

*Kearney, Nebraska
July 9, 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 July 9, 2019 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: Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Eric Hellriegel, Assistant City Manager; Tony Jelinek, Director of Utilities and Rod Wiederspan, Director of Public Works 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 Chad Anderson provided the Invocation.

PLEDGE OF ALLEGIANCE

Two Girl Scouts from Troop 610 led the Council members and audience in the Pledge of Allegiance.

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.

RECOGNITION/ ORAL COMMUNICATIONS

Bill Luke's recognition of the Shield 616 program. Mr. Luke thanked everyone on behalf of the Shield 616 all-volunteer committee. The committee is trying to do three things for the Kearney Police Department, Buffalo County Sherriff's Office and UNK Police Department: equip them with better protective gear that will give them more protection against rifles and long guns, try to get additional people to sign up for unsigned backup to pray for police officers and for officers that want to be prayed for and improve the connection or build new connections between the community and officers. Forty-one police officers have already been protected with the new gear and twenty-five more will

receive the new gear on July 23rd. This will put the program at 65% of their goal. Mr. Luke passed around invitations to the July 23rd ceremony.

The oath of office to Police K-9 Officer, Bane was postponed until the July 23rd City Council meeting.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

VACATE A 17 FOOT STRIP APPROXIMATELY 200 FEET NORTH ALONG THE WEST SIDE OF CENTRAL AVENUE FROM THE INTERSECTION OF EAST 1ST STREET AND CENTRAL AVENUE

Mayor Clouse stated the City was notified by the developer requesting to postpone until July 23, 2019 the public hearing on the application submitted by Olsson for Blessing Premier Property, LLC to vacate a tract of land being 17 feet in width, located along the west line of Central Avenue as originally platted at a width of 100 feet located in Government Lot 8, Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (approximately 200 feet north along the west side of Central Avenue from the intersection of East 1st Street and Central Avenue).

Moved by Nikkila seconded by Moore to postpone until July 23, 2019 the Application submitted by Olsson for Blessing Premier Property, LLC to vacate a tract of land being 17 feet in width, located along the west line of Central Avenue as originally platted at a width of 100 feet located in Government Lot 8, Section 12, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (approximately 200 feet north along the west side of Central Avenue from the intersection of East 1st Street and Central Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

REZONING OF PROPERTY LOCATED 8765 17TH AVENUE

Public Hearings 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying Corp. for Mark Kottmeyer and Anna Eileen Kottmeyer, husband and wife, to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of the South Half of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8765 17th Avenue) and consider Ordinance No. 8353.

Mitch Humphrey with Buffalo Surveying Corporation presented this matter to the Council. The property contains 4.07 acres. The Kottmeyers would like to divide off a lot to provide an area for a home to be built; the property will need to be rezoned to RR-1. The property is located in a flood plain. The site will be accessed by an ingress egress easement that is privately maintained. The future land use map shows rural estates

and agriculture which conforms with this request.

There was no one present in opposition to this hearing.

Moved by Moore to close the public hearing on the Application submitted by Buffalo Surveying Corp. for Mark Kottmeyer and Anna Eileen Kottmeyer, husband and wife, to rezone from District AG, Agricultural District to District RR-1, Rural Residential District (Rural Standards) for property described as a tract of land being part of the South Half of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8765 17th Avenue) and introduced Ordinance No. 8353 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter seconded the motion to close the hearing and suspend the rules for Ordinance No. 8353. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear 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. 8353 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 8353 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8353 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 FOR K AND S SUBDIVISION

Public Hearings 2 and 3 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Buffalo Surveying Corp. for Mark Kottmeyer and Anna Eileen Kottmeyer, husband and wife for the Final Plat for K and S Subdivision, a subdivision being part of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8765 17th Avenue) and consider Resolution No. 2019-105.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No.

2019-105 approving the Final Plat for K and S Subdivision, a subdivision being part of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (8765 17th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2019-105

