 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.

SUBDIVISION AGREEMENT AND FINAL PLAT FOR BUTLER ADDITION

Agenda Items 2 through 5 can be discussed together but voted on separately.

Vice-President Buschkoetter opened the public hearing on the application submitted by Miller & Associates for Two Sisters' Farm, Inc. and Gary and Mary Henderson for the Subdivision Agreement and Final Plat for Butler Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (West of Kearney East Expressway, between 56th Street and 47th Street) and to consider Resolution No. 2020-153.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the hearing and adopt Resolution No. 2020-153 approving the application submitted by Miller & Associates for Two Sisters' Farm, Inc. and Gary and Mary Henderson for the Subdivision Agreement and Final Plat for Butler Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (West of Kearney East Expressway, between 56th Street and 47th Street). Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2020-153

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Butler Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a 1" B.L.M. Copper Clad at the Southeast corner of the Northeast Quarter of Section 29; thence N 89°28'33" W on the South line of said Northeast Quarter, and all bearings contained herein are relative thereto, a distance of 525.05 feet to a 5/8" rebar with cap on the West Right-of-Way line of Kearney East Expressway and the POINT OF BEGINNING; thence S 09°09'40" W on said West Right-of-Way line a distance of 33.38 feet to a 5/8" rebar with cap; thence N 89°28'33" W parallel with and 33.00 feet Southerly of said South line of the Northeast Quarter a distance of 688.56 feet to a 5/8" rebar with cap; thence N 00°31'01" E a distance of 203.01 feet to a 5/8" rebar with cap; thence Northeasterly on a tangent curve to the Right having a central angle of 7°42'18", a radius of 1033.00 feet, an arc length of 138.92 feet, and a chord bearing N 04°22'10" E a distance of 138.81 feet to a 5/8" rebar with cap; thence N 08°13'19" E a distance of 397.24 feet to a 5/8" rebar with cap; thence S 89°28'59" E a distance of 728.15 feet to a 5/8" rebar with cap on said West Right-of-Way line of Kearney East Expressway; thence S 08°01'26" W on said West Right-of-Way line of Kearney East Expressway a distance of 455.04 feet to a 5/8" rebar with cap; thence S 09°03'26" W continuing on said West Right-of-Way line of Kearney East Expressway a distance of 253.92 feet to the Point of Beginning, containing 12.29 Acres, more or less, all in Buffalo County, Nebraska, duly made out, acknowledged and certified, and the same hereby is approved in accordance with the provisions and requirements of Section 19-916 of the Nebraska Revised Statutes, be accepted and ordered filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska; said addition is hereby

included within the corporate limits of said City and shall be and become a part of said City for all purposes whatsoever, and the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all laws, ordinances, rules and regulations of said City.

BE IT FURTHER RESOLVED that the Subdivision Agreement, marked as Exhibit "A" attached hereto and made a part hereof by reference, be and is hereby approved and that the Vice-President of the Council be and is hereby authorized and directed to execute said agreement on behalf of the City of Kearney, Nebraska. Said Subdivision Agreement shall be filed with the final plat with the Buffalo County Register of Deeds.

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

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

ANNEXATION OF BUTLER ADDITION

Agenda Items 2 through 5 can be discussed together but voted on separately.

Vice-President Buschkoetter opened the public hearing on the application submitted by Miller & Associates for Two Sisters' Farm, Inc. and Gary and Mary Henderson for the annexation of Butler Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (West of Cherry between 56th Street and 47th Street to include adjacent right-of-way) and consider Resolution No. 2020-154.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2020-154 approving the application submitted by Miller & Associates for Two Sisters' Farm, Inc. and Gary and Mary Henderson for the annexation of Butler Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (West of Cherry between 56th Street and 47th Street to include adjacent right-of-way). Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2020-154

WHEREAS, an Application has been submitted by Miller & Associates for Two Sisters' Farm, Inc. and Gary and Mary Henderson for the inclusion of a portion of Butler Addition, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the Southeast Quarter of the Northeast Quarter and part

of the Northeast Quarter of the Southeast Quarter of Section 29, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, and more particularly described as follows: Commencing at a 1" B.L.M. Copper Clad at the Southeast corner of the Northeast Quarter of Section 29; thence N 89°28'33" W on the South line of said Northeast Quarter, and all bearings contained herein are relative thereto, a distance of 33.22 feet to the West Right-of-Way of Cherry Avenue and the POINT OF BEGINNING; thence S 00°10'31" W on said West Right-of-Way a distance of 76.15 feet; thence S 88°19'00" W a distance of 271.66 feet to the East line of Kearney East Expressway; thence N 80°33'11" W a distance of 231.35 feet to the West line of said Kearney East Expressway; thence N 09°09'38" E on the West Right-of-Way of said Kearney East Expressway a distance of 10.85 feet; thence N 89°28'33" W parallel with the North line of said Southeast Quarter a distance of 687.50 feet; thence N 00°31'01" E a distance of 210.01 feet; thence Northerly on a tangent curve to the Right having a central angle of 07°42'18", a radius of 1033.00 feet, an arc distance of 138.92 feet, and a chord bearing of N 04°22'10" E a distance of 138.81 feet; thence N 08°13'19" E a distance of 397.24 feet; thence S 89°28'59" E a distance of 1118.86 feet to said West Right-of-Way of Cherry Avenue; thence S 00°11'35" W on said West Right-of-Way a distance of 702.32 feet to the Point of Beginning, containing 20.24 acres, more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on September 18, 2020 on the inclusion of a portion of Butler Addition within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as Butler Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on October 13, 2020 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska, that the land to be platted as Butler Addition shall be included within the corporate limits of the City of Kearney, Buffalo County, Nebraska, that the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules and regulations of the City of Kearney.

