

*Kearney, Nebraska
January 28, 2020
5:30 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on January 28, 2020 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; Sarah Sawin, Assistant Utilities Director; Rod Wiederspan, Director of Public Works; Bryan Waugh, Chief of Police; Shawna Erbsen, Administrative Services Director; Brenda Jensen, Development Services Director and Dan Lillis, Engineering Assistant II, were also present. Members of the media present included: Mike Konz with the Kearney Hub.

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

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

With the absence of a minister, the Council held a moment of silence.

PLEDGE OF ALLEGIANCE

Two Boy Scouts from Troop 158 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.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

There were no Public Hearings.

IV. CONSENT AGENDA

Moved by Nikkila seconded by Moore that Subsections 1 through 10 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held January 14, 2020.

2. Approve the following Claims:

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

1000bulbs.com \$501.14 smcs; AAA Rents \$224.40 smcs; ABPA Region 12 \$85.00 smcs; Accucut \$446.20 smcs; Ace Hardware \$29.94 smcs; Ace Irrigation \$40.96 smcs; Adobe \$29.99 smcs; Advance Auto \$63.92 smcs; Advenutre Enterprises \$150.00 smcs; Air Burners \$132,917.00 co; Alert Shirt \$486.24 smcs; ALI Express \$707.88 smcs; All Makes \$2,469.27 smcs; Amax Contracting \$614.40 smcs; Amazon \$9,010.19 smcs,co; American \$2,553.29 smcs,co; American Button Making \$346.23 smcs; American Planning \$738.00 smcs; Apple \$11.99 smcs; Aramark Uniform \$603.25 smcs; Arrow Seed \$1,987.50 smcs; Ask Supply Co. \$2,274.49 smcs; Aurora Coop \$52.00 smcs; Auto Value \$974.13 smcs; B&H Photo \$2,688.90 smcs,co; Baird Holm \$1,545.00 smcs; Baker & Taylor \$3,518.70 smcs; Barco Municipal \$977.44 smcs; Battery Junction \$24.42 smcs; Baum Hydraulics \$573.97 smcs; Baye,S \$349.96 smcs; Bill's Trailer \$18.00 smcs; Black Eagle Energy \$66.76 smcs; Blackstone \$630.69 smcs; Blinds.com \$1,690.30 smcs; Blue to Gold \$349.00 smcs; BlueCross BlueShield \$92,004.66 smcs; Bosselman \$5,233.80 smcs; Bosselman Energy \$1,316.88 smcs; Broadfoot Sand & Gravel \$455.00 smcs; Brown,C \$42.79 smcs; Bubblefactory \$11.40 smcs; Buffalo Outdoor \$958.97 smcs; Buffalo Wild Wings \$52.36 smcs; Builders \$911.58 smcs; Butler,R \$100.00 smcs; Camera Doctor \$30.00 smcs; Candalwood Suites \$96.00 smcs; Canva \$3.00 smcs; Carquest \$1,012.98 smcs; Carrot Top \$455.68 smcs; Casey's \$69.12 smcs; Cash Wa \$942.51 smcs; CBA Lighting \$320.66 smcs; Cenex \$58.56 smcs; Center Point Publishing \$75.96 smcs; Central Hydraulic \$6,597.30 smcs; Central NE Bobcat \$11,271.98 smcs; Chemserach \$307.00 smcs; Chesterman \$94.00 smcs; Chicken Coop \$50.00 smcs; Cintas \$196.41 smcs; City of Ky \$16,614.74 ps, smcs; City Plumbing \$522.72 smcs; CMH Interiors \$4,046.22 smcs; CNRA Parking \$30.00 smcs; Comm. Act. Part. Of NE \$12,290.43 smcs; Consolidated Mgmt. \$566.71 smcs; Construction Rental \$34.09 smcs; Control Yours \$200.00 smcs; Copycat \$2,299.63 smcs; Core & Main \$3,985.76 smcs; Crisis Systems \$60.00 smcs; Culligan \$365.00 smcs; Cummins \$396.53 smcs; Custom Rental \$734.22 smcs; Cutter & Buck \$86.76 smcs; Dakan,M \$445.18 smcs; Dakota Granite \$131,464.00 co,smcs; Danburg,K \$50.00 smcs; Dashlane \$240.00 smcs;