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of K and S Subdivision, a subdivision being part of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska for a tract of land being part of the South Half of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of Section 11 and assuming the West line of the Southwest Quarter of Section 11 as bearing NORTH and all bearings contained herein are relative thereto; thence NORTH on the West line of the Southwest Quarter of said Section 11 a distance of 1042.7 feet; thence leaving the West line of the Southwest Quarter of said Section 11, N 81°18' E a distance of 609.95 feet; thence N 81°40'44" E a distance of 170.26 feet; thence N 81°10' E a distance of 146.5 feet; thence N 74°04' E a distance of 289.36 feet to the ACTUAL PLACE OF BEGINNING; thence continuing N 74°04' E a distance of 267.05 feet; thence N 43°16' E a distance of 106.23 feet; thence SOUTH a distance of 644.34 feet; thence N 87°08'30" W a distance of 330.10 feet; thence N 00°04'32" W a distance of 476.49 feet to the place of beginning; containing 4.07 acres, more or less; TOGETHER WITH; Non-exclusive rights of ingress and egress across a tract of land 40.0 feet in width being part of the South Half of the Southwest Quarter of Section 11, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest Corner of Section 11 and assuming the West line of Southwest Quarter of said Section 11 as bearing NORTH and all bearings contained herein are relative thereto; thence NORTH on the West line of the Southwest Quarter of said Section 11 a distance of 548.78 feet the ACTUAL PLACE OF BEGINNING; thence continuing on the West line of the Southwest Quarter of said Section 11, NORTH a distance of 40.05 feet; thence leaving the West line of the Southwest Quarter of said Section 11, N 89°07' E a distance of 603.0 feet; thence continuing on the aforescribed course, N 89°07' E a distance of 386.48 feet; thence N 03°34'36" E a distance of 191.32 feet; thence S 87°08'30" E a distance of 524.29 feet; thence SOUTH a distance of 40.05 feet; thence N 87°08'30" W a distance of 486.84 feet; thence S 03°34'36" W a distance of 188.85 feet; thence S 89°08'25" W a distance of 1026.90 feet to the place of beginning, 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 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 9TH DAY OF JULY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONING OF PROPERTY LOCATED AT 6615 56TH AVENUE

Mayor Clouse stated the City was notified by the developer requesting to postpone until July 23, 2019 the Application submitted by Buffalo Surveying Corp. for Douglas Trampe and Marla Trampe, husband and wife, to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land being part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (6615 56th Avenue).

Moved by Nikkila seconded by Moore to postpone until July 23, 2019 the Application submitted by Buffalo Surveying Corp. for Douglas Trampe and Marla Trampe, husband and wife, to rezone from District AG, Agricultural District to District RR-2, Rural Residential District (Intermediate Standards) for property described as a tract of land being part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (6615 56th Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

FINAL PLAT FOR TRAMPE SUBDIVISION

Mayor Clouse stated the City was notified by the developer requesting to postpone until July 23, 2019 the Application submitted by Buffalo Surveying Corp. for Douglas Trampe and Marla Trampe, husband and wife for the Final Plat for Trampe Estates, a subdivision being part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (6615 56th Avenue).

Moved by Nikkila seconded by Moore to postpone until July 23, 2019 the Final Plat for Trampe Estates, a subdivision being part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, for property described as a tract of land being part of the East Half of the Northwest Quarter of Section 20, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (6615 56th Avenue). Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

AMENDMENT TO LAND USE MAP FOR PROPERTY LOCATED NORTH OF 16TH STREET AND 12TH AVENUE

Public Hearings 6, 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Marc Willis for Willis Storage, LLC for an amendment to the Land Use Map of the City of Kearney

Comprehensive Development Plan from Office/Commercial Retail Mixed Uses and Commercial Mixed Use to Light Industrial for property described as Lot 3, Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of 16th Street and 12th Avenue) and consider Resolution No. 2019-107.

Paul Brungardt with Brungardt Engineering presented this matter to the Council. Mr. Brungardt demonstrated on PowerPoint how easements will be moved and lots redesigned. Lot 1 of Fuller and Daley First Addition will now have an easement on the west side of the lot instead of the east side, Lot 2 of Fuller and Daley First will remain the same and Lot 3 of Fuller and Daley First Addition will be combined into Lot 1 of Fuller and Daley Third Addition; there will also be Lots 2 and 3 in Fuller and Daley Third Addition. All of the lots will be zoned M-1/PD. Mr. Brungardt reviewed the infrastructure plans for the new development with Council. The road will be a 25-foot wide private drive with six foot pavement. This is all for more storage facilities.

