

*Kearney, Nebraska
October 27, 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 and Michael Tye, City Attorney, 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

DEVELOPMENT OF TECH ONE THIRD LOCATED AT 3215 GLOBAL DRIVE PLACE

Vice-President Buschkoetter opened Public Hearings 1 through 3 on the applications submitted by Miller & Associates for the City of Kearney and Compute North NE05. Public Hearing 1 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 2 pertains to an amendment to the Land Use Map for property located at 3215 Global Drive Place and Public Hearing 3 pertains to the Final Plat and Subdivision Agreement for Tech One Third. At the request of the Applicant and City staff, these items have been requested to be further postponed to the November 10, 2020 City Council meeting.

Moved by Nikkila seconded by Moore to further postpone Public Hearings 1 through 3 pertaining to the development of Tech One Third located at 3215 Global Drive Place to the November 10, 2020 City Council meeting. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

ANNEXATION OF 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 the public hearing on the proposed annexation of 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).

Michael Tye, City Attorney, presented this matter to the Council. Mr. Tye described the location of the property and noted the parcel consists of property owned by the City of Kearney and Midwest Partitions; Midwest Partitions was properly notified of the City's plans to annex this parcel of ground. This annexation will extend the City's boundary to incorporate these parcels of land.

In accordance with Section 16-117 of the Nebraska Revised Statutes, the City Council, on October 13, 2020, passed a resolution stating its intent to annex, approved an annexation plan, and set the public hearing for comment on the proposed annexation before the City Council for tonight. The Council will receive comments from the public with

regard to the annexation and the ordinance annexing the said parcel of property is also required. Therefore, we will have the first reading of the ordinance by title tonight later on Regular Agenda.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Lear to close the public hearing and approve the annexation of 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). Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. Motion carried.

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held October 13, 2020.
2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental
 - CO Capital Outlay
 - DS Debt Service

4imprint-\$12,851.83-smcs; 5.11-\$1,200.79-smcs; Accent Wire-Tie-\$129.05-smcs; Accuquilt-\$990.20-smcs; Ace Irrigation-\$338.99-smcs; Acushnet-\$603.44-smcs; Adobe-\$359.99-smcs; Agri Coop-\$318.08-smcs; All Filters-\$120.26-smcs; All Makes Auto-\$2,204.11-smcs; Altec-\$199.57-smcs; Amazon-\$22,420.79-smcs,co; American-\$2,165.54-smcs; American Library Assn.-\$833.22-smcs; American Red Cross-\$120.00-smcs; Apple-\$0.99-smcs; Apple Market-\$1.55-smcs; Aprons and Smocks-\$130.57-smcs; Aramark Uniform-\$515.00-smcs; Arrow Seeds-\$273.80-smcs; Ask Supply-\$1,416.89-smcs; ATAP-\$90.00-smcs; Aussie Hydraulics-\$2.10-smcs; Auto Value-\$1,103.19-smcs; B&H Photo-\$5,729.53-smcs; B&S Concrete-\$3,492.00-co; Baker & Taylor-\$5,998.24-smcs; Ballard-\$69.99-smcs; Baristas-\$100.00-smcs; Barnesenter-\$102.80-smcs; BCJ Investments-\$45,000.00-co; Blackstone Publishing-\$1,042.89-smcs; Blessing-

