

Kearney, Nebraska
March 12, 2019
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 March 12, 2019 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; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities; Rod Wiederspan, Director of Public Works; Mike Young, Police Captain; Jason Whalen, Fire Administrator and Shawna Erbsen, Administrative Services Director were also present. Members of the media present included: Mike Konz with the Kearney Hub and Ryan Boyd with KGFW.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

Pastor John Watson provided the Invocation.

PLEDGE OF ALLEGIANCE

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 was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

DEVELOPMENT OF THE ARBOR HILLS LOCATED AT 3760 WEST 70TH STREET

Vice-President Buschkoetter opened the public hearings on the applications submitted by Buffalo Surveying Corp. for TS Development, LLC to 1) rezone the property to Rural Residential District (Rural Standards) and 2) final plat and subdivision agreement for The Arbor Hills located at 3760 West 70th Street. At the request of the developer, these items have been requested to be postponed to a future date at the discretion of City Council.

Moved by Nikkila seconded by Moore to postpone Public Hearings 1 and 2 pertaining to the development of The Arbor Hills located at 3760 West 70th Street to a Special City Council Meeting scheduled for March 27, 2019 at 5:30 p.m. in the Council Chambers. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

REZONING OF PROPERTY LOCATED EAST OF IMPERIAL ROAD AND APPROXIMATELY 1,000 FEET NORTH OF HIGHWAY 30

Public Hearings 3 and 4 were discussed together but voted on separately.

Vice-President Buschkoetter opened the public hearing on the application submitted by Miller & Associates for DS Farms, a Nebraska Partnership to rezone from District AG, Agricultural District to District M-1, Limited Industrial District for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Imperial Road and approximately 1,000 feet north of Highway 30) and consider Ordinance No. 8330.

Craig Bennett with Miller & Associates presented this matter to the Council. The property is outside of City limits and is approximately 43 acres; a one lot subdivision will be platted on the final plat. The property is located north of Highway 30, east of Imperial Avenue and is currently zoned Agricultural. The current future land use map shows General Industrial. The infrastructure feasibility plan would be accessed off of Imperial Avenue; each lot will each have their own well and septic. Storm water management would be confined to onsite storm water management to each site. One lot of eight of the preliminary plat will be platted this evening. The final plat for the one lot will be 5.13 acres.

Vice-President Buschkoetter asked about the question brought up by Buffalo County regarding the radius for cul-de-sacs. Mr. Bennett stated at the request of Buffalo County the cul-de-sac will be 66 feet.

Council member Nikkila questioned if this was the only part of the development that would have a new road? Mr. Bennett stated that was correct; it will be a gravel road.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the application submitted by Miller & Associates for DS Farms, a Nebraska Partnership to rezone from District AG, Agricultural District to District M-1, Limited Industrial District for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Imperial Road and approximately 1,000 feet north of Highway 30) and introduced Ordinance No. 8330 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to close the hearing and suspend the rules for Ordinance No. 8330. 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. 8330 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. 8330 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. 8330 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.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR DWAYNE SUBDIVISION

Public Hearings 3 and 4 were discussed together but voted on separately.

Vice-President Buschkoetter opened the public hearing on the application submitted by Miller & Associates for DS Farms, a Nebraska Partnership for the Final Plat and Subdivision Agreement for Dwayne Subdivision, a subdivision being part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Imperial Road and approximately 1,000 feet north of Highway 30) and consider Resolution No. 2019-53.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Nikkila to close the hearing and adopt Resolution No. 2019-53 approving the application submitted by Miller & Associates for DS Farms, a Nebraska Partnership for the Final Plat and Subdivision Agreement for Dwayne

Subdivision, a subdivision being part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (East of Imperial Road and approximately 1,000 feet north of Highway 30). Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2019-53

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Dwayne Subdivision, a subdivision being part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska described as a tract of land being part of the Northwest Quarter of the Southwest Quarter of Section 26, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to a chiseled X at the Northwest Corner of the Northwest Quarter of the Southwest Quarter of Section 26 and assuming the West line of said Northwest Quarter of the Southwest Quarter as bearing S 00°16'33" W and all bearings contained herein are relative thereto; thence S 00°16'33" W on said West line a distance of 346.73 feet to the ACTUAL POINT OF BEGINNING; thence continuing S 00°16'33" W a distance of 349.66 feet to the Northwest corner of an existing tract of land described in Instrument 2006-2004 recorded in the Register of Deeds Office, Buffalo County, Nebraska; thence S 89°43'53" E on the North line of said existing tract of land described in Instrument 2006-2004 and then on the North line of an existing tract of land described in Instrument 2014-3227 recorded in the Register of Deeds Office, Buffalo County, Nebraska, a distance of 687.77 feet to a 5/8" rebar w/cap; thence N 00°17'20" E a distance of 351.11 feet to a 5/8" rebar w/cap; thence N 89°51'09" W a distance of 687.85 feet to the Point of Beginning, containing 5.53 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 terms and requirements of Sections 16-901 through 16-904 inclusive, R.R.S. 1943 (as amended) be accepted and ordered filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