Mayor Clouse stated Planning Commission recommended approval subject to one specific deviation. The Developer did not have a problem with the deviation.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Buschkoetter to close the hearing and adopt Resolution No. 2019-107 approving the amendment to the Land Use Map of the City of Kearney Comprehensive Development Plan from Office/Commercial Retail Mixed Uses and Commercial Mixed Use to Light Industrial for property described as Lot 3, Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of 16th Street and 12th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2019-107

WHEREAS, an application for a revision of the Land Use Map of the Comprehensive Plan has been filed in conjunction with and as a requisite part of its application for a change in the zoning for Lot 3, Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska from Office/Commercial Retail Mixed Uses and Commercial Mixed Use to Light Industrial; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Comprehensive Land Use Plan be and is hereby amended to change from Office/Commercial Retail Mixed Uses and Commercial Mixed Use to Light Industrial the use classification for Lot 3, Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

PASSED AND APPROVED THIS 9TH DAY OF JULY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

REZONING OF PROPERTY LOCATED NORTH OF 16TH STREET AND 12TH AVENUE

Public Hearings 6, 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Marc Willis for Willis Storage, LLC to rezone from District M-1, Limited Industrial District to District M-1/PD, Limited Industrial/Planned Development Overlay District for property described as Lot 3, Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of 16th Street and 12th Avenue) and consider Ordinance No. 8355.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by Marc Willis for Willis Storage, LLC to rezone from District M-1, Limited Industrial District to District M-1/PD, Limited Industrial/Planned Development Overlay District for property described as Lot 3, Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of 16th Street and 12th Avenue) and introduced Ordinance No. 8355 and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance No. 8355. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear 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. 8355 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Motion carried. Lear absent. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8355 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8355 is declared to be lawfully passed and adopted upon publication in pamphlet form and made available to the public at the Office of the City Clerk, the Kearney Police Department and the Kearney Public Library.

VACATE AN ACCESS EASEMENT LOCATED NORTH OF 16TH STREET AND 12TH AVENUE

Public Hearings 6, 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the application submitted by Marc Willis for BK Development LLC to vacate an access easement being the east 40 feet of Lot 1, Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of 16th Street and 12th Avenue) and consider Ordinance No. 8356.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the Application submitted by Marc Willis for BK Development LLC to vacate an access easement being the east 40 feet of Lot 1, Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of 16th Street and 12th Avenue) and introduced Ordinance No. 8356 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. 8356. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear 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. 8356 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8356 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8356 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.

DEVELOPMENT OF FULLER AND DALEY THIRD ADDITION

Public Hearings 6, 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Applications submitted by Marc Willis for Willis Storage LLC and BK Development LLC for (1) the vacation of Lot 3, Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska and consider Ordinance No. 8357; (2) the vacation of Lot 9, Block 1, Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska (North of

16th Street, between 11th Avenue and 12th Avenue) and consider Ordinance No. 8358; and (3) the Final Plat and Subdivision Agreement for Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being Lot 3, Fuller and Daley First Addition (to be vacated), an addition to the City of Kearney, Buffalo County, Nebraska, and Lot 9, Block 1 (to be vacated), Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, located in the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, (North of 16th Street, between 11th Avenue and 12th Avenue) and consider Resolution No. 2019-108.

There was no one present in opposition to this hearing.

Moved by Buschkoetter to close the public hearing on the Application submitted by Marc Willis for Willis Storage LLC and BK Development LLC for property located North of 16th Street, between 11th Avenue and 12th Avenue and introduced Ordinance No. 8357 vacating Lot 3, Fuller and Daley First Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and Ordinance No. 8358 vacating Lot 9, Block 1, Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council member Clouse seconded the motion to close the hearing and suspend the rules for Ordinance Nos. 8357 and 8358. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear 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 Nos. 8357 and 8358 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance Nos. 8357 and 8358 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance Nos. 8357 and 8358 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.

Moved by Nikkila seconded by Moore to adopt Resolution No. 2019-108 approving the Final Plat and Subdivision Agreement for Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being Lot 3, Fuller and Daley First Addition (now vacated), an addition to the City of Kearney, Buffalo County, Nebraska, and Lot 9, Block 1 (now vacated), Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, located

in the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 16th Street, between 11th Avenue and 12th Avenue). Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2019-108

