

Kearney, Nebraska
August 13, 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 August 13, 2019 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Lauren Brandt, City Clerk; Council Members Bruce Lear, Tami James Moore and Jonathan Nikkila. Absent: Randy Buschkoetter. 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; Bryan Waugh, Chief of Police; Jason Whalen, Fire Administrator; Shawna Erbsen, Administrative Services Director and Brenda Jensen, Assistant Development 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 Kris Pfeil provided the Invocation.

PLEDGE OF ALLEGIANCE

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

Mayor Clouse and Council Members recognized and presented a proclamation to Mercedes Phillips, winner of America's National Teenage Scholarship Organization Jr. National Teenager 2019.

City Clerk administered the oath of office to Police K-9 Officer, Bane.

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 received notification from the Developer requesting to withdraw 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 withdraw 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, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried.

REZONING OF PROPERTY LOCATED AT 6615 56TH 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 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) and consider Ordinance No. 8354.

Mitch Humphrey with Buffalo Surveying Corporation, presented this matter to the Council. The property contains 5.20 acres that will be divided into two tracts. The Trampe's have received approval from the Department of Environment and Energy for the well and septic system to be located on the 2.99 acre tract of land.

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 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) and introduced Ordinance No. 8354 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. 8354. 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, Lear, Nikkila. Nay: None. Buschkoetter 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. 8354 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Moore, Lear, Nikkila. Nay: None. Buschkoetter Absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Clouse that Ordinance No. 8354 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter Absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8354 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 TRAMPE 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 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) and consider Resolution No. 2019-106.

There was no one present in opposition to this hearing.

Moved by Clouse seconded by Nikkila to close the hearing and adopt Resolution No. 2019-106 approving 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). Roll call resulted as follows: Aye: Clouse, Nikkila, Lear,

Moore. Nay: None. Buschkoetter Absent. Motion carried.

REPEAL OF SEVERAL SECTIONS IN THEIR ENTIRETY OF CHAPTER 50 "SIGN REGULATIONS"

Public Hearings 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed repealing of several sections in their entirety of Chapter 50 "Sign Regulations" of the Code of the City of Kearney to include: Section 50-101 "Purpose"; Section 50-102 "Definition of Terms"; Section 50-103 "General Sign and Street Graphics Regulations"; Section 50-104 "General Regulations: Basic Design Elements for Signs"; Section 50-105 "General Regulations: Other Design Elements"; Section 50-106 "Compliance and Amortization of Premise Identification Signs"; Section 50-107 "General Permit Procedures"; Section 50-108 "Method of Measurement for Regulators"; Section 50-109 "Permitted Sign Types by Zoning Districts"; Section 50-110 "Auxiliary Design Elements"; Section 50-111 "Maximum Permitted Sign Area"; Section 50-112 "Permitted Signs by Numbers, Dimensions, and Location"; Section 50-113 "Outdoor Advertising Signs"; Section 50-114 "Outdoor Advertising Signs; Regulations for New Installations"; Section 50-115 "Sign Master Plan for Large Projects"; Table 50-1 "Permitted Signs by Type and Zoning Districts"; Table 50-2 "Auxiliary Sign Elements"; Table 50-3 "Permitted Signs by Maximum Permitted Area and District"; Table 50-4 "Permitted Signs by Numbers, Dimensions, and Location; all to become effective October 1, 2019 and consider Ordinance No. 8364.

Brenda Jensen, Assistant Development Services Director, presented this matter to the Council. The proposed amendments to code were driven by a 2015 Supreme Court ruling that stated cities cannot have sign regulations that are content based. Per City Attorney, Michael Tye, content based means sign regulations cannot specifically call out what is actually on the sign (text/language/content) but will instead regulate the location, size or safety issues of signs.

There was no one present in opposition to this hearing.

Moved by Nikkila to close the public hearing on the proposed repealing of several sections in their entirety of Chapter 50 "Sign Regulations" of the Code of the City of Kearney to include: Section 50-101 "Purpose"; Section 50-102 "Definition of Terms"; Section 50-103 "General Sign and Street Graphics Regulations"; Section 50-104 "General Regulations: Basic Design Elements for Signs"; Section 50-105 "General Regulations: Other Design Elements"; Section 50-106 "Compliance and Amortization of Premise Identification Signs"; Section 50-107 "General Permit Procedures"; Section 50-108 "Method of Measurement for Regulators"; Section 50-109 "Permitted Sign Types by Zoning Districts"; Section 50-110 "Auxiliary Design Elements"; Section 50-111 "Maximum Permitted Sign Area"; Section 50-112 "Permitted Signs by Numbers, Dimensions, and Location"; Section 50-113 "Outdoor Advertising Signs"; Section 50-114 "Outdoor Advertising Signs; Regulations for New Installations"; Section 50-115 "Sign Master Plan for Large Projects"; Table 50-1 "Permitted Signs by Type and Zoning Districts"; Table 50-2 "Auxiliary Sign Elements"; Table 50-3 "Permitted Signs by Maximum Permitted Area and District"; Table 50-4 "Permitted Signs by Numbers,

Dimensions, and Location; all to become effective October 1, 2019 and introduced Ordinance No. 8364 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. 8364. 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, Lear. Nay: None. Buschkoetter 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. 8364 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, Lear. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Moore seconded by Lear that Ordinance No. 8364 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Moore, Lear, Nikkila. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8364 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.