BE IT FURTHER RESOLVED that the inclusion of Butler Addition within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

DEVELOPMENT OF TECH ONE THIRD LOCATED AT 3215 GLOBAL DRIVE PLACE

Vice-President Buschkoetter opened Public Hearings 6 through 8 on the applications submitted by Miller & Associates for the City of Kearney and Compute North NE05. Public Hearing 6 pertains to the vacation of Lot 2, Tech One Second Subdivision and rezoning of property located at 3215 Global Drive Place to District BP, Business Park District,

Public Hearing 7 pertains to an amendment to the Land Use Map for property located at 3215 Global Drive Place and Public Hearing 8 pertains to the Subdivision Agreement and Final Plat for Tech One Third. At the request of the Applicant and City staff, these items have been requested to be postponed to the October 27, 2020 City Council meeting.

Moved by Buschkoetter seconded by Nikkila to postpone Public Hearings 6 through 8 pertaining to the development of Tech One Third located at 3215 Global Drive Place to the October 27, 2020 City Council meeting. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion carried.

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held September 22, 2020.
2. Approve the following Claims:

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

Artisans Photography-\$180.00-ps; Agri Coop-\$1,469.60-smcs; Alfred Benesch-\$1,463.63-co; All Makes Auto-\$2,606.00-co; Anderson Ford Lincoln-\$30,713.00-co; Arrow Seed Co.-\$2,565.90-smcs,co; Ask Supply-\$1,669.16-smcs; Aurora Coop-\$74.96-smcs; Auto Value-\$493.07-smcs; Baker & Taylor-\$11,122.91-smcs; Bebensee,J-\$130.00-smcs; Beehive Industries-\$16,397.00-smcs; Blackstone-\$907.95-smcs; Blessing-\$615.98-co; Bluecross Blueshield-\$318,240.23-smcs; Bosselman-\$6,957.11-smcs; Brandorff,G-\$200.00-smcs; Bridgett Lavene Consulting-\$2,500.00-smcs; Broadfoot's-\$5,244.00-smcs; Buffalo Co. Sheriff-\$199,092.50-smcs; Buffalo Surveying Corp.-\$599.40-smcs; Builders-\$845.89-smcs; Burnett,M-\$4.44-smcs; Cabela's-\$16,049.85-smcs; Carolina Software-\$650.00-co; Carquest-\$116.50-smcs; Cash Wa-\$1,595.59-smcs; Center Point Publishing-\$75.96-smcs; Chesterman-\$887.65-smcs; Cigna-\$8,029.31-smcs; City Glass-\$327.97-smcs; City of Ky-\$600,543.66-smcs,co; Civic Plus-\$6,245.58-smcs; Clipper-\$45.00-smcs; Comm Act Part of Mid-NE-\$485.50-smcs; Community Health-\$106.00-ps; Community Service Fund-\$58.00-ps; Compute North-\$29,926.97-smcs; Construction Rental-\$151.49-smcs,co; Covert,B-\$200.00-smcs; Crane River Theater-\$2,064.47-smcs; Credit Mgmt. Services-\$162.78-ps; Culligan-\$379.79-smcs; Cutting Edge Cleaning-\$180.00-smcs; D & K Products-\$1,368.00-smcs; D & M Security-\$70.50-smcs; Dakota Pump-\$3,292.06-smcs; Dan's Plumbing-\$169.52-smcs; Davenport,D-\$94.49-smcs; Depository Trust-\$73,683.75-ds; DPC Industries-\$7,362.09-smcs; Duncan Theis-\$500.00-smcs; Dynamix Agitators-\$3,264.89-smcs; Eagle Distributing-\$595.00-smcs; Eakes-\$1,019.70-smcs; EC Home Improvement-\$200.00-smcs; Economic Development-\$175,000.00-smcs; Elliott Equipment-\$3,901.52-smcs; Elliott,J-\$130.00-smcs; Family Practice-\$1,255.00-smcs,co; Farmers Union-\$209.00-smcs; FedEx-\$40.00-smcs; Forever Pink Foundation-\$85.00-smcs; Fries,A-