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being Lot 3, Fuller and Daley First Addition, (now vacated), an addition to the City of Kearney, Buffalo County, Nebraska, and Lot 9, Block 1, (now vacated), Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, located in the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska, all more particularly described as follows: Referring to the Northwest Corner of the Southwest Quarter of said Section 2 and assuming the west line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the aforesaid west line a distance of 608.03 feet to the northwest corner of Sun West Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°16'35" E a distance of 1702.43 feet to the ACTUAL PLACE OF BEGINNING, said point being the southeast corner of Lot 4 in said Fuller and Daley First Addition; thence continuing N 89°16'35" E on the north line of 16th Street, a street in the City of Kearney, Buffalo County, Nebraska a distance of 100.00 feet to the southwest corner of Lot 2 in said Fuller and Daley First Addition; thence N 00°43'25" W on the west line of said Lot 2 a distance of 200.00 feet to the northwest corner of said lot; thence N 89° 16'35" E on the north line of Lots 1 and 2 in said Fuller and Daley First Addition a distance of 294.40 feet to the northeast corner of said Lot 1; thence N 00°27'30" W a distance of 229.83 feet to the northeast corner of said Fuller and Daley Second Addition; thence S 89°16'35" W on the north line of said Fuller and Daley Second Addition a distance of 403.15 feet to the northeast corner of Lot 8, Block 1 in said Fuller and Daley Second Addition ; thence S 00°43'25" E on the east line of said Lot 8 a distance of 229.83 feet to the southeast corner of said lot; thence N 89°16'35" E a distance of 7.69 feet to the northeast corner of Lot 4 in said Fuller and Daley First Addition; thence S 00°43'25" E on the east line of said Lot 4 a distance of 200.00 feet to the place of beginning; containing 2.58 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 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 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 9TH DAY OF JULY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

**DEVELOPMENT PLANS FOR PROPERTY LOCATED NORTH OF 16TH STREET,
BETWEEN 11TH AVENUE AND 12TH AVENUE**

Public Hearings 6, 7, 8, 9 and 10 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the Application submitted by Paul Brungardt, Jr., PE for Willis Storage, LLC and BK Development, LLC for Planned District Development Plan Approval for construction of a commercial storage facility on property to be zoned District M-1/PD, Limited Industrial/Planned Development Overlay District and described as a tract of land (to be replatted as Fuller and Daley Third Addition) being Lot 3, Fuller and Daley First Addition (to be vacated), an addition to the City of Kearney, Buffalo County, Nebraska, and Lot 9, Block 1 (to be vacated), Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, located in the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 16th Street, between 11th Avenue and 12th Avenue) and consider Resolution No. 2019-109.

There was no one present in opposition to this hearing.

Moved by Moore seconded by Buschkoetter to close the hearing and adopt Resolution No. 2019-109 approving the Planned District Development Plan Approval for construction of a commercial storage facility on property to be zoned District M-1/PD, Limited Industrial/Planned Development Overlay District and described as a tract of land (to be replatted as Fuller and Daley Third Addition) being Lot 3, Fuller and Daley First Addition (to be vacated), an addition to the City of Kearney, Buffalo County, Nebraska, and Lot 9, Block 1 (to be vacated), Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, located in the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (North of 16th Street, between 11th Avenue and 12th Avenue). Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2019-109

WHEREAS, Paul Brungardt, Jr., PE for Willis Storage, LLC and BK Development, LLC have applied for Planned District Development Plan Approval for the construction of a commercial storage facility on property to be zoned M-1/PD, Limited Industrial/Planned Development Overlay District and described as a tract of land now replatted as Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska being Lot 3, Fuller and Daley First Addition, (now vacated), an