PROPOSED ADDITION OF NEW SECTIONS TO THE CODE OF THE CITY OF KEARNEY

Public Hearings 4 and 5 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed addition of new sections to the Code of the City of Kearney to include: Section 50-116 "Purpose and Intent"; Section 50-117 "Applicability, Interpretation, Severability, and Non-Commercial Speech Substitution"; Section 50-118 "Definition of Terms"; Section 50-119 "General Sign Regulations"; Section 50-120 "Prohibited and Exempt Signs"; Section 50-121 "Method of Measurement for Regulators"; Section 50-122 "Permitted Permanent Sign Type by Zoning District"; Section 50-123 "Illumination/Lighting Sign Elements"; Section 50-124 "Sign Type Supplemental Regulations: Permanent Signs"; Section 50-125 "Master Sign Plan; Permanent Signs"; Section 50-126 "Permitted Temporary Sign Type by Zoning District"; Section 50-127 "Sign Type Supplemental Regulations: Temporary Signs"; Section 50-128 "Outdoor Advertising Signs"; and Section 50-129 "Outdoor Advertising Signs; Regulations for New Installations; all to become effective October 1, 2019 and consider Ordinance No. 8365.

There was no one present in opposition to this hearing.

Moved by Lear to close the public hearing on the proposed addition of new sections to the Code of the City of Kearney to include: Section 50-116 "Purpose and Intent"; Section 50-117 "Applicability, Interpretation, Severability, and Non-Commercial Speech

Substitution”; Section 50-118 “Definition of Terms”; Section 50-119 “General Sign Regulations”; Section 50-120 “Prohibited and Exempt Signs”; Section 50-121 “Method of Measurement for Regulators”; Section 50-122 “Permitted Permanent Sign Type by Zoning District”; Section 50-123 “Illumination/Lighting Sign Elements”; Section 50-124 “Sign Type Supplemental Regulations: Permanent Signs”; Section 50-125 “Master Sign Plan; Permanent Signs”; Section 50-126 “Permitted Temporary Sign Type by Zoning District”; Section 50-127 “Sign Type Supplemental Regulations: Temporary Signs”; Section 50-128 “Outdoor Advertising Signs”; and Section 50-129 “Outdoor Advertising Signs; Regulations for New Installations; all to become effective October 1, 2019 and introduced Ordinance No. 8365 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. 8365. 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, Lear, Nikkila, Moore. Nay: None. Buschkoetter 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. 8365 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8365 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8365 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.

BOARD OF EQUALIZATION

Mayor Clouse opened the public hearing for the Council to meet as the Board of Equalization for the purpose of (1) equalizing and levying special assessments on the lots and parcels of land in connection with Paving Improvement District No. 2018-990 and consider Resolution 2019-127; and (2) to determine a connection fee in the amount of special benefits accruing to the property in Water Connection District No. 2018-1 and consider Resolution No. 2019-128.

Paving Improvement District No. 2018-990 -- This district was created on February 27, 2018. The district is for public improvements for 11th Avenue from the southwesterly line of Lot 1, Fountain Hills Tenth Addition, northwesterly to the northwesterly line of Lot 1, Fountain Hills Tenth Addition.

Water Connection District No. 2018-1 -- This district was created on February 27, 2018. The district is for public improvements for 11th Avenue from the southwesterly line of

Lot 1, Fountain Hills Tenth Addition, to the Northerly line of Fountain Hills Eighth Addition, and part of Fountain Hills Eighth Addition.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Moore to close the hearing for the Council to meet as the Board of Equalization and adopt Resolution No. 2019-127 and Resolution No. 2019-128 (1) equalizing and levying special assessments on the lots and parcels of land in connection with Paving Improvement District No. 2018-990; and (2) to determine a connection fee in the amount of special benefits accruing to the property in Water Connection District No. 2018-1. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Lear. Nay: None. Buschkoetter absent. Motion carried.

RESOLUTION NO. 2019-127

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. The President and Council find and determine that the streets in Paving Improvement District No. 2018-990 have been improved by paving, curbing and guttering and incidental work, that none of the properties listed, which list is marked Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedules do not exceed the amounts which each of said lots and parcels of ground were specially benefited by said improvements and the total amount of said special assessments does not exceed the costs of said improvements exclusive of the cost of the intersections and areas formed by the crossing of streets, avenues and alleys as heretofore determined by the Mayor and City Council.