\$15.00-smcs; Friesen,L-\$15.00-smcs; Gale/Cengage-\$435.83-smcs; Garrett Tires-\$12,212.74-smcs; GD Concrete-\$53,508.69-co; Gear For Sports-\$3,285.22-smcs; Gnuse Video-\$1,290.00-smcs; Graphic Vision-\$3,092.88-smcs; Gray,J-\$1,615.00-smcs; Greever,S-\$125.93-smcs; Hatfield,D-\$145.45-smcs; Hillburn,C-\$145.45-smcs; Historical Info Gatherers-\$1,485.00-smcs; HM Life Insurance-\$60,476.56-smcs; HOA Solutions-\$382.50-smcs; Hometown Leasing-\$159.08-smcs; Hort,K-\$100.00-smcs; Hostetler,P-\$15.00-smcs; Huxoll, Brooke-\$24.00-smcs; ICMA-\$13,753.60-ps; Infinisource-\$2,959.96-smcs; IRS-\$332,396.91-ps; Jack Lederman-\$400.00-smcs; Jack's Uniforms-\$482.86-smcs; JB Concrete-\$6,600.00-smcs; JCB Delivery-\$35.00-smcs; Johnsen Corrosion-\$2,520.00-smcs; Johnson Services-\$2,160.00-smcs; Karsten Mfg -\$2,152.50-smcs; Ky Catholic School-\$66.71-smcs; Ky Chamber Comm.-\$350.00-smcs; Ky Towing-\$125.00-smcs; Keeling,D-\$48.00-smcs; Kelly Supply-\$10.28-smcs; Klostermann III,J-\$130.00-smcs; Konica Minolta-\$491.44-smcs; Landmark Implement-\$715.07-smcs; Lawn Builders-\$321.73-smcs; League NE Municipalities-\$47,701.00-smcs; Leopold Painting-\$11,675.00-co; Lockmobile-\$110.00-smcs; Logan Contractors-\$3,482.38-co; Loy,D-\$145.45-smcs; Magic Cleaning-\$7,050.00-smcs; Mc2-\$9,634.24-smcs; Menards-\$21.96-smcs; Merryman Performing Arts-\$211.00-smcs; Mid American Signal-\$480.00-smcs; Mid-NE Garage Doors-\$580.00-smcs; Midwest Connect-\$7,325.57-smcs; Milco Environmental-\$900.00-smcs; Miller & Associates-\$27,367.45-co; Misener,J-\$31.00-smcs; Mitchell,M-\$130.00-smcs; MONA-\$133.34-smcs; Municipal Code-\$133.00-smcs; Murphy Tractor-\$927.36-smcs; NDEE-\$21,299.94-smcs; NE Child Support -\$3,569.64-ps; NE Dept Revenue-\$57,074.72-smcs,ps; NE Dept Veterans' Affairs-\$250,000.00-smcs; NE Municipal Clerks' Assoc.-\$45.00-smcs; NE Safety & Fire-\$90.00-smcs; Nebraskaland Distrib.-\$1,143.90-smcs; New Deal Deicing-\$10,017.00-smcs; Newell,B-\$9.35-smcs; Newsbank-\$3,004.00-smcs; Nguyen,D-\$128.65 -smcs; Northwestern Energy-\$179.14-smcs; NWAGA-\$30.00-smcs; Officenet-\$13,400.00-co; O'Keefe Elevator-\$465.55-smcs; One Call Concepts-\$501.34-smcs; Ostermeyer,K-\$24.00-smcs; Otto Environmental-\$14,420.00-smcs; Overturf,T-\$130.00-smcs; Paramount-\$31.26-smcs; Payflex-\$535.50-smcs,ps; Peister,L-\$130.00-smcs; Pep Co-\$200.00-smcs; Platte Valley Auto-\$5,205.91-smcs; Platte Valley Laboratories-\$62.50-smcs; Potter,B-\$100.00-smcs; Prairie View Roofing-\$3,364.00-smcs; Presto-X-\$227.00-smcs; Reinke's Refrigeration-\$95.00-smcs; Resource Mgmt.-\$502.80-smcs; Rheome Tree-\$6,488.00-smcs; S&B Heating-\$258.30-smcs; Safelite Glass-\$269.97-smcs; Sapp Brothers-\$10,384.34-smcs; School District #7-\$8,663.25-smcs; See Clear Cleaning-\$2,050.00-smcs; Shredding Solutions-\$46.95-smcs; Shreve,K-\$4.59-smcs; Silverstone Group-\$5,155.92-smcs; Sirsi Corp-\$36,464.07-smcs; Southern Glaziers-\$856.11-smcs; State of NE/DAS-\$2.80-smcs; Steinbrink-\$240.00-smcs; Straatmann,G-\$400.00-smcs; Straight Line Striping-\$3,157.00-smcs; Stutsman-\$2,745.00-smcs; Sullivan,M-\$145.45-smcs; Tielke's-\$72.94-smcs; Trade Well Pallet-\$2,680.00-smcs; Tri-Co Glass-\$345.00-smcs; Tye & Rowling-\$14,234.15-smcs; Union Bank & Trust-\$172,833.59-ps; United Way-\$337.00-ps; Verizon-\$7,959.36-smcs; Village Cleaners-\$194.60-smcs; Weir,L-\$130.00-smcs; Wilco Life-\$10.00-ps; Payroll Ending 09/26/2020 -- \$512,555.92 and Payroll Ending 10/10/2020 -- \$516,630.23. 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. Accept the bids received for the 2020 Part 6 Improvements for 22nd Avenue and 6th Street in connection with Paving Improvement District Nos. 2020-002 and 2020-003 (Bid B, Paving), Water District Nos. 2020-592 and 2020-593 and Sanitary Sewer

Improvement District No. 2020-528 (Bid A, Water/Sewer) and adopt Resolution No. 2020-157 awarding Bid A (Water/Sewer) to Midlands Contracting in the amount of \$331,180.00 and awarding Bid B (Paving) to Nielsen Contracting in the amount of \$379,418.50.

RESOLUTION NO. 2020-157

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on September 15, 2020 at 2:00 p.m. for the 2020 Part 6 Improvements for 22nd Avenue and 6th Street in connection with Paving Improvement District Nos. 2020-002 and 2020-003 (Bid B, Paving), Water District Nos. 2020-592 and 2020-593 and Sanitary Sewer Improvement District No. 2020-528 (Bid A, Water/Sewer); and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for Bid A (Water/Sewer) of the project was \$430,137.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Midlands Contracting of Kearney, Nebraska in the amount of \$331,180.00 be accepted as the lowest responsible bid for 2020 Part 6 Improvements for 22nd Avenue and 6th Street in connection with Water District Nos. 2020-592 and 2020-593 and Sanitary Sewer Improvement District No. 2020-528 (Bid A, Water/Sewer); and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for Bid B (Paving) of the project was \$447,945.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Nielsen Contracting of Kearney, Nebraska in the amount of \$379,418.50 be accepted as the lowest responsible bid for 2020 Part 6 Improvements for 22nd Avenue and 6th Street in connection with Paving Improvement District Nos. 2020-002 and 2020-003 (Bid B, Paving).