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 12TH DAY OF MARCH, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSHCKOETTER
VICE-PRESIDENT OF THE COUNCIL

REZONING OF PROPERTY LOCATED SOUTH OF 8TH STREET BETWEEN 13TH AVENUE AND 17TH AVENUE

Public Hearings 5, 6 and 7 were discussed together but voted on separately.

Vice-President Buschkoetter opened the public hearing on the Application submitted by Miller & Associates for Kelly J. Rapp, a single person, to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District for property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter and part of Government Lot 1 of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 8th Street between 13th Avenue and 17th Avenue) and consider Ordinance No. 8331.

Craig Bennett with Miller & Associates presented this matter to the Council. The parcel is approximately 7.05 acres and located south of Kenwood Elementary School. The existing zoning is Agricultural and it is requested to be rezoned to R-1 and R-2. The future land use map is LDR which is consistent with R-1 and R-2 zoning. The west and east four lots will be zoned to R-1 and the lots in the middle will be rezoned to R-2 for duplex homes. Existing infrastructure available is already paved on the north side which is 8th Street and the returns for 16th Avenue and 15th Avenue have already been created as well. There is eight inch water and sewer along the north side which will be utilized. The final plat is a 16 lot subdivision.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Miller & Associates for Kelly J. Rapp, a single person, to rezone from District AG, Agricultural District to District R-1, Urban Residential Single-Family District (Low Density) and District R-2, Urban Residential Mixed-Density District for property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter and part of Government Lot 1 of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 8th Street between 13th Avenue and 17th Avenue) and introduced Ordinance No. 8331 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. 8331. 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: . 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 Lear, Nikkila, Moore, Buschkoetter Clerk read Ordinance No. 8331 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. 8331 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. 8331 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.

FINAL PLAT AND SUBDIVISION AGREEMENT FOR PARK VIEW ESTATES NINTH

Public Hearings 5, 6 and 7 were discussed together but voted on separately.

Vice-President Buschkoetter opened the public hearing on the application submitted by Miller & Associates for Kelly J. Rapp, a single person, for the Final Plat and Subdivision Agreement for Park View Estates Ninth, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter and part of Government Lot 1 of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 8th Street between 13th Avenue and 17th Avenue) and consider Resolution No. 2019-54.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and adopt Resolution No. 2019-54 approving the application submitted by Miller & Associates for Kelly J. Rapp, a single person, for the Final Plat and Subdivision Agreement for Park View Estates Ninth, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter and part of Government Lot 1 of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 8th Street between 13th Avenue and 17th Avenue). Roll call resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2019-54

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Park View Estates Ninth, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Northwest Quarter of the Northwest Quarter and part of Government Lot One of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to a Mag Nail at the Northwest corner of the Northwest Quarter of Section of Section 11 and assuming the North line of said Northwest Quarter as bearing S 89°56'36" E and all bearing contained herein are relative thereto; thence S 89°56'36" E on said North line of the Northwest Quarter a distance of 64.99 feet to the Northerly extension of the West line of Park View Estates Seventh, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 00°54'16" W on said Northerly extension, on said West line of Park View Estates Seventh, and on the West line of Park View Estates Eighth, an addition to the City of Kearney, Buffalo County, Nebraska a distance of 1403.64 feet to the Southwest corner of said Park View Estates Eighth; thence S 88°37'03" E on the South line of said Park

View Estates Eighth a distance of 374.92 feet to a 5/8" rebar at the Southeast corner of said Park View Estates Eighth and the ACTUAL POINT OF BEGINNING; thence N 01°22'57" E on the East line of said Park View Estates Eighth a distance of 280.26 feet to a 5/8" rebar at the Northeast corner of Lot 1, Block Three of said Park View Estates Eighth; thence S 88°37'03" E on the South line of 8th Street a distance of 870.21 feet to a 5/8" rebar at the Northwest corner of Lot 1, Block Three of Park View Estates, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 01°11'12" W on the West line of said Block Three of Park View Estates and on its Southerly extension a distance of 365.26 feet to a 5/8" rebar with cap; thence N 88°37'03" W a distance of 209.35 feet to a 5/8" rebar with cap; thence N 01°22'57" E a distance of 25.00 feet to a 5/8" rebar with cap; thence N 88°37'03" W a distance of 447.11 feet to a 5/8" rebar with cap; thence S 01°22'57" W a distance of 25.00 feet to a 5/8" rebar with cap; thence N 88°37'03" W a distance of 215.00 feet to a 5/8" rebar with cap on the Southerly extension of the East line of said Block Three of Park View Estates Eighth; thence N 01°22'57" E on said Southerly extension of the East line of said Block Three a distance of 85.00 feet to the Point of Beginning, containing 7.05 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 12TH DAY OF MARCH, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSHCKOETTER
VICE-PRESIDENT OF THE COUNCIL