addition to the City of Kearney, Buffalo County, Nebraska, and Lot 9, Block 1, (now vacated), Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, located in the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska, all more particularly described as follows: Referring to the Northwest Corner of the Southwest Quarter of said Section 2 and assuming the west line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the aforesaid west line a distance of 608.03 feet to the northwest corner of Sun West Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°16'35" E a distance of 1702.43 feet to the ACTUAL PLACE OF BEGINNING, said point being the southeast corner of Lot 4 in said Fuller and Daley First Addition; thence continuing N 89°16'35" E on the north line of 16th Street, a street in the City of Kearney, Buffalo County, Nebraska a distance of 100.00 feet to the southwest corner of Lot 2 in said Fuller and Daley First Addition; thence N 00°43'25" W on the west line of said Lot 2 a distance of 200.00 feet to the northwest corner of said lot; thence N 89° 16'35" E on the north line of Lots 1 and 2 in said Fuller and Daley First Addition a distance of 294.40 feet to the northeast corner of said Lot 1; thence N 00°27'30" W a distance of 229.83 feet to the northeast corner of said Fuller and Daley Second Addition; thence S 89°16'35" W on the north line of said Fuller and Daley Second Addition a distance of 403.15 feet to the northeast corner of Lot 8, Block 1 in said Fuller and Daley Second Addition ; thence S 00°43'25" E on the east line of said Lot 8 a distance of 229.83 feet to the southeast corner of said lot; thence N 89°16'35" E a distance of 7.69 feet to the northeast corner of Lot 4 in said Fuller and Daley First Addition; thence S 00°43'25" E on the east line of said Lot 4 a distance of 200.00 feet to the place of beginning; containing 2.58 acres, more or less; all in Buffalo County, Nebraska (North of 16th Street, between 11th Avenue and 12th Avenue).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the application of Paul Brungardt, Jr., PE for Willis Storage, LLC and BK Development, LLC for Planned District Development Plan Approval for the construction of a commercial storage facility on property to be zoned M-1/PD, Limited Industrial/Planned Development Overlay District and described as a tract of land now replatted as Fuller and Daley Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska being Lot 3, Fuller and Daley First Addition, (now vacated), an addition to the City of Kearney, Buffalo County, Nebraska, and Lot 9, Block 1, (now vacated), Fuller and Daley Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, located in the Northeast Quarter of the Southwest Quarter of Section 2, Township 8 North, Range 16 West of the Sixth Principal Meridian, Buffalo County, Nebraska, all more particularly described as follows: Referring to the Northwest Corner of the Southwest Quarter of said Section 2 and assuming the west line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the aforesaid west line a distance of 608.03 feet to the northwest corner of Sun West Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N 89°16'35" E a distance of 1702.43 feet to the ACTUAL PLACE OF BEGINNING, said point being the southeast corner of Lot 4 in said Fuller and Daley First Addition; thence continuing N 89°16'35" E on the north line of 16th Street, a street in the City of Kearney, Buffalo County, Nebraska a distance of 100.00 feet to the southwest corner of Lot 2 in said Fuller and Daley First Addition; thence N 00°43'25" W on the west line of said Lot 2 a distance of 200.00 feet to the northwest corner of said lot; thence N 89° 16'35" E on the north line of Lots 1 and 2 in said Fuller

and Daley First Addition a distance of 294.40 feet to the northeast corner of said Lot 1; thence N 00°27'30" W a distance of 229.83 feet to the northeast corner of said Fuller and Daley Second Addition; thence S 89°16'35" W on the north line of said Fuller and Daley Second Addition a distance of 403.15 feet to the northeast corner of Lot 8, Block 1 in said Fuller and Daley Second Addition ; thence S 00°43'25" E on the east line of said Lot 8 a distance of 229.83 feet to the southeast corner of said lot; thence N 89°16'35" E a distance of 7.69 feet to the northeast corner of Lot 4 in said Fuller and Daley First Addition; thence S 00°43'25" E on the east line of said Lot 4 a distance of 200.00 feet to the place of beginning; containing 2.58 acres, more or less; all in Buffalo County, Nebraska (North of 16th Street, between 11th Avenue and 12th Avenue) be approved subject to the following deviation:

1. Allow a 40 foot ingress-egress easement along the west side of Lot 1, Fuller and Daley First Addition and Lot 3, Fuller and Daley Third Addition to serve as access to Lots 2 and 3, Fuller and Daley Third Addition.

PASSED AND APPROVED THIS 9TH DAY OF JULY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

Mayor Clouse stated that City staff has requested to postpone until July 23, 2019 Subsection 5 of Consent Agenda.

5. Accept the bids received for the 2019 Park and Recreation Parking Lot Improvements at Cottonmill Parking at Swim Lake and Fountain Hills Park and adopt Resolution No. 2019-111 awarding the bid to RMV Construction in the amount of \$92,191.60.

Moved by Buschkoetter seconded by Clouse that Subsection 5 of Consent Agenda Item IV be postponed until July 23, 2019. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

Moved by Clouse seconded by Nikkila that Subsections 1 through 4 and 6 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held June 25, 2019.