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska that the said Engineer's recommendation is hereby accepted, that Midlands Contracting (Bid A, Water/Sewer) and Nielsen Contracting (Bid B, Paving) be and are the lowest responsible bidders for the 2020 Part 6 Improvements for 22nd Avenue and 6th Street in connection with Paving Improvement District Nos. 2020-002 and 2020-003 (Bid B, Paving), Water District Nos. 2020-592 and 2020-593 and Sanitary Sewer Improvement District No. 2020-528 (Bid A, Water/Sewer) to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bids of Midlands Contracting (Bid A, Water/Sewer) in the amount of \$331,180.00 and Nielsen Contracting (Bid B, Paving) in the amount of \$379,418.50 be and are hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost for Bid A (Water/Sewer) in the amount of \$430,137.00 and the Engineer's Opinion of Probable Construction Cost for Bid B (Paving) in the amount of \$447,945.00 be and are hereby accepted.

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

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

4. Adopt Resolution No. 2020-158 approving the following T-Hangar Lease Agreements at the Kearney Regional Airport: Buck Enterprises dba Thrifty Car Rental, Roger Carlson, Randal Klinginsmith, Kent Orr, Harold Sindt, Ed Spillman and Acme Aero, Inc.

RESOLUTION NO. 2020-158

BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska, that the Vice-President of the Council be and is hereby authorized and directed to execute the following T-Hangar Lease Agreements, on behalf of the City of Kearney, Nebraska:

BB – Buck Enterprises, dba Thrifty Car Rental
B-01 – Roger Carlson
B-02 – Randal Klinginsmith
B-04 – Kent Orr
B-06/BA – Harold Sindt
B-07 – Ed Spillman
B-08 – Acme Aero, Inc.

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

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

5. Approve the Plans and Specifications for the 2020 Part 3 Improvements; 2nd Avenue Overpass Repairs and set the bid opening date for November 17, 2020 at 2:00 p.m.

6. Approve the Plans and Specifications for the 2020 Part 1 Improvements for the removal and replacement of N Avenue from 28th Street to 39th Street in connection with Paving Improvement District No. 2020-004 and set the bid opening date for November 3, 2020 at 2:00 p.m.

7. Approve the Plans and Specifications for the construction of the Community Tennis Facility and set the bid opening date for November 10, 2020 at 2:00 p.m.

8. Adopt Resolution No. 2020-159 to remove parking on both sides of 48th Street from 11th Avenue east to 10th Avenue on the north side and from 11th Avenue east a distance of 437 feet on the south side.

RESOLUTION NO. 2020-159

WHEREAS, the Park & Recreation Department, Public Works Department and the Police Department have reviewed the situation and found that there is an apparent safety concern with traffic and have recommended that both sides of 48th Street from 11th Avenue east to 10th Avenue on the north side and from 11th Avenue east a distance of 437 feet on the south side be designated as “No Parking” at any time.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that both sides of 48th Street from 11th Avenue east to 10th Avenue on the north side and from 11th Avenue east a distance of 437 feet on the south side be and is hereby designated as “No Parking” at any time.

BE IT FURTHER RESOLVED that the City Manager be and is hereby instructed to place appropriate signs designating these areas as directed by this Resolution.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

9. Adopt Resolution No. 2020-160 authorizing the City Manager, Director of Finance, Assistant Director of Finance and City Clerk to sign checks, drafts or other withdrawal orders issued against the funds of the City on deposit with designated depositories.

RESOLUTION NO. 2020-160

WHEREAS, the Vice-President and City Council have determined that it is appropriate and proper to designate various banks as depositories for funds of the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska, that the following banks be and are hereby designated as city depository banks:

- Wells Fargo Bank Nebraska, N.A.
- 1st National Bank
- Farmers & Merchants Bank
- US Bank
- Exchange Bank
- Great Western Bank
- Five Points Bank
- Heartland Bank
- Bank of the West
- FirstTier Bank
- NebraskaLand National Bank
- Pinnacle Bank

However, such designation as a city depository shall not be exclusive and shall not be determined in any way to constitute a franchise to the exclusion of other designated depositories.

BE IT FURTHER RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska that checks, drafts or other withdrawal orders issued against the funds of the City on deposit with said depositories be signed by any one of the following

who now hold offices or positions with the City:

Michael W. Morgan, City Manager
Wendell R. Wessels, Director of Finance
Lauren Brandt, City Clerk
Jena C. Bice, Assistant Director of Finance

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict herewith are hereby repealed and that Resolution No. 2019-118 is hereby specifically rescinded and repealed.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

10. Adopt Resolution No. 2020-161 approving the Use and Operations Agreement for Annex B in Hangar T-926 located at the Kearney Regional Airport between the City of Kearney and Li'l Red Aero, Inc.

RESOLUTION NO. 2020-161

BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska, that the Vice-President be and is hereby authorized and directed to execute the Use and Operations Agreement on behalf of the City of Kearney, Nebraska, with Li'l Red Aero, Inc. for Annex B in Hangar T-926 located at the Kearney Regional Airport, the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

11. Adopt Resolution No. 2020-162 approving the Development Agreement between Butler Machinery Company, Economic Development Council of Buffalo County, Inc. and the City of Kearney establishing the terms and conditions to be complied with as part of the development of property located at the Southwest corner of 56th Street and Kearney East Expressway.