Section 2. Notice of the time and purpose of hearing on special assessments for equalizing said special assessments has been published as provided by law in the Kearney Hub, and a copy of said notice mailed by certified mail to each party known to have a direct legal interest therein.

Section 3. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Paving Improvement District No. 2018-990 shall become delinquent as follows:

- 1/10th fifty days after date of this Resolution
- 1/10th one year after date of this Resolution
- 1/10th two years after date of this Resolution
- 1/10th three years after date of this Resolution
- 1/10th four years after date of this Resolution
- 1/10th five years after date of this Resolution
- 1/10th six years after date of this Resolution
- 1/10th seven years after date of this Resolution
- 1/10th eight years after date of this Resolution
- 1/10th nine years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of 5.0 per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of 14.0 per centum per annum until paid.

PASSED AND APPROVED THIS 13TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

RESOLUTION NO. 2019-128

WHEREAS, on the 27th day of February, 2018, the City Council of the City of Kearney, Nebraska, passed and approved Ordinance No. 8222 creating Water Connection District No. 2018-1, the said water mains have been constructed in accordance with said Water Connection District No. 2018-1 and the costs thereof have been reported to the City Council; and

WHEREAS, the City Council, sitting as a Board of Equalization, has determined the benefits to abutting property in the District to be shown on the Schedule, marked Exhibit "A", attached hereto and made a part hereof; and

WHEREAS, Section 16-6,103 of the Nebraska Revised Statutes provides that the special benefits determined by the Board of Equalization shall not be levied as special assessments against the property within the District, but shall be certified to the Register of Deeds of the County.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the benefits to abutting property in Water Connection District No. 2018-1 are as found and determined by the Council, sitting as a Board of Equalization, as shown and set forth on Exhibit "A".

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to file a certified copy of this Resolution in the Office of the Buffalo County Register of Deeds.

BE IT FURTHER RESOLVED that a connection fee equal to the amount of the benefit accruing to the property as set by the benefit schedule (Exhibit "A") shall be paid to the City at the time the respective properties are connected to the water main constructed in Water Connection District No. 2018-1 and that no property thus benefited by said main improvements shall be connected to the water main until said connection fee is paid.

BE IT FURTHER RESOLVED that upon payment by abutting owners of the connection fee, the City shall notify the Buffalo County Register of Deeds that the individual connection fees have been paid and satisfied.

PASSED AND APPROVED THIS 13TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held July 23, 2019.

2. Approve the following Claims:

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

AAA Party \$186.65 smcs; Accessdata Group \$1,222.76 smcs; Ackerman,K \$140.00 smcs; Adventure Enterprises \$4,330.00 smcs; Agri Coop \$1,875.81 smcs; Alfred Benesch \$831.14 co; Amazon \$2,298.94 smcs; American Lift \$682.50 smcs; Arrants,J \$14.86 smcs; Ask Supply \$1,457.79 smcs; Aurora Coop \$50.08 smcs; Auto Value \$1,499.36 smcs; Awards Plus \$68.00 smcs; Baker & Taylor \$4,791.81 smcs; Bamford \$225.00 smcs; Barney Building \$6,792.50 smcs; Beacon Athletics \$2,136.00 co; Beck,S \$60.00 smcs; Becker,J \$79.00 smcs; Bells Construction \$300.00 co; Blackstone Publishing \$742.96 smcs; Blackstrap \$2,719.95 smcs; Blessing \$280,355.63 smcs; BlueCross BlueShield \$97,899.13 co; Bosselman \$46,502.32 smcs; Bridgett Lavene Consulting \$2,500.00 smcs; Broadfoot's \$2,576.00 smcs; BSK Holdings \$41.98 smcs; Buffalo Co Register Deeds \$46.00 smcs; Builders \$90.19 smcs; Carquest \$62.59 smcs; Carroll Construction \$19,154.97 co; Cash-Wa \$5,827.92 smcs; Cave, Whitney \$103.08 smcs; Center Point Publishing \$75.31 smcs; Central District Health \$2,916.00 smcs; Central Fire & Safety \$96.30 co; Central NE Bobcat \$200.89 smcs; Central NE Sod \$3,325.00 co; Chesterman \$2,690.83 smcs; Christensen,K \$110.00 smcs; Cigna \$7,438.36 smcs; City of Council Bluffs \$350.00 smcs; City of Ky \$56,890.27 co, smcs; City of Ky \$372,471.56 ps; City Plumbing \$131.95 smcs; Colling,G \$7,673.00 smcs; Colon,K \$10.98 smcs; Community Action Part. \$4,483.57 smcs; Community Health \$100.00 ps; Community Service Fund \$58.00 ps; Compass \$2,400.00 smcs; Consolidated Mgmt. \$165.31 smcs; Conyers,S \$17.57 smcs; Country Partners \$66,221.89 smcs; Crane River Theater \$1,530.00 smcs; Credit Management Serv. \$207.18 ps; Crystal Clean Carpet \$968.00 smcs; Cullen,M \$10.66 smcs; Cummins \$2,504.64 smcs; Curly's Radiator \$191.00 smcs; Dan Roeder Concrete \$203,390.10 co; Dan's Plumbing \$418.78 smcs; Davis,K \$34.90 smcs; Dawson Public Power \$31,889.48 smcs; Dell \$2,869.77 smcs; Dennis,N \$178.10 smcs; Dent Popper \$1,950.00 co; Dept. of Education \$320.82 ps; Deterding's Alternatives \$1,836.88 smcs; Dish \$89.06 smcs; DPC Industries \$31,576.54 smcs; Dutton-Lainson \$286.66 smcs; Eagle Distributing \$2,259.95 smcs; Eakes \$4,877.12 smcs; Eck,J \$11.47 smcs; EMC Insurance \$13,812.38 smcs; Enforcement/Wachguard \$12,900.00 co; Entenmann-Roving \$573.90 smcs; Feld Fire \$581.25 smcs; Feusner,J \$23.20 smcs; Fort Bend Services \$5,653.44 smcs; Freeland,D \$24.78 smcs; Frontier \$7,178.01 smcs; Fulfab \$178.00 smcs; Gale \$1,277.17 smcs; Gametime \$92.80 co; Gangwish Turf \$2,793.08 smcs,co; Garrett Tires \$7,638.32 smcs; Gary Smith Construction \$168,652.41 smcs; GD Concrete Construction \$40,290.75 co; Government Finance Officers \$50.00 smcs; GPM \$566.00 smcs; Graham,A \$190.00 smcs; Great Platte River Archway \$63.92 smcs; Greater NE Cities \$1,000.00 smcs; Gregg,BJ \$170.00 smcs; Guge,N \$100.00 smcs; Gurney & Associates \$7,339.34 smcs; Hansen,T \$2.37 smcs; Hellas Construction \$129,739.95 co; HM Life Insurance \$55,124.33 smcs; HOA Solutions \$3,737.26 smcs; Hometown Leasing \$159.08 smcs; ICMA Retirement trust \$6,253.60 ps; Interstate All Battery \$212.00 smcs; IRS \$177,458.01 ps; Island Supply \$102.68 smcs; Jack Lederman