2. Approve the following Claims:

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

Adams,J \$80.00 smcs; Adamson,T \$8.00 smcs; Agri Coop \$2,094.68 smcs; Alfred Benesch \$640.94 co; Amazon \$2,450.85 smcs; American Fence \$3,956.00 smcs; American Lift & Sign \$547.50 smcs; Anderson,C \$125.00 smcs; Artisans \$671.25 ps; Ask Supply \$865.37 smcs; Aurora Coop \$50.88 smcs; Auto Value \$221.92 smcs; Baker & Taylor Books \$4,262.84 smcs; Bamford \$3,722.65 smcs; Beacon Athletics \$1,504.00 smcs; Bells Construction \$1,200.00 co; Bergman,J \$25.00 smcs; Blackstone Audio Books \$860.58 smcs; Blackstrap \$16,286.82 smcs; Blessing \$127,227.47 co; Bosselman \$3,981.68 smcs; Bridgett Lavene Consulting \$2,500.00 smcs; Broadfoot's \$2,612.00 smcs; Buffalo Co. Historical Soc. \$94.40 smcs; Builders \$540.56 smcs,co; Butler,M \$180.00 smcs; Byrne,D \$56.57 smcs; Carquest \$37.80 smcs; Cash Wa \$6,417.61 smcs; Center Point Publishing \$75.96 smcs; Central Fire \$657.50 smcs,co; Central Plains Library \$15.00 smcs; Central States Wire \$1,469.63 smcs; Centurion Technologies \$265.00 smcs; Chesterman Company \$2,519.45 smcs; Cigna \$7,374.92 smcs; City of Krny \$46,265.80 co, smcs; City of Krny \$372,983.03 ps; Cold Spring Granite \$233.10 smcs; Community Health \$100.00 ps; Community Service Fund \$58.00 ps; Consolidated Mgmt \$173.80 smcs; Credit Mgmt \$320.82 ps; Cypress Information \$926.10 smcs; D & K Products \$6,460.00 smcs; D & M Security \$70.50 smcs; Dan Roeder Concrete \$288,218.50 co; Dan's Plumbing \$180.00 smcs; Dennis,C \$180.00 smcs; Dennis,N \$53.00 smcs; Depository Trust \$299,189.17 smcs; Dept of Education \$391.17 ps; DPC Industries \$6,772.65 smcs; Eagle Distributing \$1,293.45 smcs; Eakes \$359.40 smcs; Eurofins \$155.00 smcs; Eustis Body Shop \$8,577.72 smcs; Express Distributing \$132.00 smcs; First United Methodist \$105.00 smcs; Fry & Associates \$1,343.00 co; Gale \$443.73 smcs; Gangwish Turf \$48.38 co; GD Concrete \$55,696.45 co; Greater NE Cities \$1,000.00 smcs; Hahn,S \$200.00 smcs; Hellas Construction \$16,648.65 co; HM Life Insurance \$54,857.47 smcs; ICMA \$6,078.57 ps; Integrated Security \$4,826.00 smcs; IRS \$170,806.99 ps; Jack's Uniforms \$3,043.23 smcs; Jameson Powerwashing \$6,950.00 co; Krny Literacy Council \$1,500.00 smcs; Knapp,S \$58.00 smcs; Knaus,G \$265.00 smcs; Konica Minolta \$731.30 smcs; Krause,C \$12.51 smcs; Lawn Builders \$124.81 smcs; LCL Truck \$8,417.00 co; League of NE Municipalities \$325.00 smcs; Lima,L \$78.00 smcs; Luft,J \$14.24 smcs; Magic Cleaning \$7,300.00 smcs; Marlatt Machine \$362.81 smcs; Marzolf,S \$70.00 smcs; Mid American Signal \$279.00 smcs; Mid-NE Garage Doors \$100.00 smcs; Midwest Connect \$7,517.54 smcs; Milco Environmental \$849.60 smcs; Miller & Associates \$13,013.60 smcs,co; Miller Signs \$489.00 co; Millerbernd \$408.00 smcs; Most Dependable Fountains \$3,600.00 co; Municode \$572.00 smcs; Murphy Tractor \$506.01 smcs; Navigator Motorcoaches \$554.00 smcs; NE Child Support Pyt Ctr \$2,448.89 ps; NE Dept Environmental \$300.00 smcs; NE Dept of Motor Vehicles \$13.20 smcs; NE Dept of Revenue \$105,610.58 smcs, ps; NE Public Health \$2,798.00 smcs; NE Safety \$250.00 smcs; Nebraskaland Distributors \$1,418.75 smcs; Newsbank \$2,919.00 smcs; Nielsen Contracting \$21,518.50 co; NLETC \$300.00 smcs; Northwestern Energy \$4,381.42 smcs; Nova Fitness \$514.50 ps; One Call Concepts \$492.04 smcs; Owen,R \$200.63 smcs; Paramount \$64.92 smcs; Paulsen \$191,511.17 co; Payflex \$531.25 ps; Penguin Random House \$10.00 smcs; Pep Co. \$87.34 smcs; Ping \$327.12 smcs; Platte Valley Laboratories \$62.50 smcs; Presto-X \$115.00 smcs; Recorded Books \$325.16 smcs; Reinke's Refrigeration \$112.57 smcs; Rheome Tree \$2,860.00 smcs; RMI Golf Carts \$180.00 smcs; S&J Construction \$3,151.25 smcs; Samuelson,J \$19.98 smcs; Schroer,J \$100.00 smcs; Schumacher Brothers \$885.00 smcs; Schwarz,G \$130.37 smcs; Shredding Solutions \$70.95 smcs; Sid Dillon \$31,037.00 co; Signit \$75.00 smcs; Sirsi \$3,859.50 smcs; Snap-On Tools \$575.00 smcs; SOS Portable