ANNEXATION OF PARK VIEW ESTATES NINTH

Public Hearings 5, 6 and 7 were discussed together but voted on separately.

Vice-President Buschkoetter opened the public hearing on the application submitted by Miller & Associates for Kelly J. Rapp, a single person, for the annexation of Park View Estates Ninth, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter and part of Government Lot 1 of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 8th Street between 13th Avenue and 17th Avenue) and consider Resolution No. 2019-55.

There was no one present in opposition to this hearing.

Moved by Buschkoetter seconded by Nikkila to close the hearing and adopt Resolution No. 2019-55 approving the application submitted by Miller & Associates for Kelly J. Rapp, a single person, for the annexation of Park View Estates Ninth, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter and part of Government Lot 1 of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (South of 8th Street between 13th Avenue and 17th Avenue). Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2019-55

WHEREAS, an Application has been submitted by Miller & Associates for Kelly J. Rap, a single person, for the inclusion of Park View Estates Ninth, an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the Northwest Quarter of the Northwest Quarter and part of Government Lot One of Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and more particularly described as follows: Referring to a Mag Nail at the Northwest corner of the Northwest Quarter of Section of Section 11 and assuming the North line of said Northwest Quarter as bearing S 89°56'36" E and all bearing contained herein are relative thereto; thence S 89°56'36" E on said North line of the Northwest Quarter a distance of 64.99 feet to the Northerly extension of the West line of Park View Estates Seventh, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 00°54'16" W on said Northerly extension, on said West line of Park View Estates Seventh, and on the West line of Park View Estates Eighth, an addition to the City of Kearney, Buffalo County, Nebraska a distance of 1403.64 feet to the Southwest corner of said Park View Estates Eighth; thence S 88°37'03" E on the South line of said Park View Estates Eighth a distance of 374.92 feet to a 5/8" rebar at the Southeast corner of said Park View Estates Eighth and the ACTUAL POINT OF BEGINNING; thence N 01°22'57" E on the East line of said Park View Estates Eighth a distance of 280.26 feet to a 5/8" rebar at the Northeast corner of Lot 1, Block Three of said Park View Estates Eighth; thence S 88°37'03" E on the South line of 8th Street a distance of 870.21 feet to a 5/8" rebar at the Northwest corner of Lot 1, Block Three of Park View Estates, an addition to the City of Kearney, Buffalo County, Nebraska; thence S 01°11'12" W on the West line of said Block Three of Park View Estates and on its Southerly extension a distance of 365.26 feet to a 5/8" rebar with cap; thence N 88°37'03" W a distance of 209.35 feet to a 5/8" rebar with cap; thence N 01°22'57" E a distance of 25.00 feet to a 5/8" rebar with cap; thence N 88°37'03" W a distance of 447.11 feet to a 5/8" rebar with cap; thence S 01°22'57" W a distance of 25.00 feet to a 5/8" rebar with cap; thence N 88°37'03" W a distance of 215.00 feet to a 5/8" rebar with cap on the Southerly extension of the East line of said Block Three of Park View Estates Eighth; thence N 01°22'57" E on said Southerly extension of the East line of said Block Three a distance of 85.00 feet to the Point of Beginning, containing 7.05 Acres, more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on February 15, 2019 on the inclusion of Park View Estates Ninth 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 Park View Estates Ninth, 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 March 12, 2019 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 Park View Estates Ninth 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 Park View Estates Ninth 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 12TH DAY OF MARCH, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSHCKOETTER
VICE-PRESIDENT OF THE COUNCIL

IV. CONSENT AGENDA

Moved by Nikkila seconded by Moore that Subsections 1 through 17 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

- 1. Approve Minutes of Regular Meeting held February 26, 2019.
- 2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental
 - CO Capital Outlay
 - DS Debt Service