RESOLUTION NO. 2020-162

BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska, that the Development Agreement to Development Agreement between the City of Kearney, a Nebraska Municipal Corporation, Economic Development Council of Buffalo County, Inc., a Nebraska Non-Profit Corporation and Butler Machinery Company, Inc., a North Dakota Corporation establishing the terms and conditions to be complied with as part of the development of land located at the Southwest corner of 56th Street and Kearney East Expressway (as generally shown on Exhibit "A" and Exhibit "B" of the

Development Agreement), a copy of the Development Agreement, marked Exhibit "1" is attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

12. Adopt Resolution No. 2020-163 approving Application for Payment No. 2 in the amount of \$290,411.53 submitted by J.I.L. Asphalt Paving Company and approved by Miller & Associates for 2020 Part 4 Improvements for the removal and replacement of asphalt roadway of 20th Street/Q Avenue/Coal Chute Road from M Avenue east to the City limit.

RESOLUTION NO. 2020-163

WHEREAS, J.I.L. Asphalt of Grand Island, Nebraska has performed services in connection with the 2020 Part 4 Improvements for the removal and replacement of asphalt roadway of 20th Street/Q Avenue/Coal Chute Road from M Avenue east to the City limit, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$290,411.53 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 466,284.70</u>
Contract Sum To Date	466,284.70
Gross Amount Due	445,179.48
Retainage (10%)	<u>- 44,517.95</u>
Amount Due to Date	400,661.53
Less Previous Certificates for Payment	<u>- 110,250.00</u>
Current Payment Due	\$290,411.53

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

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

13. Adopt Resolution No. 2020-164 approving Application for Payment No. 1 in the amount of \$314,059.07 submitted by Blessing Construction and approved by Miller & Associates for the 2020 Part 7 Improvements; Downtown Asphalt project.

RESOLUTION NO. 2020-164

WHEREAS, Blessing Construction of Kearney, Nebraska has performed services in connection with the 2020 Part 7 Improvements for the resurfacing construction of 24th Street from 2nd Avenue to Central Avenue, 23rd Street from 2nd Avenue to 1st Avenue, 22nd Street from 2nd Avenue to Central Avenue, 21st Street from 2nd Avenue to 1st Avenue, North Railroad Street from 5th Avenue to Central Avenue, 1st Avenue from 25th Street to 21st Street, and E Avenue from 25th Street to 23rd Street, and the City’s engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$314,059.07 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 447,590.00</u>
Contract Sum To Date	447,590.00
Gross Amount Due	330,588.50
Retainage (5%)	<u>- 16,529.43</u>
Amount Due to Date	314,059.07
Less Previous Certificates for Payment	<u>- 0.00</u>
Current Payment Due	<u>\$314,059.07</u>

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 1, as shown on Exhibit “A” be and are hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

14. Adopt Resolution No. 2020-165 approving the Agreements between the City of Kearney and Aurora Cooperative Elevator Company, dba Buffalo Air Service for T-100, T-708 and T-932 for the operation of a crop spraying service, office area, storage area, loading dock and Aeronautical Services for aerial applicator services, all located at the Kearney Regional Airport.

RESOLUTION NO. 2020-165

BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Vice-President be and is hereby authorized and directed to execute the Tenant Use and Operations Agreement at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska with Aurora Cooperative Elevator, dba Buffalo Air Service, a copy of the Agreement, marked Exhibit “1”, is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Vice-President be and is hereby authorized and directed to execute the Tenant Use and Operations Agreement for Loading Dock at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska with Aurora Cooperative Elevator, dba Buffalo Air Service, a copy of the Agreement, marked Exhibit “2”, is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska, that the Vice-President be and is hereby authorized and directed to execute the Agreement and Permit for Aeronautical Services at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska, with Buffalo Air Service, LLC, the Agreement, marked Exhibit "3", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

15. Approve the purchase of a Caterpillar 938M Series Wheel Loader in the amount of \$220,770.00 submitted by Nebraska Machinery under the Sourcewell Cooperative Purchasing Contract program to be used in the Public Works Department.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8447 CREATING PAVING IMPROVEMENT DISTRICT NO. 2020-004

Council Member Moore introduced Ordinance No. 8447 creating Paving Improvement District No. 2020-004 for the South right-of-way line of 28th Street and the centerline Avenue N; thence North along the centerline of Avenue N including all of Avenue N right-of-way to a point 36 feet South of the North line of Lot 5, Fairview Subdivision, a subdivision to the City of Kearney, Nebraska, and including all lots and lands abutting thereon, all in the City of Kearney, Buffalo County, Nebraska, 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 suspend the rules for Ordinance No. 8447. Vice-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: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. 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. 8447 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear, Moore. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8447 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8447 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. 8448 AMENDING SECTION 8-912 "PARKING RULES" OF CHAPTER 8 "POLICE"

Council Member Moore introduced Ordinance No. 8448 amending Section 8-912 "Parking Rules" of Article 9 "Stopping, Standing and Parking" of Chapter 8 "Police" of the Code of the City of Kearney to add where parking is prohibited along 48th Street (both sides) from 11th Avenue to 10th Avenue on the north side and a distance of 437 feet on the south side, 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 suspend the rules for Ordinance No. 8448. Vice-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: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. 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. 8448 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8448 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8448 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. 8449 AMENDING SECTION 1-1510 "MISCELLANEOUS EXPENDITURES" OF CHAPTER 1 "ADMINISTRATION"