\$208.36 smcs; Jack's Uniforms \$1,003.11 smcs; JB & Luke Brandt Const. \$775.00 smcs; Johnson Controls \$3,056.26 smcs; Johnson Service \$13,400.00 smcs; Johnson,D \$65.10 smcs; Kart-Man \$2,526.48 smcs; Ky Animal Shelter \$7,808.00 smcs; Ky Arts Council \$2,000.00 smcs; Ky Concrete \$52,193.55 co; Ky Crete & Block \$6,023.27 co; Ky Hub \$234.00 smcs; Ky Towing \$500.00 smcs; Kelly Supply \$21.99 smcs; Konica Minolta \$1,333.72 smcs; Krason, Jim \$45.17 smcs; Ky Comm. Found. \$434.00 smcs; Liberty House \$2,200.00 smcs; Lillis,D \$307.00 smcs; Lindner,S \$141.52 smcs; Loeffelholz,P \$170.00 smcs; Loper Athletics \$262.50 smcs; Luke,D \$21.33 smcs; Magic Cleaning \$7,050.00 smcs; Magpul Industries \$1,669.02 smcs; Maverick Distribution \$89.30 smcs; McCauley,D \$8.74 smcs; McGovern,J \$11.75 smcs; Mead Lumber \$259.98 co; Merryman \$363.55 smcs; Microfilm Imaging \$8,200.00 smcs; Mid American Signal \$3,043.00 smcs; Midlands Contracting \$8,400.00 smcs; Mid-NE Garage Doors \$646.00 smcs; Mid-State Engineering \$249.00 co; Midwest Connect \$11,364.44 smcs; Midwest Laboratories \$737.00 smcs; Midwest Turf \$51,653.00 co; Miller & Associates \$23,113.38 smcs,co; Miller Signs \$550.00 smcs; Mitchell,M \$26.58 smcs; MPH Industries \$2,161.00 co; Naval Surface Warfare \$1,800.00 smcs; NE Assn. Senior Centers \$95.00 smcs; NE Child Support \$2,448.89 ps; NE Dept Environmental \$150.00 smcs; NE Dept of Revenue \$152,709.78 smcs,ps; NE Environmental \$265,683.65 co; NE Machinery \$954.73 smcs; NE Public Health \$36.00 smcs; Nebraskaland Distributing \$2,685.65 smcs; NELETC \$100.00 smcs; Neson,B \$475.00 smcs; Northwest Electric \$144.99 smcs; Northwestern Energy \$3,808.83 smcs; NTV Network \$985.00 smcs; Nutrien Ag \$542.55 smcs; O&S Flying Service \$17,314.60 smcs; OCLC \$764.46 smcs; Odeys \$1,069.55 smcs; Office Depot \$362.57 smcs; O'Keefe Elevator \$1,427.53 smcs; Olson,L \$195.00 smcs; One Call Concepts \$512.02 smcs; Option III \$16,256.80 co; Orr,L \$31.00 smcs; Otto Environmental \$16,280.00 smcs; Paramount \$256.39 smcs; Payflex Systems \$544.00 smcs,ps; Pearson,P \$1.56 smcs; Peek,C \$100.00 smcs; Peerless Machine \$1,122.00 smcs; Photo Card Specialties \$85.76 smcs; Ping \$337.58 smcs; Platte Valley Laboratories \$780.00 smcs; Pogioli,J \$100.00 smcs; Power Tech \$1,656.38 smcs; Presto-X \$472.00 smcs; Proquest \$448.24 smcs; Prosocki,A \$31.90 smcs; Provantage \$14,900.00 co; Public Safety Dive \$6,320.00 smcs; R.W. Sorensen \$1,003.00 smcs; Rasmussen Mechanical \$343.90 smcs; Ready Mixed \$10,528.09 co; Recorded Books \$486.16 smcs; Republican National \$777.20 smcs; Rothermich,S \$146.49 smcs; Rowe,L \$262.50 smcs; Rymill,R \$91.10 smcs; S & J Construction \$27,743.75 co; Sapp Brothers \$19,777.50 smcs; Schescke,C \$6.12 smcs; School District 7 \$212.40 smcs; Schwarz,G \$107.67 smcs; Sculpture Walk \$2,675.00 smcs; Shotkoski,J \$35.00 smcs; Shredding Solutions \$45.90 smcs; Silverstone Group \$5,005.75 smcs; Singleton,J \$1.56 smcs; Snap-On Tools \$300.00 smcs; SOS Portable Toilets \$350.00 smcs; Southern Glaziers Wine \$1,012.00 smcs; Sprinkler Service \$292.50 smcs; State Fire Marshal Training \$50.00 smcs; Steinbrook,S \$262.50 smcs; Stitch 3 \$98.00 smcs; Straight Line Striping \$594.00 smcs; Strani,K \$74.12 smcs; Suburban Fire Protection \$2,284.50 ps; Suchsland,T \$44.00 smcs; Sunbelt Rentals \$319.00 smcs; Sunset Law Enforcement \$23,775.39 smcs; Terry's Transport \$16,100.00 smcs; Tielks's Sandwiches \$124.77 smcs; Tillotson Enterprises \$3,531.00 co; Tradewell Pallet \$980.00 smcs; Tri-Cities Group \$11,727.55 co; Trittech Forensics \$202.45 smcs; Turman,J \$38.58 smcs; Turner Body Shop \$1,576.83 smcs; Tye & Rowling \$13,711.08 smcs; Union Bank & Trust Co. \$81,208.29 ps; Union Pacific Railroad \$2,687.83 er; United Way of Ky \$438.42 ps; University of Missouri \$12,400.00 smcs; US Cellular \$100.00 smcs; Van Diest \$6,994.75 smcs; Vertiv \$1,841.72 smcs; Village Uniform