Adventure Enterprises \$845.00 smcs; Alfred Benesch \$999.49 co; Amazon \$1,984.05 smcs; American First Aid \$124.27 smcs; Appliance Pros \$121.00 smcs; Ask Supply \$1,412.64 smcs; Audiology & Hearing Cent \$309.46 smcs; Aurora Cooperative \$53.76 smcs; Auto Value Parts Store \$1,030.68 smcs; Baker & Taylor \$5,532.05 smcs; Barrera,J \$100.00 smcs; Bednarz,A \$85.00 smcs; Belson Outdoors \$458.40 smcs; Blackstone Publishing \$1,282.33 smcs; Blackstrap \$1,547.68 smcs; Blessing \$24,774.94 co; Bosselman Energy \$62,637.24 smcs; Bridgett Lavene Consulting \$2,500.00 smcs; Broadfoot's \$2,046.45 smcs; Brungardt Engineering \$36,697.08 co; Buff. Co. Register of Deed \$162.00 smcs; Buffalo Co Court \$101.70 ps; Builders

Warehouse \$154.12 smcs; Caninie Tactical \$11,500.00 co; Cash-Wa \$667.03 smcs; Center Point Publishing \$75.96 smcs; Central Hydraulics \$167.85 smcs; Central NE Bobcat \$42,183.06 smcs; Chen,T \$16.00 smcs; Chesterman \$136.50 smcs; Christensen,C \$116.00 smcs; Cigna \$7,382.83 smcs; Cisneros,I \$77.37 smcs; City of Ky \$416,383.44 ps; City Plumbing \$111.40 smcs; Civic Plus \$682.50 smcs; Comm. Act. Part. Mid-NE \$502.00 smcs; Comm. Health Agencies Dr \$102.00 ps; Comm. Serv. Fund of NE \$58.00 ps; Copycat Printing \$217.41 smcs; Cox,P \$109.60 smcs; Credit Management \$101.45 ps; Cummins \$1,428.66 smcs; Duran,C \$10.44 smcs; Eakes Office Solutions \$182.50 smcs; Eggen,M \$119.70 smcs; Elliott Equipment \$1,277.84 smcs; Enforcement Video \$112.00 smcs; Eppenbach,W \$468.00 smcs; Farmers Union \$700.00 smcs; Fearnley,M \$50.17 smcs; Felsburg Holt & Ullevig \$1,680.00 smcs; First Holiday Tour & Trav \$746.00 smcs; Fitzgerald,S \$34.01 smcs; Flaherty,T \$153.00 smcs; Flinn Paving \$4,207.88 smcs; Frontier \$73.98 smcs; Fry & Associates, Inc \$47,000.00 co; Ft. Ky Outdoor Expo \$1,000.00 smcs; Gale \$797.63 smcs; Gillming,R \$40.00 smcs; Goos,R \$95.00 smcs; Graczyk Lawn \$2,835.00 smcs; Greater NE Cities \$1,000.00 smcs; Hahn,S \$700.00 smcs; Herrera,P \$48.21 smcs; Herrick,J \$114.00 smcs; Hill,M \$16.00 smcs; HM Life Insurance Co. \$55,025.07 smcs; Holiday Inn \$8,259.55 smcs; Huber,L \$25.73 smcs; Humanities Nebraska \$75.00 smcs; ICMA \$6,310.80 ps; IRS \$148,600.43 ps; Kappel,C \$468.00 smcs; Ky Animal Shelter \$7,808.00 smcs; Ky Area United Way \$442.42 ps; Ky Catholic High \$118.62 smcs; Ky High School-Echo \$140.00 smcs; Kinnison,B \$770.00 smcs; Konica \$1,040.26 smcs; Landmark Implement \$9,572.35 co; Liljehorn,M \$350.00 smcs; Lunbery,S \$770.00 smcs; Lund,L \$5.42 smcs; M.P. Wilken Inc. \$59.35 smcs; Mac Tools \$568.02 smcs; Magic Cleaning \$6,150.00 smcs; Malleck,J \$31.84 smcs; Menards \$89.94 smcs; Merryman Performing Arts \$1,604.92 smcs; Midway Chevrolet \$30,849.00 co; Midwest Connect \$7,237.27 smcs; Milco Environmental \$4,620.95 smcs; Miller & Associates \$4,200.00 co; Miller Signs \$850.00 co; Morgan,M \$76.84 smcs; Morris Press \$906.98 smcs; Municipal Code \$202.52 smcs; Municipal Emergency \$1,379.16 ps; NE Cemetery Assoc. \$40.00 smcs; NE Child Support Pmt \$2,448.89 ps; NE Dept of Labor/Finance \$600.00 smcs; NE Dept. of Revenue \$49,761.58 ps; NE Library Commission \$1,500.00 smcs; NE Machinery \$210,970.00 co; NE-IAI Secretary/Treas. \$50.00 smcs; New Deal Deicing \$11,746.00 smcs; Northwest Electric \$1,710.40 smcs; Northwestern Energy \$2,717.25 smcs; Paramount \$143.15 smcs; Payflex \$544.00 ps, smcs; Penguin Random House \$145.00 smcs; Penworthy \$719.86 smcs; Petzold,M \$40.00 smcs; Presto-X \$683.00 smcs; Recorded Books \$334.80 smcs; Rivera,R \$129.35 smcs; Robbins,H \$75.00 smcs; Robinson,D \$400.00 smcs; Rodehorst,K \$29.24 smcs; Sabah,B \$500.00 smcs; Sapp Brothers \$19,552.30 smcs; School District #7 \$1,086.00 smcs; Schroer,J \$235.00 smcs; Schwarz,G \$96.00 smcs; Schwarz,Z \$89.60 smcs; See Clear Cleaning \$2,050.00 smcs; Shedding Solutions \$45.00 smcs; Sobotka,J \$168.89 smcs; SOS Portable Toilets \$220.00 smcs; TLO \$880.00 smcs; Transportation Control Sys. \$5,321.13 smcs; Tye & Rowling \$13,753.18 smcs; Union Bank & Trust \$77,882.03 ps; University of NE-Lincoln \$150.00 smcs; Village Cleaners \$413.93 smcs; Waggoner Plumbing \$12,278.00 co,smcs; Ward Laboratories \$19.25 smcs; Payroll Ending 03/02/2019 -- \$466,183.32. 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. Approve the Special Event Permit Applications to conduct the following:
 - a) Trevor Schaben on behalf of Thunderhead Brewing to temporarily close the parking lot located north of City Hall (east of Avenue A and south of 23rd Street) from 10:00 a.m. to 10:00 p.m. on Saturday, April 27, 2019 for an event called Thunder Fest.
 - b) Grand Lodge of Nebraska for the Masonic Band marching practice and marching parade to use University Drive, 29th Street and 5th Avenue on May 28, 2019 through May 31, 2019 and June 1, 2019.