\$314,059.07-co; Blue to Gold-\$291.00-smcs; BlueCross BlueShield-\$154,603.07-smcs; Bosselman-\$27,956.76-smcs; Broadfoot's-\$224.00-smcs; BSN Sports-\$604.80-smcs; Btibuilt-\$959.85-smcs; Buffalo Co Register Deeds-\$230.00-smcs; Buffalo Outdoor Power-\$1,470.85-smcs,co; Buffalo Wild Wings-\$100.00-smcs; Builders-\$2,286.76-smcs,co; Buzz's Marine-\$39.90-smcs; Cab Store-\$104.81-smcs; Canvas Champ-\$174.44-co; Carquest-\$118.43-smcs; Casey's-\$27.73-smcs; Cash Wa-\$1,103.58-smcs; Cenex-\$205.39-smcs; Central District Health-\$3,907.50-smcs; Central Hydraulic-\$296.14-smcs; Central NE Bobcat-\$79.51-smcs; Central NE Sod Supply-\$3,547.50-co; Central States Wire-\$1,804.62-smcs; Chemsearch-\$307.00-smcs; Chesterman-\$789.30-smcs; Cigna-\$8,025.21-smcs; Cintas-\$285.79-smcs; Citizenserve-\$22,500.00-smcs; City Glass-\$1,750.00-smcs; City of Ky-\$26,503.20-smcs, ps; City Plumbing-\$88.32-smcs; CNA Surety-\$40.00-smcs; Cold Spring Granite-\$798.00-smcs; Consolidated Mgmt.-\$90.84-smcs; Construction Rental-\$1,045.48-smcs; Control You-\$200.00-smcs; Copycat -\$769.97-smcs,co; Core & Main-\$9,725.24-smcs; Crane River Theater-\$4,000.00-smcs; Creative Cloud-\$85.59-smcs; Credit Management Serv.-\$95.61-ps; Culligan-\$226.50-smcs; Cummins-\$167.12-smcs; Cutter & Buck-\$73.54-smcs; Danko Emergency-\$2,991.11-smcs; Davis Equipment-\$3,100.85-smcs; Dawson Public Power-\$47,362.35-smcs; Daylight Donuts-\$41.50-smcs; Dell-\$2,049.65-smcs,co; Demco-\$507.82-smcs; Depository Trust -\$411,413.75-ds; Deterdings-\$117.57-smcs; Discmagic-\$376.98-smcs; Dish-\$240.33-smcs; Dmilaco-\$966.60-smcs; Dog Poop Bags-\$335.84-smcs; Dolence,J-\$356.23-smcs; DPC Industries-\$14,023.59-smcs; Dutton-Lainson-\$222.36-smcs; E Replacements-\$115.11-smcs; Eagle Distribution-\$527.50-smcs; Eakes-\$19,509.18-smcs; Echo Electric-\$108.29-smcs; Elliott Equipment-\$409.14-smcs; EMC Insurance-\$3,131.31-smcs; Empire Drone-\$170.62-smcs; Enterprise-\$103.00-smcs; ESRI-\$155.34-smcs; Eustis Body Shop-\$200.00-smcs; Expression Wear-\$630.00-ps; Eyemed-\$1,325.62-smcs; F&T Fur Harvesters-\$181.80-smcs; Facebook-\$25.00-smcs; Fairfield Inn-\$453.60-smcs; Family Fresh-\$64.11-smcs; Fastenal-\$759.50-smcs; Fedex-\$30.82-smcs; Fenbruck-\$61.90-smcs; First National Bank-\$85.00-smcs; Fred Pryor-\$1,542.00-smcs; Fresh Grass-\$68.00-smcs; Friesen Chevrolet-\$24.71-smcs; Frontier-\$7,443.53-smcs; Fun Express-\$59.31-smcs; Gale/Cengage-\$85.56-smcs; Galls-\$166.82-smcs; Garrett Tires-\$791.23-smcs; GI Physical Therapy-\$135.00-ps; Girl Scouts of America-\$120.00-smcs; Global Industrial-\$543.46-co; Golf Course Supt.-\$205.00-smcs; Goodwin Tucker-\$716.00-smcs; Government Finance-\$150.00-smcs; Grainger-\$1,916.92-smcs; Greater NE Cities-\$1,000.00-smcs; Haack,S-\$15.55-smcs; Hauff,K-\$225.00-smcs; Headset Plus-\$381.42-co; Heineman,T-\$60.00-smcs; Hilmick,M-\$96.06-smcs; HO Bostrom-\$186.89-smcs; HOA Solutions-\$3,959.00-smcs; Hobby-Lobby-\$974.23-smcs; Holiday Inn-\$775.90-smcs; Holmes Plumbing-\$1,137.78-smcs,co; Home Depot-\$7,144.30-smcs; Hot Meals USA-\$5,000.00-smcs; Hy-Vee-\$29.53-smcs; IAPMO-\$95.00-smcs; ICMA Retirement Trust-\$6,888.73-ps; Integrated Security-\$12,730.96-smcs; Int'l Code Council-\$266.00-smcs; Invoice Home-\$5.00-smcs; IPMA-HR-\$417.00-smcs; IRS-\$172,357.35-ps; J.I.L. Asphalt Paving-\$290,411.53-co; Jack Lederman-\$1,771.80-smcs; Jack's Uniforms-\$94.94-smcs; Janway Company-\$733.00-smcs; Jenkins,R-\$100.00-smcs; Jenny,S-\$132.31-smcs; Johnson Services-\$1,237.50-co; Johnstone Supply-\$73.33-smcs; Juice Stop-\$100.00-smcs; Ky Ace -\$708.91-smcs; Ky Animal Shelter-\$10,000.00-smcs; Ky Concrete-\$2,015.91-smcs; Ky Crete & Block-\$1,177.23-smcs; Ky Hub-\$4,113.34-smcs; Ky Power Sports-\$1,923.73-smcs; Ky Regional-\$462.00-smcs; Ky Tire-\$1,116.23-smcs; Ky Towing-\$342.50-smcs; Ky Warehouse-\$2,473.37-smcs; Ky Winlectric-\$3,176.50-smcs; Kelly Supply -\$1,815.08-smcs; Kimball Midwest-\$22.98-smcs; Kohls-\$84.52-smcs; Konica Minolta-\$1,126.16-