Council Member Moore introduced Ordinance No. 8449 amending Section 1-1510 "Miscellaneous Expenditures" of Article 15 "Purchasing" of Chapter 1 "Administration" of the Code of the City of Kearney to remove employee requirements for annual recognition dinner and amend the table outlining the dollar amount associated with plaques, certificates of achievement, or items of value awarded to elected or appointed officials, employees, or volunteers, 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 suspend the rules for Ordinance No. 8449. Vice-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: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. 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. 8449 by number. Roll call of those in favor of the

passage of said ordinance on the first reading resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8449 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8449 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

RESOLUTION OF INTENT TO ANNEX PROPERTY LOCATED SOUTH OF 56TH STREET BETWEEN THE KEARNEY EAST EXPRESSWAY AND AIRPORT ROAD, WEST OF AIRPORT ROAD, NORTH AND WEST OF CESSNA STREET, WEST OF PIPER AVENUE, NORTH OF PATRIOT BOULEVARD, EAST OF CHERRY AVENUE AND KEARNEY EAST EXPRESSWAY

Vice-President Buschkoetter opened for discussion Resolution No. 2020-166 on the intent to annex the following: a tract of land being part of the South Half of the Southwest Quarter of Section 21, part of the Northwest Quarter and part of the West Half of the Northeast Quarter of Section 28, part of the East Half of the Northeast Quarter of Section 29, all in Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, Lots 1 and 2, Patriot First Subdivision, a Subdivision being part of the East Half of the Northwest Quarter and part of the West Half of the Northeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and including all of those parts of Cherry Avenue, Avenue A (aka Airport Road), Avenue B (aka Piper Avenue) and 56th Street, lying within the above described lands all in Buffalo County, Nebraska (located South of 56th Street between the Kearney East Expressway and Airport Road, West of Airport Road, North and West of Cessna Street, West of Piper Avenue, North of Patriot Boulevard, East of Cherry Avenue and Kearney East Expressway) and to set the public hearing date for October 27, 2020 at 5:30 p.m.

Michael Tye, City Attorney, presented this matter to the Council. Mr. Tye stated this annexation includes property located south of 56th Street and between the Kearney East Expressway and Airport Road. This annexation will include Midwest Partitions as was noted in a Development Agreement between the City of Kearney and Midwest Partitions at the time of purchase of the building; Midwest Partitions has been notified of the City's intent to annex this area. The matter before Council now is to pass a Resolution on the intent to annex and schedule a Public Hearing for the October 27, 2020 City Council meeting; Planning Commission will have an opportunity to review the annexation at their October 16, 2020 meeting.

Moved by Buschkoetter seconded by Nikkila to approve Resolution No. 2020-166 on the intent to annex the following: a tract of land being part of the South Half of the Southwest Quarter of Section 21, part of the Northwest Quarter and part of the West Half of the

Northeast Quarter of Section 28, part of the East Half of the Northeast Quarter of Section 29, all in Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, Lots 1 and 2, Patriot First Subdivision, a Subdivision being part of the East Half of the Northwest Quarter and part of the West Half of the Northeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and including all of those parts of Cherry Avenue, Avenue A (aka Airport Road), Avenue B (aka Piper Avenue) and 56th Street, lying within the above described lands all in Buffalo County, Nebraska (located South of 56th Street between the Kearney East Expressway and Airport Road, West of Airport Road, North and West of Cessna Street, West of Piper Avenue, North of Patriot Boulevard, East of Cherry Avenue and Kearney East Expressway) and to set the public hearing date for October 27, 2020 at 5:30 p.m. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2020-166

WHEREAS, the City of Kearney, Nebraska in accordance with Section 16-117 of the Nebraska Revised Statutes is considering the annexation of contiguous or adjacent lands, lots, tracts, streets or highway as are urban or suburban in character and a plan for extending city services to the following described tracts of land:

A tract of land being part of the South Half of the Southwest Quarter of Section 21, part of the Northwest Quarter and part of the West Half of the Northeast Quarter of Section 28, part of the East Half of the Northeast Quarter of Section 29, all in Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, Lots 1 and 2, Patriot First Subdivision, a Subdivision being part of the East Half of the Northwest Quarter and part of the West Half of the Northeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and including all of those parts of Cherry Avenue, Avenue A (aka Airport Road), Avenue B (aka Piper Avenue) and 56th Street, lying within the above described lands and more particularly described as follows: BEGINNING at the Southwest corner of the Southwest Quarter of said Section 21; thence S 89°58'22" E on the South line of said Southwest Quarter, and all bearings contained herein are relative thereto, a distance of 140.36 to the Easterly line of the Central Nebraska Natural Resources District Drainage Tract; thence N 00°10'45" E on said Easterly line and parallel with the West line of said Southwest Quarter a distance of 61.65 feet to the North line of 56th Street; thence S 89°56'44" E on the North line of said 56th Street a distance of 689.63 feet; thence Southeasterly on a tangent curve to the Right, having a central angle of 07°34'48", a radius of 8060.00 feet, an arc length of 1066.31 feet, and a chord bearing of S 86°09'20" E a distance of 1065.53 feet; thence S 82°23'02" E continuing on said North line of 56th Street a distance of 901.03 feet; thence N 07°36'58" E continuing on said North line a distance of 40.14 feet; thence S 82°23'02" E continuing on said North line a distance of 561.60 feet; thence N 07°28'07" E continuing on said North line a distance of 10.00 feet; thence S 82°23'02" E continuing on said North line and its Easterly extension a distance of 91.00 feet to the East right-of-way line of Avenue A (aka Airport Road); thence S 07°28'07" W on said East right-of-way line a distance of 1387.78 feet to the Easterly extension of the South line of Patriot First Subdivision and the North line of Cessna Street and the existing Corporate Limits of the City of Kearney; thence N 82°30'59" W on the South line of said Patriot First Subdivision and the North line