4. Approve the Special Event Permit Application to conduct the Senior Games Cycling to temporarily close portions of East 1st Street from the Archway to Avenue M, north on Avenue M to 11th Street, east on 11th Street to Kearney East Expressway, south on Kearney East Expressway to East 1st Street to the Archway on August 2, 3 and 4, 2019 and adopt Resolution No. 2019-56 making application to the Nebraska Department of Roads for a Permit to use the west southbound lane of Kearney East Expressway.

RESOLUTION NO. 2019-56

WHEREAS, the City of Kearney has received and approved an application to conduct a cycling race on August 3 and August 4, 2019 beginning at 6:00 a.m. and ending at 11:00 a.m.; and

WHEREAS, the route for the cycling race will begin at The Archway located at 3060 East 1st Street, west on East 1st Street, north on Avenue M, east on 11th Street, south on Kearney East Expressway (using the west southbound lane) and east on East 1st Street concluding at The Archway; and

WHEREAS, with the passage of LB 589, the City of Kearney accepts the duties of protecting the public from damage, injury, or death on August 3 and August 4, 2019 beginning at 6:00 a.m. and ending at 11:00 a.m.; and

WHEREAS, the City of Kearney will assume control of the state highway property, more specifically the west southbound lane of Kearney East Expressway beginning at the intersection of 11th Street to East 1st Street on August 3 and August 4, 2019 from 6:00 a.m. until 11:00 a.m. and relinquish control of such state highway property to the state; and

WHEREAS, the City is not closing Kearney East Expressway; instead law enforcement will assist with traffic control along with barricade materials closing the west southbound lane of Kearney East Expressway from 11th Street to East 1st Street and

WHEREAS, the City of Kearney accepts the duty to protect the State from damage to its property that may occur arising out of the said cycling race.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, to approve the cycling race scheduled for August 3 and August 4, 2019 beginning at 6:00 a.m. and ending at 11:00 a.m. and that the City accepts the duties of protecting the public from damage, injury, or death associated with said cycling race.

BE IT FURTHER RESOLVED that the City of Kearney will assume control of the state highway property, more specifically west southbound lane of Kearney East Expressway beginning at 11th Street to East 1st Street on August 3 and August 4, 2019

from 6:00 a.m. until 11:00 a.m. and that after such time the City will relinquish control of such state highway property to the state.

BE IT FURTHER RESOLVED that the City of Kearney accepts the duty to protect the State from damage to its property that may occur arising out of the said cycling race.