smcs; Kowalek,G-\$73.53-smcs; Kucera Painting-\$2,000.00-smcs; Landmark Implement-\$753.32-smcs; Lawn Builders-\$263.00-smcs; Lawson Products-\$1,232.14-smcs; LCL Truck -\$534.25-smcs; LeadsOnline-\$3,227.00-smcs; Library Works-\$49.00-smcs; Lifeguard Store-\$2,104.65-smcs; Lighting Supply-\$132.88-smcs; Lion Group-\$3,339.25-smcs; Lito Graphs-\$410.88-smcs; Lockmobile-\$24.50-smcs; Lulzbot-\$1,724.36-smcs; Macqueen Emergency-\$1,833.00-smcs; Macqueen Equipment-\$611.98-smcs; Magpul Industries-\$481.02-smcs; Maize Ky Equipment-\$173.50-smcs; Mallory Safety-\$38.40-smcs; Marlatt Machine-\$663.28-smcs; Martingrube-\$1,044.00-smcs; Maske Golf Car-\$137.76-smcs; Masters True Value-\$605.64-smcs; Matheson Tri-Gas-\$271.21-smcs; McReynolds,J-\$175.00-smcs; Menards-\$5,474.68-smcs,co; Michaels-\$512.94-smcs; Mid-State Engineering-\$240.00-co; Midwest Connect-\$524.45-smcs; Midwest Petroleum-\$1,781.90-co; Midwest Turf -\$212.98-smcs; Miller Signs-\$612.00-smcs; Modern Samurai-\$450.00-smcs; Moonlight Embroidery-\$7,013.20-smcs; Morris Press-\$480.99-smcs; Motorola-\$189.80-smcs; Municipal Emergency-\$1,685.89-ps; Municipal Supply-\$14,328.16-smcs; Municode-\$190.00-smcs; Murphy Equipment-\$401.24-smcs; Nations Photo Lab-\$9.35-ps; Nat'l Ally for Youth Sport-\$20.00-smcs; Nat'l Petroleum-\$472.88-smcs; Nat'l Recreation & Park-\$875.00-smcs; Nat'l Volunteer Fire Council-\$18.00-smcs; NCH Software-\$304.13-co; NE Child Support Pmt-\$1,784.82-ps; NE Dept of Revenue-\$116,725.21-smcs; NE Library Commission-\$3,383.50-smcs; NE Machinery-\$32.72-smcs; NE Municipal Clerks' Assn-\$45.00-smcs; NE Park & Rec-\$50.00-smcs; NE Peterbilt-\$1,296.78-smcs; NE Public Health Environ. -\$67.00-smcs; NE Truck Center-\$2,942.46-smcs; Nebraskaland Distributors-\$267.00-smcs; New Egg-\$22.34-smcs; NI SFM Elevator-\$240.00-smcs; NI State Payport-\$15.37-smcs; Northern Safety-\$174.24-smcs; Northwestern Energy-\$1,998.96-smcs; NPZA-\$60.00-smcs; NRG Media-\$410.00-smcs; Nutrien Ag-\$423.59-smcs; Oak Creek Engineering-\$4,520.00-smcs; OCLC-\$764.46-smcs; Odle,S-\$72.00-smcs; Officemax-\$1,011.29-smcs; Officenet-\$59.93-smcs; OL20082625530-\$139.00-smcs; O'Reilly Auto-\$3,213.81-smcs; Orscheln-\$550.37-smcs; OTC Brands-\$607.47-smcs; Out of Print-\$408.69-smcs; Overhead Door-\$80.00-smcs; Padilla,P-\$33.30-smcs; Paramount-\$67.84-smcs; Pearson,J-\$17.46-smcs; Penworthy-\$278.71-smcs; PGA Member Info-\$521.00-smcs; Phillips 66 -\$37.07-smcs; Pioneer Athletics-\$80.17-smcs; Pioneer Woman-\$18.00-smcs; Pitney Bowes-\$500.00-smcs; Platinum Awards-\$271.08-smcs,co; Platte Valley Auto-\$27,691.13-smcs,co; Platte Valley Comm.-\$79.93-smcs; Pooler,B-\$9.25-smcs; Poster My Wall-\$5.98-smcs; Powerdms Entrust-\$151.64-smcs; Presto-X-\$512.00-smcs; Pump & Pantry-\$11.17-smcs; Qualified Hardware-\$824.00-smcs; Quill-\$278.94-smcs; Rain Bird-\$288.77-co; Ray Allen-\$288.70-smcs; RDG Planning-\$170,841.37-co; Reams-\$1,292.72-smcs,co; Recreaonics-\$392.32-smcs; Reinke's Refrigeration-\$247.00-smcs; Rentokil-\$105.00-smcs; Rieke's Equipment-\$28.99-smcs; Rivershore Reading Store-\$15.00-smcs; Roesler,M-\$102.05-smcs; Safety Products-\$510.31-smcs; Sahling Kenworth-\$25.03-smcs; Sandry Fire-\$11,337.38-smcs; Sapp Brothers-\$27,943.77-smcs; Saylor Screenprinting-\$41.25-smcs; Secretary of State-\$30.00-smcs; Sedcatch-\$400.61-smcs; See Clear Cleaning-\$389.25-smcs; Sheen,A-\$48.52-smcs; Sherwin Williams-\$3,444.98-smcs; Sign Center-\$149.43-co; Silver State Consulting-\$57.50-smcs; Siteone Landscape-\$2,041.00-smcs,co; Smartsign-\$249.89-smcs; Snap-on Tools-\$1,897.97-smcs; Society Human Resource-\$219.00-smcs; SOS Portable Toilets-\$1,075.00-smcs; Specturm-\$914.76-smcs; Sprinkler Warehouse-\$712.75-smcs; Stampin' Up-\$714.39-smcs; Starostka Group-\$9,466.80-co; Steinbrink's-\$4,367.31-smcs,co; Stitch 3-\$66.00-smcs,ps; Stutstman-\$2,196.00-smcs; Sunbelt Rentals-\$366.66-smcs; Sunset Distributors-\$112.56-smcs; Super Shine Auto Care-\$179.87-smcs; Target-\$1,448.67-