\$308.32 smcs; Waldinger \$461.04 smcs; Waterlink \$682.12 smcs; Weaver,N \$21.39 smcs; Wehmeyer,K \$47.06 smcs; Wick,D \$353.44 smcs; Wick's Sterling Trucks \$171,529.00 co; Wilkins,C \$24.83 smcs; Wojcik,B \$155.48 smcs; Payroll Ending 08/03/2019 -- \$539,808.41. 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 Class C-123204 liquor license application and manager application for Jianduan Pan submitted by HJZ Food Kearney Inc. LLC dba Hunan's Chinese Restaurant located at 305 West 11th Street.

4. Approve the Application for Special Assessment for Agricultural Deferral submitted by KPT&G, LLC with regard to Paving Improvement District No. 2019-1000 for Yanney Avenue from the northwest corner of Lot 3, E.K. and Mary Yanney Heritage Park Second, thence easterly 250 feet to the northeast corner of Lot 3, thence southerly 248.84 feet to the South line of Lot 3, thence 598.54 feet westerly to the southwest corner of Government Lot 3 in Section 10, Township 8 North, Range 16 West, thence northerly 203.16 feet to the northwest corner of Government Lot 3, thence easterly 316 feet to the northwest corner of Lot 3, E.K. and Mary Yanney Heritage Park Second.