BE IT FURTHER RESOLVED that the City of Kearney agrees to indemnify, defend, and hold harmless the State of Nebraska Department of Transportation from all claims, demands, actions, damages, and liability, including reasonable attorney's fees that may arise as a result of the said cycling race.

PASSED AND APPROVED THIS 12TH DAY OF MARCH, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSHCKOETTER
VICE-PRESIDENT OF THE COUNCIL

5. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropicco in connection with their Class IBK-37623 catering liquor license to dispense alcoholic liquor in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on Saturday, April 13, 2019 from 6:00 p.m. until 1:00 a.m. (alternate date would be Saturday, April 20, 2019, same time and location) for a dance.

6. Approve the amendments made to the Minutes of Regular Meeting held September 11, 2018 to include addition of the full text descriptions of Resolution Nos. 2018-151 and 2018-155.

7. Approve the Special Event Permit Application and Agreement submitted by Central Nebraska Auto Club to temporarily close Central Avenue from 25th Street to North Railroad Street, 24th Street from 1st Avenue to Avenue A, 23rd Street from 1st Avenue to Avenue A, 21st Street from 1st Avenue to Avenue A, the parking lot located west of Cunningham's Journal, the parking lot located behind City Hall, and the parking lot located north of MONA in conjunction with Cruise Nite 2019 scheduled for July 20, 2019. Parking on these public properties will be prohibited on July 20, 2019 beginning at 2:00 a.m. and adopt Resolution No. 2019-57 making application to the Nebraska Department of Transportation for a Permit to use Highway 30 and Central Avenue.

RESOLUTION NO. 2019-57

WHEREAS, the City of Kearney has received and approved an application to conduct a parade on July 20, 2019 beginning at 5:00 p.m. and ending at 6:30 p.m.; and

WHEREAS, the route for the parade will begin at Central Avenue and Railroad Street, go north on Central Avenue and dispersing at the intersection of 31st Street and Central Avenue; and

WHEREAS, with the passage of LB 589, the City of Kearney accepts the duties of protecting the public from damage, injury, or death on July 20, 2019 beginning at 5:00 p.m. and ending at 6:30 p.m.; and

WHEREAS, the City of Kearney will assume control of the state highway property, more specifically the intersection of Central Avenue and 25th Street (Highway 30) on July 20, 2019 from 5:00 p.m. until 6:30 p.m. and relinquish control of such state highway property to the state; and

WHEREAS, the City is not closing Highway 30; law enforcement stops the parade and allows traffic on Highway 30 to proceed and does not allow long waits for the Highway 30 traffic; and

WHEREAS, the City of Kearney accepts the duty to protect the State from damage to its property that may occur arising out of the said parade.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, to approve the parade scheduled for July 20, 2019 beginning at 5:00 p.m. and ending at 6:30 p.m. and that the City accepts the duties of protecting the public from damage, injury, or death associated with said parade.

BE IT FURTHER RESOLVED that the City of Kearney will assume control of the state highway property, more specifically the intersection of Central Avenue and 25th Street (Highway 30), on July 20, 2019 from 5:00 p.m. until 6:30 p.m. and that after such time the City will relinquish control of such state highway property to the state.

BE IT FURTHER RESOLVED that the City of Kearney accepts the duty to protect the State from damage to its property that may occur arising out of the said parade.

BE IT FURTHER RESOLVED that the City of Kearney agrees to indemnify, defend, and hold harmless the State of Nebraska Department of Transportation from all claims, demands, actions, damages, and liability, including reasonable attorney's fees that may arise as a result of the said parade.

PASSED AND APPROVED THIS 12TH DAY OF MARCH, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSHCKOETTER
VICE-PRESIDENT OF THE COUNCIL

8. Adopt Resolution No. 2019-58 designating Airport Manager Jim Lynaugh as the Liaison Officer for the implementation and monitoring of the Disadvantaged Business Enterprise (DBE) Program at the Kearney Regional Airport.

RESOLUTION NO. 2019-58

WHEREAS, Resolution No. 99-261 was passed and approved on December 28, 1999 by the Kearney City Council adopting the Disadvantaged Business Enterprise (DBE) Program; and

WHEREAS, as a requirement of the DBE Program, the Airport Manager is generally designated as the Liaison Officer and is responsible for implementing and monitoring all aspects of the DBE Program and will ensure that the Kearney Regional Airport will comply with all provisions of 49 CFR Part 26.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska that Airport Manager Jim Lynaugh be and is hereby designated as the Liaison Officer for the implementation and monitoring of the Disadvantaged Business Enterprise (DBE) Program at the Kearney Regional Airport.