Toilets \$495.00 smcs; Star Herald \$193.05 smcs; State of NE/Das Accounting \$10.50 smcs; State of NE/Notary \$30.00 smcs; Steinbrink Landscaping \$1,154.31 smcs; Strategic Materials \$458.02 smcs; Sunset Law Enforcement \$3,990.95 smcs; Tielke's Sandwiches \$151.33 smcs; Trade Well Pallet \$1,700.00 smcs; Tri-Co Glass \$546.00 smcs; Turner Body Shop \$3,462.63 smcs; Tye & Rowling \$13,803.61 smcs; Union Bank \$77,852.35 ps; Union Pacific Railroad \$100.00 er; United States Treasury \$1,068.20 smcs; United Way \$442.42 ps; Van Diest Supply \$1,128.38 smcs; Vern Waskom Company \$593.96 smcs; Village Uniform \$358.94 smcs; Waldinger \$11,663.47 smcs,co; Waugh,B \$5,878.45 smcs; Weedcope \$2,110.00 smcs; Payroll Ending 06/22/2019 -- \$542,811.47. 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. Authorize the Mayor to send a letter of no recommendation to the Nebraska Liquor Control Commission on the manager application for Michael Fox submitted by Eagles Frat Order 2722 located at 17 West 24th Street in connection with their Class C-011097 liquor license.

4. Adopt Resolution No. 2019-110 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for Millennial Estates Second Addition between the City of Kearney and Jordan Starostka, Member of Starostka Group, Unlimited Inc., a Nebraska Corporation.

RESOLUTION NO. 2019-110

WHEREAS, on the 22nd day of May, 2018 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2018-72 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Jordan Starostka, Member of Starostka Group, Unlimited Inc., a Nebraska Corporation to construct paving, water, sanitary sewer and storm sewer improvements to serve Millennial Estates Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the developer has constructed the public improvements in accordance with the requirements and standards set forth in Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney; and

WHEREAS, in accordance with Section 9-1318 "Acceptance of Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney the developer has certified to the City that there are no liens or other encumbrances against the construction work; and

WHEREAS, the City's Engineers have determined that the work is in compliance with the design and is complete.

NOW THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the public improvements for paving, water, sanitary sewer and storm sewer improvements to serve the property described as Millennial Estates Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska constructed under, and in accordance with, Article 13 "Developer Constructed Infrastructure" of Chapter 9 "Public Works" of the Code of the City of Kearney be and are hereby accepted.

PASSED AND APPROVED THIS 9TH DAY OF JULY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Approve canceling assessed paving improvement districts levied against certain lots and lands and to remove the said records and assessment schedules from the active files of the City of Kearney and approve Resolution No. 2019-112.

RESOLUTION NO. 2019-112

WHEREAS, special assessments have been levied against various properties owned by the City of Kearney; and

WHEREAS, the special assessment liens should be extinguished and no longer constitute liens upon the subject real estate;

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the Clerk of the City of Kearney be and is hereby authorized and directed to denote on the records of the Office that the special assessments levied against the below-listed lots are cancelled, and to remove the said records and assessment schedules from the active files of the Office.

Lot 1, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska (Paving Improvement District Nos. 2012-957 and 2012-959)

Lot 2, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska (Paving Improvement District Nos. 2012-957 and 2012-960)

Lot 3, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska (Paving Improvement District No. 2012-960)

Lot 4, Lake Villa Estates 3rd Addition to the City of Kearney, Buffalo County, Nebraska (Paving Improvement District No. 2012-959)

PASSED AND APPROVED THIS 9TH DAY OF JULY, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8359 APPROVING THE TRANSFER AND CONTINUATION OF A CONDITIONAL USE TO NEW CINGULAR WIRELESS PCS DBA AT&T FOR 1711 EAST 39TH STREET