smcs; TCH Central-\$115.78-smcs; Teilke's Sandwiches-\$13.97-smcs; Thunderhead Brewing-\$60.00-smcs; Tillotson Enterprises-\$2,354.00-smcs,co; Titan Machinery-\$245.30-smcs; Tractor Supply-\$859.46-smcs; Transunion-\$111.80-smcs; Traffix Devices-\$1,666.46-smcs; Trugreen-\$255.00-smcs; Turner Body Shop-\$600.00-smcs; Union Bank & Trust-\$91,151.74-smcs,ps; Union Pacific Railroad-\$1,519.46-smcs; Unique Management -\$814.45-smcs; UPS Store-\$133.25-smcs; US Cellular-\$100.00-smcs; USA Communications-\$194.75-smcs; USPS-\$605.30-smcs; Valley Vending-\$190.22-smcs; Verizon-\$8,008.06-smcs; Vessco-\$767.27-smcs; Village Payment-\$422.95-smcs; Volaire Aviation-\$2,000.00-smcs; Wal-mart-\$3,660.38-smcs; Waterlink-\$682.12-smcs; Webce-\$63.95-smcs; WPCI-\$784.00-smcs; WPSG-\$205.75-smcs; Wreally.com-\$24.00-smcs; Yanda's Music-\$279.99-smcs; Yellow Van Cleaning-\$771.80-smcs. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set November 10, 2020 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the Plans and Specifications for the 2020 Part 2 Improvements; 31st Street from D Avenue to G Avenue and set the bid opening date for November 17, 2020 at 2:00 p.m.
5. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the Class L-123962 liquor license application and manager application for Michael Freitag submitted by Upper Room Brewery, LLC dba Upper Room Brewery located at 1540 West 56th Street, Suite D.
6. Adopt Resolution No. 2020-168 approving the Hangar T-385 Lease Agreements between the City of Kearney and Casey Buettner for aircraft storage at the Kearney Regional Airport.