5. Adopt Resolution No. 2019-129 approving the Developer Constructed Infrastructure Agreement for Hillside Estates and Lots 1, 2, 3, 4, Block Two and Lots 5, 6, 7, 8, Block Three, Honey Hills Estates Addition between the City of Kearney and Twin Hills, LLC, a Nebraska Corporation, by and through its Managing Member, Gene McElhinny, being Owner and the Developer, for the construction of paving, water main, sanitary sewer main and storm sewer for Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska and Lots 1, 2, 3, 4, Block Two and Lots 5, 6, 7, 8, Block Three, Honey Hills Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being Lots 1 through 4 inclusive, Block Two and Lots 5 through 8 inclusive, Block Three, Honey Hills Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska and Lots 1 through 9 inclusive, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2019-129

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Hillside Estates and Lots 1, 2, 3, 4, Block Two and Lots 5, 6, 7, 8, Block Three, Honey Hills Estates Addition" between the City of Kearney and Twin Hills, LLC, a Nebraska Corporation, by and through its Managing Member, Gene McElhinny, being Owner and the Developer for the construction of paving, water main, sanitary sewer main and storm sewer for Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska and Lots 1, 2, 3, 4, Block Two and Lots 5, 6, 7, 8, Block Three, Honey Hills Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being Lots 1 through 4 inclusive, Block Two and Lots 5 through 8 inclusive, Block Three, Honey Hills Estates Addition, an addition to the City of Kearney, Buffalo County, Nebraska and Lots 1 through 9 inclusive, Hillside Estates, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby

accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 13TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

6. Adopt Resolution 2019-130 approving the Real Estate Purchase Agreement between Kash Plastics, LLC, a Nebraska Limited Liability Company and the City of Kearney for the purchase of a tract of land being all of Lot 6, the West 60.00 feet of Lot 7, and part of the North half of vacated 30.00 foot alley, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska; AND a tract of land being all of Lot 9, the West 60.00 feet of Lot 8, and part of the South half of vacated 30.00 foot, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2019-130

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the "Real Estate Purchase Agreement between Kash Plastics, LLC, a Nebraska Limited Liability Company and the City of Kearney" for the purchase of real property which is legally described as: a tract of land being all of Lot 6, the West 60.00 feet of Lot 7, and part of the North half of vacated 30.00 foot alley, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska; AND a tract of land being all of Lot 9, the West 60.00 feet of Lot 8, and part of the South half of vacated 30.00 foot alley, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 13TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2019-131 approving the Peterson Senior Activity Center Annual Nutrition Service Contract between the City of Kearney and Community Action Partnership of Mid-Nebraska.

RESOLUTION NO. 2019-131

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager be and is hereby authorized and directed to execute the Peterson Senior Activity Center Annual Nutrition Service Contract on behalf of the City of

Kearney. The said Contract, marked as Exhibit "1", is attached hereto and made a part hereof be reference.

PASSED AND APPROVED THIS 13TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Adopt Resolution No. 2019-132 approving the recommendation submitted by the Fire Chief to include the following as members of the Kearney Volunteer Fire Department: Joshua Geiselman, Tanner Lawson and Kailey Urban.

RESOLUTION NO. 2019-133

WHEREAS, Jim Tacha, Chief of the Kearney Volunteer Fire Department, has forwarded names of individuals desiring to serve as a volunteer in the Kearney Volunteer Fire Department; and

WHEREAS, based on the recommendation of Chief Tacha, the City Council of the City of Kearney, Nebraska hereby finds and determines that said persons listed are fully capable and qualified to serve a membership in the Kearney Volunteer Fire Department; and

WHEREAS, in order to be qualified for benefits in accordance with Sections 48-115, et seq. of the Nebraska Revised Statutes, said volunteer firefighters acting outside the corporate limits of the City must be officially directed to do so in order to be eligible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska, that the persons recommended by the Chief of the Kearney Volunteer Fire Department for membership in the Kearney Volunteer Fire Department as set forth on the attached letter of recommendation, marked Exhibit "A," attached hereto and made a part hereof by reference, are hereby confirmed as members of the Kearney Volunteer Fire Department for the purposes of and in accordance with Section 48-115 of the Nebraska Revised Statutes, and that said members are fully entitled to benefits under the Workers' Compensation Act.

BE IT FURTHER RESOLVED that all of said volunteer firefighters named on Exhibit "A" are hereby specifically authorized and directed to serve outside the corporate limits of the municipality under the direction, orders and authority of the Chief of the Kearney Volunteer Fire Department in accordance with Section 4-204 of the Kearney City Code.

PASSED AND APPROVED THIS 13TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Adopt Resolution No. 2019-133 approving Change Order No. 1 showing an increase in the amount of \$273,047.50 (for the addition of paving and storm sewer infrastructure at TechOne Crossing) submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for 2019 Part 1 Improvements; Younes Center Sixth in connection with Paving Improvement District Nos. 2019-996 and 2019-997 (Bid B).

RESOLUTION NO. 2019-133

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with 2019 Part 1 Improvements; Younes Center Sixth Addition in connection with Paving Improvement District Nos. 2019-996 and 2019-997 (Bid B), and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$273,047.50 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$ 807,529.50</u>
Change Order No. 1 (8/13/19)	<u>+ 273,047.50</u>
Contract Sum To Date	\$1,080,577.00

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 13TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Approve the agreement between the City of Kearney and the Kearney Area Animal Shelter for continued care of animals that are impounded by the City, setting forth the Shelter's obligations with reference to caring for these animals and adopt Resolution 2019-134.