PASSED AND APPROVED THIS 12TH DAY OF MARCH, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSHCKOETTER
VICE-PRESIDENT OF THE COUNCIL

9. Accept the Proposals received for the construction of sidewalks and miscellaneous concrete work in City parks and award the Proposal submitted by S & J Construction in the amount of \$66,567.50.

10. Adopt Resolution No. 2019-59 approving Change Order No. 2 showing an increase in the amount of \$9,553.75 submitted by Walters Morgen Construction, Inc. and approved by Miller & Associates for the construction of construction of the Solids Handling Building at the Wastewater Treatment Facility.

RESOLUTION NO. 2019-59

WHEREAS, Walters-Morgan Construction, Inc. of Manhattan, Kansas has performed services in connection with the construction of the Solids Handling Building at the Wastewater Treatment Facility, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an increase to the contract sum in the amount of \$9,553.75 as shown on Exhibit "A" attached hereto and made a part hereof by reference.

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

PASSED AND APPROVED THIS 12TH DAY OF MARCH, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSHCKOETTER
VICE-PRESIDENT OF THE COUNCIL

11. Adopt Resolution No. 2019-60 accepting the Statement of Qualifications received for the Engineering Consultant to assist with the Community Development Block Grant Program (CDBG 16-CD-203) for Comprehensive Development, Year 2, award the Proposal submitted by Miller & Associates and approve the Professional Service Consultant Agreement with Miller & Associates.

RESOLUTION NO. 2019-60

WHEREAS, the City of Kearney has recently been awarded Comprehensive Development, Year 2 in connection with the Community Development Block Grant Program (CDBG) Grant No. 16-CD-203; and

WHEREAS, on February 13, 2019, the City of Kearney sought statements of qualifications for Design and Construction Engineering Services to assist the funding to complete sidewalk and ADA ramp improvements within a neighborhood in central Kearney; and

WHEREAS, on March 1, 2019 at 4:00 p.m., the sealed statements of qualifications were reviewed and City staff have recommended the statement of qualification offered by Miller & Associates of Kearney, Nebraska be accepted as the recommended Engineer for Design and Construction Engineering Services for Comprehensive Development, Year 2 in connection with the Community Development Block Grant Program (CDBG) Grant No. 16-CD-203.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed

to execute, on behalf of the City of Kearney, the Professional Service Consultant Agreement for Community Development Block Grant Program between the City of Kearney and Miller & Associates as the Engineer for Design and Construction Engineering Services for Grant No. 16-CD-203, as set forth in the Contract. The said Contract, marked Exhibit "A", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Manager be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Kearney and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 12TH DAY OF MARCH, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSHCKOETTER
VICE-PRESIDENT OF THE COUNCIL

12. Adopt Resolution No. 2019-61 accepting the Proposals received for Construction Management Administration Services to assist with the Community Development Block Grant Program (CDBG 16-CD-203) for Comprehensive Development, Year 2, award the Proposal submitted by Miller & Associates in the amount of \$10,000.00 and approve the Construction Management Services Contract with Miller & Associates.

RESOLUTION NO. 2019-61

WHEREAS, the City of Kearney has recently been awarded Comprehensive Development, Year 2 in connection with the Community Development Block Grant Program (CDBG) Grant No. 16-CD-203; and

WHEREAS, on February 13, 2019, the City of Kearney requested proposals seeking Construction Management Administration Services to assist the funding to complete sidewalk and ADA ramp improvements within a neighborhood in central Kearney; and

WHEREAS, on March 1, 2019 at 4:00 p.m., the sealed proposals were reviewed and City staff have recommended the proposal offered by Miller & Associates of Kearney, Nebraska in the amount of \$10,000.00 be accepted as the recommended Construction Management Administrator for Comprehensive Development, Year 2 in connection with the Community Development Block Grant Program (CDBG) Grant No. 16-CD-203.

NOW, THEREFORE, BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute, on behalf of the City of Kearney, the Construction Management Services Contract for Community Development Block Grant Program for Sidewalk/ADA Improvements between the City of Kearney and Miller & Associates as Construction Management Administrator for Grant No. 16-CD-203, as set forth in the Contract. The said Contract, marked Exhibit "A", is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Manager be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Kearney and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 12TH DAY OF MARCH, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSHCKOETTER
VICE-PRESIDENT OF THE COUNCIL