RESOLUTION NO. 2020-168

BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute Hangar T-385 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Casey Buettner. The Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

7. Approve the funding disbursement to the Kearney Area Animal Shelter in the amount of \$100,000 to be used for operational revenue and adopt Resolution No. 2020-169.

RESOLUTION NO. 2020-169

WHEREAS, the City of Kearney has an ongoing agreement with the Kearney Area Animal Shelter (KAAS) to provide care and services for animals that are impounded by the City of Kearney for violations of City Code and through this partnership, allows the City of Kearney to meet the needs of the community without owning and operating a City facility; and

WHEREAS, the COVID-19 pandemic has brought financial challenges to KAAS; and

WHEREAS, large contributions have decreased and become inconsistent over the last few years; and

WHEREAS, KAAS continues to apply for grants which are normally project based but operating revenue continues to fall short and by the City of Kearney providing a one-time contribution to KAAS in the amount of \$100,000 out of the Coronavirus Relief Fund for operational revenue, would provide revenue stability in these challenging times.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that a one-time additional disbursement in the amount of \$100,000 to the Kearney Area Animal Shelter be and is hereby authorized.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

8. Adopt Resolution No. 2020-170 approving a One Month Employee Health Insurance Premium Contribution Holiday for the month of December 2020.

RESOLUTION NO. 2020-170

WHEREAS, on January 26, 1988, the Kearney City Council passed and approved Resolution No. 88-5 which authorized the establishment of a self-funded health and dental care plan (Plan) solely for the employees and dependents of the City of Kearney; and

WHEREAS, the Plan is in compliance with the Political Subdivision Self-Funding Act which permits political subdivisions to provide employee benefits to employees and their dependents through self-funding by establishing, participating in, and administering employee benefit plans; and

WHEREAS, the City has established premiums at a satisfactory level to provide funds to cover 100% of expected claims; and

WHEREAS, the City has established reserves in an appropriate amount and actuarial basis as determined by an independent actuary; and

WHEREAS, the City has established a restricted and segregated fund (Health Insurance Fund) exclusively for the deposit of monthly premiums and other assets pertaining to the self-funded portion of the plan; and

WHEREAS, disbursements from the restricted and segregated fund are made only for payment of claims, cost of insurance coverage, payment of service fees applicable to employee benefit plan design and other expenses directly related to the operation of the plan; and

WHEREAS, as of September 30, 2020, the Health Insurance Fund had a \$1,334,320 balance; and

WHEREAS, the September 30, 2020 Health Insurance Fund balance exceeds the reserve target of \$1,000,000.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and City Council of the City of Kearney, Nebraska that a Premium Holiday be granted to employees currently enrolled in the Plan and the City of Kearney for the two pay periods in the month of December, 2020.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

9. Adopt Resolution No. 2020-171 approving T-Hangar Lease Agreements at the Kearney Regional Airport with Blair Rodgers and Trecia Markes.

RESOLUTION NO. 2020-171

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:

C-01 – Blair Rodgers
C-03 – Trecia Markes

The Agreements, marked Exhibits 1 through 2 inclusive, are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

10. Approve the purchase of a SnoGo WK Loader-Mount-Snowblower in the amount of \$171,006.00 submitted by Macqueen Equipment under the Sourcewell Cooperative Purchasing Contract program to be used in the Public Works Department.

11. Accept the proposals received for the new HVAC System in the Administration Building at the Wastewater Treatment Plant and award the bid to Rasmussen Mechanical Services in the amount of \$44,378.00.

12. Adopt Resolution No. 2020-172 approving Application and Certificate for Payment No. 1 in the amount of \$115,618.50 submitted by Nielsen Contracting and approved by Miller & Associates for the 2020 Part 5 Improvements for the removal and replacement of 11th Street and 2nd Avenue Intersection.