RESOLUTION NO. 2019-134

WHEREAS, on February 27, 2007, the City of Kearney and the Kearney Area Animal Shelter, Inc., a Nebraska Non-Profit Corporation entered into an on-going Agreement for humane care and services for animals impounded by the City of Kearney; and

WHEREAS, on August 22, 2017, the City of Kearney and the Kearney Area Animal Shelters, Inc. entered into a two-year Agreement for humane care and services for animals impounded by the City of Kearney and sets forth the Kearney Area Animal Shelter, Inc.'s obligations with reference to care for these animals that expires on August 21, 2019; and

WHEREAS, both the City of Kearney and the Kearney Area Animal Shelter, Inc. desire to enter into a new three-year Agreement for humane care and services for animals impounded by the City of Kearney and sets forth the Kearney Area Animal Shelter, Inc.'s obligations with reference to care for these animals, as set forth in the terms and conditions of the Agreement, marked as Exhibit "A" is attached hereto and made a part hereof by reference; and

WHEREAS, the City Council has determined that entering into an agreement with the Kearney Area Animal Shelter, Inc. would be in the best interests of the citizens of the City of Kearney.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager, Michael W. Morgan, be and is hereby

authorized and directed to execute the Agreement between the City of Kearney and the Kearney Area Animal Shelter, Inc. on behalf of the City of Kearney.

PASSED AND APPROVED THIS 13TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

11. Adopt Resolution No. 2019-135 accepting the public improvements constructed under a Developer Constructed Infrastructure Agreement for L & P Commercial Park between the City of Kearney and Starostka Group Unlimited Inc., a Nebraska Corporation.

RESOLUTION NO. 2019-135

WHEREAS, on the 13th day of June, 2017 the President and Council of the City of Kearney, Nebraska passed and approved Resolution No. 2017-105 authorizing the President of the Council to execute the Developer Constructed Infrastructure Agreement between the City of Kearney and Marc Starostka, Member of L & P Investments, L.L.C. to construct water and sanitary sewer to serve L & P Commercial Park, 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 water and sanitary sewer improvements to serve the property described as L & P Commercial Park, 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 13TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

12. Adopt Resolution No. 2019-136 approving the Developer Constructed Infrastructure Agreement between the City of Kearney and Fountain Hills Properties, LLC, a Nebraska Limited Liability Company, by and through its members, Steven Craig and Carol Craig, being an Owner and the Developer for the construction of paving, water main, sanitary sewer main and storm sewer for Lots 1 through 24, inclusive, Block One, Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska.

RESOLUTION NO. 2019-136

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled “Developer Constructed Infrastructure Agreement for Fountain Hills Eighth Addition” between the City of Kearney and Fountain Hills Properties, LLC, a Nebraska Limited Liability Company, by and through its members, Steven Craig and Carol Craig, being an Owner and the Developer for the construction of paving, water main, sanitary sewer main and storm sewer for Lots 1 through 24, inclusive, Block One, Fountain Hills Eighth Addition, an addition to the City of Kearney, Buffalo County, Nebraska be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto and made a part hereof.

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

PASSED AND APPROVED THIS 13TH DAY OF AUGUST, 2019.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

13. Approve the License Agreement between the City of Kearney and the United Parcel Service for Temporary Use of the City’s Right-of-Way near the UPS Depot located at 1120 B Avenue.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8366 REPEALING SECTIONS OF CITY CODE IN THEIR ENTIRETY OF ARTICLE 1 “SIGNS” OF CHAPTER 3 “BUSINESS REGULATIONS”

Council Member Lear introduced Ordinance No. 8366 repealing of sections in their entirety of Article 1 “Signs” and of Chapter 3 “Business Regulations” of the City Code to include: Section 3-101 “Signs; Title”; Section 3-102 “Signs; Intent and Purpose”; and Section 3-103 “Signs; Definitions”; and repealing of articles in their entirety of Article 2 “Posting”, Article 4 “Permanent Signs”, Article 5 “Permit”, Article 6 “Signs Generally”, Article 7 “Design and Construction”, Article 8 “Projection and Clearance”, Article 9 “Nonconforming Signs” and Article 10 “Temporary Signs” of Chapter 3 “Business Regulations” of the City Code, all to become effective October 1, 2019, 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 suspend the rules for Ordinance No. 8366. 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, Lear, Nikkila, Moore. Nay: None. Buschkoetter 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. 8366 by number. Roll call of those in favor of the passage of said ordinance on the first

reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8366 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Lear. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8366 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. 8367 AMENDING ARTICLE 1 "SIGNS" OF CHAPTER 3 "BUSINESS REGULATIONS" AND ADD A NEW SECTION TO THE CITY CODE