of Cessna Street and its Westerly extension and on the existing Corporate Limits of the City of Kearney, a distance of 915.63 feet to the West right-of-way line of Avenue B (aka Piper Avenue); thence S 07°26'42" W on the West right-of-way line of Avenue B (aka Piper Avenue) and on the existing Corporate Limits of the City of Kearney a distance of 1097.84; thence N 89°46'58" W and on the existing Corporate Limits of the City of Kearney a distance of 961.73 feet; thence N 05°49'22" W a distance of 1124.87 feet; thence N 89°49'22" W and on the existing Corporate Limits of the City of Kearney a distance of 1174.10 feet to the West right-of-way line of Cherry Avenue; thence N 00°10'38" E on said West right-of-way line of Cherry Avenue a distance of 1386.92 feet to the North line of the Northeast Quarter of Section 29; thence S 89°25'49" E on said North line a distance of 33.00 feet to the Point of Beginning, containing 136.97 acres, more or less, all in Buffalo County, Nebraska.

WHEREAS, the City Council will conduct a public hearing on October 27, 2020 at 5:30 p.m. or as soon thereafter as the matter may be heard to receive testimony from all interested parties and/or individuals; and

WHEREAS, the plan outlining the City services, including but not limited to: (a) water, sanitary sewer, storm sewer, refuse collection, are currently being provided and maintained by the City of Kearney and no additional utility improvements will be required; and (b) a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the City and the general land use pattern in the land proposed for annexation is available for inspection during regular business hours in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that a plan outlining the City services available to the above-described properties, together with a map showing the current boundaries of the City, a map showing the proposed boundaries of the City after annexation, and a map showing the general land use pattern in the land proposed for annexation is hereby adopted and approved and shall be available for inspection during regular business hours in the office of the City Clerk.

BE IT FURTHER RESOLVED that a public hearing on the proposed annexation shall be held at 5:30 p.m. on October 27, 2020, or as soon thereafter as the matter may be heard, in the City Council Chambers located at City Hall, 18 East 22nd Street, Kearney, Nebraska to receive testimony from all interested parties and/or individuals.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to publish in the *Kearney Hub* at least once, not less than ten days preceding the date of the public hearing, a copy of this Resolution and a map drawn to scale delineating the land proposed for annexation.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby authorized and directed to send by first-class mail, a copy of the resolution providing for the public hearing to the school board of the school district including the lands proposed for annexation.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

COVID-19 COMMUNITY BETTERMENT GRANT PROGRAM

Vice-President Buschkoetter opened for discussion Resolution No. 2020-167 approving the COVID-19 Community Betterment Grant Program to be used for community betterment purposes as outlined by state law.

Wendell Wessels, Director of Finance, presented this matter to the Council. Mr. Wessels stated in August the State of Nebraska approved funding to the City of Kearney from funding for local government entities previously identified as eligible applicants for CRF reimbursement for COVID-19 related expenses. The City of Kearney requested, and was approved, \$1,600,000; this funding is reimbursement for public safety and fire engineer's salaries paid in March, April and May.

Additionally, the City decided to create a program to offer \$300,000 in grant funding to local non-profit organizations. The City is proposing that each grant awarded be in the amount of \$10,000 going to any single local non-profit organization with priority being given to capitol purchases. Additionally, each applicant will be required to meet one of the community betterment purposes definitions under the Statute. The existing KENO Application Advisory Committee will review the applications and make recommendations to City Council; City Council will make the final decision on grant funding recipients. Qualified applicants will have until November 13, 2020 to submit their application. The City felt the COVID-19 Community Betterment Grant Program would be a great way to share funds received by help local non-profit organizations that may need help due to COVID-19.

Council Member Nikkila questioned if the application would be available on the City's website? Mr. Wessels stated there will be a press release issued soon regarding the program and the application will be available on the City's website.

Mr. Wessels stated it is the City's hopes to have the list of recommended applicants to City Council by the November 24th Council meeting so funds can be disbursed shortly after that.

Moved by Nikkila seconded by Moore to approve Resolution No. 2020-167 approving the COVID-19 Community Betterment Grant Program to be used for community betterment purposes as outlined by state law. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2020-167

WHEREAS, on August 17, 2020, the State of Nebraska approved funding for local government entities previously identified as eligible applicants for Coronavirus Relief Fund reimbursement for COVID-19 related expenses; and

WHEREAS, the City Council and Administration of the City of Kearney intend to fulfill their duty to reasonably manage, preserve, and expend the funds to be derived from the Coronavirus Relief Fund, and have determined that certain rules and regulations should be adopted and established relative to the creation of a City of Kearney COVID-19 Community Betterment Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska that the following rules and regulations are hereby authorized relative to the City of Kearney COVID-19 Community Betterment Grant Program:

FUNDING SOURCE

Funding for the City of Kearney COVID-19 Community Betterment Grant includes funds received by the City of Kearney from the State of Nebraska Coronavirus Relief Fund for reimbursement of COVID-19 related expenses.