13. Approve the application for a Special Designated License submitted by Thunderhead Brewing Company to dispense alcoholic liquor inside an outdoor 175 feet x 115 feet fenced area located in the parking lot (east of Avenue A and south of 23rd Street) north of City Hall located at 18 East 22nd Street on Saturday, April 27, 2019 from 2:00 p.m. until 8:00 p.m. for an event known as Thunder Fest.
14. Approve the Kearney Police Department purchase of taser equipment from Axon Enterprises, Inc. in the amount of \$65,040.00.
15. Approve the Plans and Specifications for the 2019 Part 3 Improvements for reconstruction A Avenue, from 25th Street to 27th Street and set the bid opening date for April 2, 2019 at 2:00 p.m.
16. Accept the bids received for the 2019 Part 1 Improvements; Younes Center Sixth Addition for the construction of water and sewer infrastructure (Bid A) and in connection with Paving Improvement District Nos. 2019-996 and 2019-997 (Bid B) and adopt Resolution No. 2019-62 awarding Bid A to Midlands Contracting in the amount of \$1,302,048.00.

RESOLUTION NO. 2019-62

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on February 19, 2019 at 2:00 p.m. for the 2019 Part 1 Improvements; Younes Center Sixth Addition for construction of water and sewer infrastructure (Bid A) and in connection with Paving Improvement District Nos. 2019-996 and 2019-997 (Bid B) ; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost for the project (Bid A) was \$1,509,640.00 for 2019 Part 1 Improvements; Younes Center Sixth Addition for construction of water and sewer infrastructure (Bid A) and in connection with Paving Improvement District Nos. 2019-996 and 2019-997(Bid B); and

WHEREAS, Miller & Associates and the City have recommended the bid offered by Midlands Contracting of Kearney, Nebraska in the amount of \$1,302,048.00 be accepted as the lowest responsible bid for Bid A for 2019 Part 1 Improvements; Younes Center Sixth Addition for construction of water and sewer infrastructure (Bid A) and in connection with Paving Improvement District Nos. 2019-996 and 2019-997 (Bid B).

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 be and is the lowest responsible bidder for Bid A for the 2019 Part 1 Improvements; Younes Center Sixth Addition for construction of water and sewer infrastructure (Bid A) and in connection with Paving Improvement District Nos. 2019-996 and 2019-997 (Bid B) to be constructed in accordance with the plans and specifications on file with the City Clerk and that the Bid A of Midlands Contracting in the amount of \$1,302,048.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost (Bid A) in the amount of \$1,509,640.00 for 2019 Part 1 Improvements; Younes Center

Sixth Addition for construction of water and sewer infrastructure (Bid A) and in connection with Paving Improvement District Nos. 2019-996 and 2019-997 (Bid B) be and is hereby accepted.

BE IT FURTHER RESOLVED that the 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 12TH DAY OF MARCH, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

RANDY BUSHCKOETTER
VICE-PRESIDENT OF THE COUNCIL

17. Approve the application for a Special Designated License submitted by Miretta Vineyards & Winery Inc., dba Miletta Vista Winery in connection with their YK-077615 liquor license to cater and dispense alcoholic liquors inside the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N on Saturday, April 13, 2019 from 9:00 a.m. until 5:00 p.m. for a craft fair.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8332 AMENDING SECTION 8-2001 OF CHAPTER 8 OF CITY CODE

Council Member Moore introduced Ordinance No. 8332 amending Section 8-2001 "Definitions" of Article 20 "Aggravated Public Nuisances" of Chapter 8 "Police" of the City Code to amend the state statue referencing the definition of cannabis, 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. 8332. 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 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. 8332 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8332 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. 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. 8332 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. 8333 AMENDING SEVERAL SECTIONS OF CHAPTER 6 OF CITY CODE

Council Member Moore introduced Ordinance No. 8333 amending several sections under Article 1 “General Provisions” of Chapter 6 “Library” of the City Code including Section 6-101 “Library; Established; How Designated” to remove incorrect building name; Section 6-102 “Library; Definitions” to add and amend definitions; and Section 6-110 “Library; Damages, Etc., to Library Property” to remove video tapes and replace with DVD and CD, 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. 8333. 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 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. 8333 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Moore, Buschkoetter, Lear, Nikkila. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 8333 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Lear, Nikkila, Moore. 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. 8333 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**OPEN ACCOUNT CLAIMS**

Moved by Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$1608.44 payable to Nebraska Public Power District and the Open Account Claim in the amount of \$342.91 payable to Stan Clouse be allowed. Roll call resulted as follows: Aye: Lear, Nikkila, Moore, Buschkoetter. Nay: None. Clouse absent. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Buschkoetter seconded by Nikkila that Council adjourn at 5:49 p.m. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter, Lear. Nay: None. Clouse absent. Motion carried.

ATTEST:

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

LAUREN BRANDT
CITY CLERK