Council Member Lear introduced Ordinance No. 8367 amending Article 1 "Signs" of Chapter 3 "Business Regulations" of the City Code as follows: amend Article 1 "Signs" to change article title to "Construction Sign Code"; add a new section entitled Section 3-104 "Intent and Purpose"; add a new section entitled Section 3-105 "Permanent Sign; Registration of Installers"; add a new section entitled Section 3-106 "Revocation of Registration; Sign Installers"; add a new section entitled Section 3-107 "Certificate of Insurance"; add a new section entitled Section 3-108 "Permit Procedures"; add a new section entitled Section 3-109 "Design Standards; Signs"; add a new section entitled Section 3-110 "Construction Standards; Signs"; add a new section entitled Section 3-111 "Maintenance and Alterations; Signs"; add a new section entitled Section 3-112 "Nonconformance; Signs"; and add a new section entitled Section 3-113 "Violations and Enforcement; Signs"; to become effective October 1, 2019, 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 suspend the rules for Ordinance No. 8367. 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, Lear, Nikkila, Moore. Nay: None. Buschkoetter 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. 8367 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8367 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Lear. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8367 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. 8368 AUTHORIZING THE DEED OF SALE TO KASH PLASTICS, LLC

Council Member Lear introduced Ordinance No. 8368 authorizing the deed of sale for a tract of land being all of Lot 6, the West 60.00 feet of Lot 7, and part of the North half of vacated 30.00 foot alley, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska; AND a tract of land being all of Lot 9, the West 60.00 feet of Lot 8, and part of the South half of vacated 30.00 foot, Block 1, Patriot Industrial Park, an addition to the City of Kearney, Buffalo County, Nebraska to Kash Plastics, LLC, a Nebraska Limited Liability Company, 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 suspend the rules for Ordinance No. 8368. 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, Lear, Nikkila, Moore. Nay: None. Buschkoetter 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. 8368 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8368 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Lear. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8368 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. 8369 AMENDING ARTICLE 6 "FIREWORKS" OF CHAPTER 4 "FIRE REGULATIONS"

Council Member Lear introduced Ordinance No. 8369 amending Article 6 "Fireworks" of Chapter 4 "Fire Regulations" of the Code of the City of Kearney as follows: amend Section 4-609 "Discharging Fireworks; When Permissible" to change staff recipient of approved display permit from the State Fire Marshal; and add a new section entitled Section 4-617 "Flying Lantern-Type Device Prohibited", 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 suspend the rules for Ordinance No. 8369. 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, Lear, Nikkila, Moore. Nay: None. Buschkoetter 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. 8369 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8369 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Lear. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8369 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. 8370 REPEALING ORDINANCE NO. 8338 AND AMEND THE SALARY ORDINANCE

Council Member Lear introduced Ordinance No. 8370 repealing Ordinance No. 8338 and amend the Salary Ordinance reflecting recommended classification changes, 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 suspend the rules for Ordinance No. 8370. 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, Lear, Nikkila, Moore. Nay: None. Buschkoetter 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. 8370 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8370 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Lear. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8370 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. 8371 AMENDING SECTION 9-1017 OF DIVISION I OF ARTICLE 10 OF CHAPTER 9 "PUBLIC WORKS"

Council Member Lear introduced Ordinance No. 8371 amending Section 9-1017 "Amendments To Uniform Plumbing Code, 2015 Edition" of Division I "Uniform Plumbing Code" of Article 10 "Plumbing Code" of Chapter 9 "Public Works" to add

language clarifying that removal and tampering of the shutoff valve is not acceptable, 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 suspend the rules for Ordinance No. 8371. 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, Lear, Nikkila, Moore. Nay: None. Buschkoetter 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. 8371 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Nikkila that Ordinance No. 8371 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Lear. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 8371 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 CLAIM

Moved by Nikkila seconded by Moore that the Open Account Claim in the amount of \$106,926.20 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Moore, Lear, Nikkila. Nay: None. Clouse abstained. Buschkoetter absent. Motion carried.

VII. REPORTS

Council Member Jonathan Nikkila stated National Night Out was a great success. He further stated he went on a ride along with the City's Code Enforcement Department and it was interesting to see that process and how Access Kearney works. Furthermore, Council Member Nikkila thanked the Kearney Hub for the article they did on the Waste Water Treatment Plant showing the great work that they do.

Council Member Tami James Moore stated all the splash pads in all the City's parks are wonderful.

City Manager, Michael Morgan, reflected on the projects and accomplishments of the City over the past few months and thanked Darren Robinson for all of his hard work he does for the City as well as thanking NPPD for their partnership with the City. Mr. Morgan further stated the airline closed July with over 2100 passengers.

Mayor Stanley Clouse thanked staff for all the work that was done for the flood restoration. Additionally, the 30th Avenue overpass revisions are working well.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:10 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Nikkila, Moore. Nay: None. Buschkoetter Absent. Motion carried.

ATTEST:

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

**LAUREN BRANDT
CITY CLERK**