

Kearney, Nebraska
February 9, 2021
4:30 p.m.

A special meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 4:30 p.m. on February 9, 2021 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Randy Buschkoetter, Tami James Moore and Jonathan Nikkila. Absent: None. Bruce Lear arrived at 4:50 p.m. Michael Morgan, City Manager; Michael Tye, City Attorney; Eric Hellriegel, Assistant City Manager; Bryan Waugh, Chief of Police and Jason Koettters, Police Lieutenant were also present. Members of the media 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

ANNOUNCEMENT

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

CONSIDER REPEALING AND RESCINDING EMERGENCY ORDINANCE NO. 8457

Mayor Clouse opened the public hearing on the adoption of Ordinance No. 8457A, to become effective at 12:01 a.m., Thursday, February 11, 2021, to repeal and rescind Emergency Ordinance No. 8457 which required individuals to wear facial coverings in the City of Kearney, provided exceptions thereof, provided for the enforcement for violations, and established a sunset provision.

Michael Tye, City Attorney, stated that in front of Council today is a request from Council Member Randy Buschkoetter to consider Ordinance No. 8457A that would repeal and rescind the prior Emergency mask mandate Ordinance 8457, and would become effective Thursday, February 11, 2021 at 12:01 a.m.

Mayor Clouse acknowledged receipt of numerous phone calls and correspondence through the City Clerk's office in addition to 100 plus emails and messages and noted all communication was viewed by himself and Council Members and had been part of their review prior to today's meeting.

Council Member Randy Buschkoetter stated he strongly believes people should be able to make their own decisions and government should let people be; he believes capitalism works and that businesses can take care of themselves. Council Member Buschkoetter

reflected, when the mask mandate was put in place in November, Council did so due to the number of local hospitalizations, which peaked at 56; however, the last report received from the City Physician showed current numbers had decreased 84%. Council Member Buschkoetter noted at the November 17th meeting, Council agreed to revisit the mask mandate when numbers were much lower and therefore felt the decrease in the City Physician's last report met that criteria. However, since then, Council Member Buschkoetter feels hospitalization numbers aren't the only numbers Council needs to consider. He feels Council also needs to consider the high number of various correspondences that Council has received which were predominantly in favor of not rescinding the mask mandate and instead allowing the mask mandate to continue to February 23rd. Council Member Buschkoetter noted everyone is trying to find a middle ground and he feels middle ground would not be rescinding the Ordinance today.

Council Member Jonathan Nikkila stated he looks forward to hearing citizen's comments and noted he has not given his opinion prior to the meeting as public hearings give the public an opportunity to be heard. Council Member Nikkila agreed with Council Member Buschkoetter when he requested the Special Meeting and discussed when the mask mandate was passed the hospitalization numbers were the primary trigger for Council asking the citizens of Kearney to wear masks. Council Member Nikkila stated he felt the majority of people in the community who wore masks trusted Council on their decision and felt Council had their heart in the right place regarding the issuance of the mask mandate. However, now that hospitalization numbers are down, it is time to allow the mandate to expire; what is in front of Council this evening is the practical reasoning for repealing the mandate early. Council Member Nikkila feels Council needs to continue to honor the trust Council previously requested from Kearney residents and feels the February 23rd expiration date makes sense. Additionally, he feels it is important for numerous businesses to have the extra time to determine how to approach the upcoming expiration date with their employees as well as customers once the City Ordinance expires.

Council Member Tami James Moore feels the original expiration date still makes sense and does not feel there is a compelling reason to jumpstart it. She agrees with Council Member Nikkila's thoughts on allowing the mandate to expire on February 23rd and believes citizens have been planning accordingly. Additionally, the extra fourteen days will provide for more vaccinations and therefore, on the 23rd, Kearney will be in a better position that it is today. She feels Council needs to stay the course.

Mayor Clouse commented he has spoke with numerous business owners and they too, have requested the mask mandate be allowed to expire on February 23rd. Mayor Clouse stated the issue today is not whether Council is going to extend the mandate on February 23rd, but whether the mandate gets rescinded early.

Mayor Clouse opened the Public Hearing. The following person(s) appeared and spoke:

OPPONENTS:

Brad Ericson, Kearney

Brady Beecham, Two Rivers Public Health Department

Shannon Swift, Kearney

Jeremy Eschlman, Two Rivers Public Health Department

John Morris, Kearney
Blaise Methe, Kearney
Brandon Cone, Kearney

PROPOSERS:

Eric Mortimore, Kearney
Chelle Ramey, Kearney
Jacob Reiter, Kearney
Janece VanWinkle, Kearney
Tom Weides, Kearney
Amy Wilson, Kearney

Mayor Clouse thanked everyone for their comments and for attending the meeting.

Council Member Buschkoetter thanked Council for following through with regard to revisiting the mask mandate issue when numbers were lower and feels it was important to have today's conversation; this will help Kearney move forward.

Moved by Buschkoetter seconded by Nikkila to close the Public Hearing on the adoption of Ordinance No. 8457A, to become effective at 12:01 a.m., Thursday, February 11, 2021, to repeal and rescind Emergency Ordinance No. 8457 which required individuals to wear facial coverings in the City of Kearney, provided exceptions thereof, provided for the enforcement for violations, and established a sunset provision and deny Ordinance No. 8457A. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 5:27 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**