Council Member Nikkila introduced Ordinance No. 8359 approving the transfer and continuation of existing Conditional Use Permit to co-locate telecommunications equipment for wireless communications on property zoned District Ag, Agricultural District and described as part of the Northwest Quarter of the Northwest Quarter and

the north five acres of the Southwest Quarter of the Northwest Quarter all located in Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska lying west of the railroad tracks (1711 East 39th Street) granted on January 28, 2014 by Ordinance No. 7855A from Commnet Wireless (Tisdale Nebraska, LLC) to New Cingular Wireless PCS dba AT&T, 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 suspend the rules for Ordinance No. 8359. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear 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. 8359 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8359 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8359 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. 8360 REPEALING ORDINANCE NO. 7855A

Council Member Nikkila introduced Ordinance No. 8360 repealing Ordinance No. 7855A granting a Conditional Use Permit to Commnet Wireless co-locate telecommunications equipment for wireless communications on property zoned District Ag, Agricultural District and described as part of the Northwest Quarter of the Northwest Quarter and the north five acres of the Southwest Quarter of the Northwest Quarter all located in Section 31, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska lying west of the railroad tracks (1711 East 39th Street), and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Moore seconded the motion to suspend the rules for Ordinance No. 8360. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear 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. 8360 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear

absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8360 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8360 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. 8361 AMENDING SEVERAL SECTIONS OF ARTICLE 2
“BUILDING CODE GENERALLY” AND ARTICLE 3 “AMENDMENTS” OF CHAPTER
9 “PUBLIC WORKS”**

Council Member Nikkila introduced Ordinance No. 8361, amending several sections of Article 2 “Building Code Generally” and Article 3 “Amendments” of Chapter 9 “Public Works” of the Code of the City of Kearney, Nebraska as follows: amend Section 9-204 “Advisory Note” to adopt the International Residential Code, 2018 Edition and the International Building Code, 2018 Edition; amend Section 9-210 “International Building Code; Adoption” to adopt the International Residential Code, 2018 Edition and the International Building Code, 2018 Edition; amend Section 9-211 “International Property Maintenance Code; Adopted” to adopt the International Property Maintenance Code, 2018 Edition; amend Section 9-301 “International Building Code; Amendments” to adopt and make amendments to the International Building Code, 2018 Edition; amend Section 9-302 “International Residential Code; Amendments” to adopt and make amendments to the International Residential Code, 2018 Edition, 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 suspend the rules for Ordinance No. 8361. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear 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. 8361 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8361 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8361 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. 8362 AMENDING FORMATTING ERRORS IN SEVERAL SECTIONS OF CODE

Council Member Nikkila introduced Ordinance No. 8362 amending formatting errors in the following sections of the Code of the City of Kearney, Nebraska as follows: (a) Section 15-102 "Site Development Regulations" of Chapter 15 "District AG, Agricultural District" to remove the asterisk from Minimum Lot Area and Note; (b) Section 16-102 "Site Development Regulations" of Chapter 16 "District RR-1, Rural Residential District (Rural Standards)" to add the minimum lot width (feet) that was excluded in error from a previous code amendment ordinance and remove the remove asterisk from the Note; (c) Section 18-101 "Purpose" of Chapter 18 "District RR-2, Rural Residential District (Intermediate Standards)" to remove language that was excluded in error from a previous code amendment ordinance; (d) Section 18-102 "Site Development Regulations" of Chapter 18 "District RR-2, Rural Residential District (Intermediate Standards)" to remove the asterisk from the Note, 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 suspend the rules for Ordinance No. 8362. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear 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. 8362 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Nikkila, Moore. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Buschkoetter that Ordinance No. 8362 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8362 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

None.

VII. REPORTS

Michael Morgan, City Manager, gave an update on Kearney flooding. The flooding that occurred is along the Turkey Creek corridor. There were no injuries reported and several hundred individuals were evacuated. There are 700 to 800 vehicles that have been damaged. There will be one email address that is established and coordinated among all City departments. The City will be setting up dumpsters around the area and

flood victims will be able to haul items out to the dump for free, the City will also begin picking up curb side. There was no water by the Veteran's home. Mayor Clouse stated power was cut at approximately 8:45 a.m. to all the hotels in the area; the power outage was also along Central Avenue. Mr. Morgan stated Nebraska Emergency Management is on scene and working with Darrin Lewis, Emergency Management Coordinator for Buffalo County. Mr. Morgan stated that the drinking water in the City is safe to consume, City staff has been carefully monitoring it. Eric Hellriegel, Assistant City Manager stated the main focus for the day had been on rescuing people.

Michael Tye, City Attorney, stated the Kearney Community Foundation has set up a fund to donate money to that will stay local if anyone wants to donate funds.

VIII. ADJOURN

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

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**