RESOLUTION NO. 2020-172

WHEREAS, Nielsen Contracting, LLC of Kearney, Nebraska has performed services in connection with the 2020 Part 5 Improvements for the removal and replacement of 11th Street and 2nd Avenue Intersection, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$115,618.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$260,330.00</u>
Contract Sum To Date	260,330.00
Gross Amount Due	128,465.00
Retainage (10%)	<u>12,846.50</u>
Amount Due to Date	115,618.50
Less Previous Certificates for Payment	<u>00.00</u>
Current Payment Due	<u>\$115,618.50</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 is hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

13. Adopt Resolution No. 2020-173 approving Application and Certificate for Payment No. 6 in the amount of \$57,478.25 submitted by GD Concrete Construction and approved by Miller & Associates for 2020 Sidewalk ADA Improvements (also known as Community Development Block Grant funded Sidewalk Replacement Project; Phase 2) for the project area of 2nd Avenue to 5th Avenue and 16th Street to 22nd Street.

RESOLUTION NO. 2020-173

WHEREAS, GD Concrete Construction Inc. of Overton, Nebraska has performed services in connection with the 2020 Sidewalk ADA Improvements, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 6 in the amount of \$57,478.25 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 399,150.00</u>
Contract Sum To Date	399,150.00
Gross Amount Due	389,947.10
Retainage (5%)	<u>- 19,497.36</u>
Amount Due to Date	370,449.74
Less Previous Certificates for Payment	<u>312,971.49</u>
Current Payment Due	<u>\$ 57,478.25</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. 6, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8451 AMENDING TWO SECTIONS IN ARTICLE 9 "STOPPING, STANDING AND PARKING" OF CHAPTER 8 "POLICE"

Council Member Buschkoetter introduced Ordinance No. 8451 amending two sections of Article 9 "Stopping, Standing and Parking" of Chapter 8 "Police" of the City Code including: Section 8-919 "Recreational Vehicles" to remove the reference of recreational vehicles and replace such reference with nonmotorized vehicle, that are prohibited to park on public streets in excess of 24 hours; add language referencing that vehicles in violation of the section may be ticketed or towed at the owner's expense and add language that would not allow the transfer of position of the vehicle to another space in the vicinity to circumvent this specific code; and Section 8-924 "Trucks in Residential Uses" to remove current language and replace with language specifying that the parking of a semi-tractor, delivery truck, delivery van, or trailers of any sort, is prohibited on any residential zoned lot or on any street or other public property within a residential zoning district and added language exempting such vehicles from a violation based on specific parking purposes, 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 suspend the rules for Ordinance No. 8451. 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. 8451 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 Nikkila seconded by Moore that Ordinance No. 8451 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. 8451 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. 8452 REPEALING ARTICLE 5 “DISEASED TREES” OF CHAPTER 5 “HEALTH AND SANITATION”

Council Member Buschkoetter introduced Ordinance No. 8452 to repeal in its entirety Article 5 “Diseased Trees”, specifically including Sections 5-501 thru 5-508 inclusive, of Chapter 5 “Health and Sanitation”, of the Code of the City of Kearney, 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 suspend the rules for Ordinance No. 8452. 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. 8452 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 Nikkila seconded by Moore that Ordinance No. 8452 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. 8452 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VI. REGULAR AGENDA

ORDINANCE FOR ANNEXATION OF 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

Council Member Moore introduced Ordinance No. 8450 annexing 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). (*Pertains to Public Hearing 4*), and moved that Ordinance No. 8450 be placed on first reading. Council Member Lear seconded the motion to place on first reading. 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: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion carried. City Clerk read Ordinance No. 8450 on first reading.

ORDINANCE NO. 8450

An Ordinance Of The City Of Kearney, Nebraska, To Extend The Boundaries And Include Within The Corporate Limits Of, And To Annex To The City Of Kearney, Nebraska 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 And Abutting The Above Described Lands, Entirely Discussed And Described In The Metes And Bounds Legal Provided In Ordinance No. 8450, To Provide Service Benefits Thereto; To Confirm Zoning Classifications; To Repeal All Ordinances And Resolutions Or Parts Thereof In Conflict Herewith; And To Provide For Publication In Pamphlet Form By Authority Of The City Council And Effective Date Of This Ordinance.

OPEN ACCOUNT CLAIM

Moved by Lear seconded by Buschkoetter that the Open Account Claim in the amount of \$117,314.54 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. Motion carried.

VII. REPORTS

Michael Morgan, City Manager stated the 11th Street and 2nd Avenue project should be completed next week.

Vice-President Buschkoetter reminded everyone that Election Day is coming up and encouraged citizens to do their civic duty.

VIII. ADJOURN

Moved by Buschkoetter seconded by Nikkila that Council adjourn at 5:40 p.m. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

ATTEST:

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

LAUREN BRANDT
CITY CLERK