COVID-19 COMMUNITY BETTERMENT DISTRIBUTIONS

COVID-19 Community Betterment Grants (Grants) will be disbursed for all COVID-19 Community Betterment Projects recommended by the Keno Application Advisory Committee and approved by the City Council. The Grants shall be disbursed to private or public not-for-profit organizations located within the City of Kearney and no more than \$10,000 shall be awarded to any single organization. The total amount of disbursed Grants shall not exceed \$300,000. The organizations shall use the Funds only for Community Betterment Purposes as defined in Section 9-604 of the Nebraska Revised Statutes. Priority will be given toward requests for one-time capital purchases and they will receive greater consideration than requests for non-capital purchases. Organizations that request Grants shall do so by November 13, 2020 by completing a COVID-19 Community Betterment Grant Application.

COMMUNITY BETTERMENT PURPOSES

1. Community Betterment Purposes shall mean the use of lottery proceeds in the following manner:
 - (a) Enhancing a person's opportunity for educational advancement.
Examples include contributing to the operation of a school; or establishing or contributing to a scholarship fund.
 - (b) Relieving or protecting individuals from disease, suffering, or distress.
Examples include purchasing food or clothing for the needy; or helping to provide medical care for individuals in need.
 - (c) Contributing to the physical well being of individuals.
Examples include donations to foster athletic activities; or building, improving, or maintaining parks or recreation facilities; or sponsoring amateur athletic leagues or programs.
 - (d) Assisting individuals in establishing themselves as worthy and useful citizens by providing educational or business opportunities.
Examples include contributing to training programs designed to provide individuals with job skills; or aiding handicapped people in making contributions to the community.

- (e) Providing individuals with opportunities to contribute to the betterment of the community.

Examples include initiating cleanup or beautification projects.

- (f) Increasing the comprehension and devotion to the principles upon which this nation was founded.

Examples include sponsoring civic events to make individuals more aware of the history of the United States, State of Nebraska, or other civic institutions of principles.

- (g) Initiating, performing, or fostering worthy public works or enabling or furthering the erection or maintenance of public structures.

Examples include contributing to building fund; or donations to fund parks or recreation areas.

- (h) Lessening the burdens borne by government or voluntarily supporting, augmenting, or supplementing services which government would normally render to the people.

Examples include paying for housing, food, or medical services for needy people; or aiding the elderly; or contributing to the general fund of the city.

- (i) Providing tax relief for the city.

Examples include funding any programs or needs which would normally be paid for by taxes imposed upon the community.

- (j) Proceeds derived from the conduct of the lottery shall not be used for any political activity.

Examples include lobbying, or participating in or contributing to any political campaign on behalf of any elected official or person who is or has been a candidate for public office.

PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

OPEN ACCOUNT CLAIM

Moved by Moore seconded by Lear that the Open Account Claim, postponed from the September 22, 2020 Council Meeting, in the amount of \$126,359.36 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. Motion carried.

VII. REPORTS

Mr. Morgan offered Council Members bumper stickers that will be placed on City vehicles and equipment promoting the Mask-Up Kearney campaign created by Michaela

Bendfeldt, Executive Assistant to the City Manager; if any individuals or businesses are interested in obtaining the stickers, the City will provide the stickers to them. City staff has remained in contact with members of the Kearney Area Builders Association; work continues to gather comments so a proposal can be forwarded to the State shortly. Work on 2nd Avenue is nearing completion, Fountain Hills Park parking lot is mostly complete and the asphalt project on the Downtown Streets has been completed. The Archway Trail, damaged by the flood, is also close to completion. Mr. Morgan stated the City had their regular meeting with medical staff regarding COVID; numbers continue to increase in Buffalo County. Mr. Morgan stated due to a request received by Council Member Nikkila, the City's website now has a drop-down menu in the lower right-hand corner listing numerous languages to select from; once a language is selected it will convert the entire website to language chosen.

Lauren Brandt, City Clerk stated services at City Hall are now available by appointment only due to the number of COVID cases increasing in the community. Because of this, the City's IT Department has installed an iPad in the lobby area of City Hall that is connected to three (3) different phones placed in Administration, Development Services and Finance. This service allows the Departments and citizens the ability to video chat through Facetime to identify their needs. As Mr. Morgan has stated, the City has worked diligently with citizens to provide and set them up with online services to handle many needs; the iPad adds another tool to better serve citizens. Additionally, six (6) new contactless lockers have been added in the City Hall lobby area that can each be assigned unique codes for citizens who need to come to City Hall to pick up or drop off documents. Vice-President Buschkoetter felt those were both good ideas for not only now, but in the future to create ease for citizens.

Council Member Nikkila asked what the outlook is for the Library. Mr. Morgan stated the Library deals with the largest group of population that spans all age groups; the Library is also unique with the number of hours they work with the public daily. The decision regarding the Library was due to COVID numbers increasing and concerns with keeping staff healthy so Library staff can continue to serve the public adequately. Therefore, the building was closed to the public; however, the Library has restarted the drive-up service for drop-off and pick-up, which many citizens enjoyed previously.

Mr. Morgan further stated he requested the Governor's office, through Senator Lowe, to allow virtual public meetings again due to the potential delay of development and other City business should City Council not have the supermajority or even quorum available to hold or act at public meetings. He has made the request to the Governor but is awaiting an answer on this issue.

Council Member Tammy Moore stated it was great to have the Butler Ag and Machinery project on the agenda as a positive for the evening and further provided an update on 8th Street and 6th Avenue; the sidewalks have been installed in the area and new streets have been completed south of Kenwood Elementary School.

Vice-President Buschkoetter reminded citizens of the recommendation to continue to wear masks, follow social distancing rules when possible and to take care of themselves and each other.

VIII. ADJOURN

Moved by Buschkoetter seconded by Nikkila that Council adjourn at 6:15 p.m. Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion carried.

ATTEST:

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

LAUREN BRANDT
CITY CLERK