Dawson Public Power \$19,769.52 smcs; Dell \$3,145.27 smcs,co; Demco \$136.77 smcs; Department of Education \$330.09 ps; Dethlefs,K \$6.15 smcs; DHHS Licensure \$115.00 smcs; Digicert \$414.00 co; Dish \$205.77 smcs; Dmilaco \$1,512.00 smcs; Double J Plumbing \$644.33 smcs; Doud,R \$431.98 smcs; Duluth Trading \$365.05 smcs; Eakes \$2,809.31 smcs; Ecolab \$80.26 smcs; Eileen's \$62.50 smcs; Elliott Equipment \$1,738.48 smcs; Emblem Authority \$846.85 smcs; EMC Insurance \$3,144.36 smcs; Enterprise \$177.80 smcs; ESO Solutions \$4,675.00 smcs; Eurofins \$1,280.00 smcs; Eyemed \$895.10 smcs; Facebook \$143.57 smcs; airfield Inn \$537.03 smcs; Farmers Union \$924.00 smcs; Fastenal \$668.73 smcs; Felsburg Holt & Ullevig \$6,035.00 smcs; Fieldstone \$19.99 co; Fire Safety Education \$117.00 smcs; Focke,C \$2,463.55 smcs; Fort Ky Expo Fund \$1,000.00 smcs; Fred Pryor Career Track \$128.00 smcs; Frontier \$7,420.43 smcs; Gale \$218.06 smcs; Galeton \$771.48 smcs; Gall's \$362.38 smcs; Garrett Tires \$9,671.56 smcs; Gearcor \$252.41 smcs; GI Physical Therapy \$180.00 ps; Gison,T \$15.00 smcs; Glatter,D \$50.00 smcs; Glendale Parade \$24.00 smcs; Go Daddy \$204.00 smcs; Gottschalk,B \$14.67 smcs; Gracie University \$1,790.00 smcs; Graczyk Lawn \$3,740.00 smcs; Grainger \$1,586.31 smcs; Great Plains Uniforms \$14,680.23 co; H&H Auto Parts \$960.00 smcs; Hach \$747.21 smcs; Hobby-Lobby \$223.79 smcs; Hogue \$230.36 smcs; Holiday Inn \$248.80 smcs; Holmes \$196.64 smcs; Home Depot \$383.62 smcs; Hometown Leasing \$159.08 smcs; Humanities Nebraska \$75.00 smcs; ICMA Retirement \$6,958.19 ps; ID Security Online \$2,478.00 smcs; Intergrated Security Sol. \$10,499.00 smcs; Invoice Home \$5.00 smcs; IRS \$173,369.09 ps; Island Supply Welding \$1,756.50 smcs; Jack Lederman \$179.99 smcs; Jack's Samll Engines \$133.88 smcs; Jack's Uniform \$1,446.01 smcs; Jennifer Maker \$19.00 smcs; JJ Keller \$132.20 smcs; Johnson Service Co \$786.25 smcs; Johnstone Supply \$1,078.26 smcs; Kanopy \$1,216.00 smcs; Ky Ace \$262.33 smcs; Ky Chamber Comm. \$80.00 smcs; Ky Concrete \$1,126.72 smcs; Ky Crete & Block \$2,069.46 smcs,co; Ky Hub \$1,053.64 smcs; Ky Noon Rotary \$140.00 smcs; Ky Powersports \$2,644.94 smcs; Ky Towing & Repair \$300.00 smcs; Ky Visitors Bureau \$81,976.95 smcs; Ky Warehouse \$437.28 smcs; Ky Winlectric \$704.82 smcs,co; Kelly supply \$337.46 smcs; KOLN \$600.00 smcs; Konica Minolta \$1,203.54 smcs; Kramer,R \$195.00 smcs; Kreutzer Plumbing \$1,024.20 smcs; Kusmaul \$57.90 smcs; Labels Direct \$1,549.58 smcs; Landmark Implement \$4,726.98 smcs; Lawson Products \$978.36 smcs; Leadsonline \$3,227.00 smcs; Leary,R \$22.63 smcs; Librarica \$907.35 smcs; Lion Group \$586.34 smcs; Lips Printing \$535.22 smcs; LMC Truck \$1,419.52 smcs; Lockmobile \$173.20 smcs; M&J Signs \$1,134.18 smcs; Mac Tools \$47.93 smcs; Macqueen Emergency \$603,786.00 co; Macqueen Equipment \$627.04 smcs; Marlatt Machine Shop \$1,463.73 smcs; Master True Value \$852.45 smcs; Matheson \$235.79 smcs; May,K \$50.00 smcs; Mead Lumber \$12.39 smcs; Medina,D \$13.40 smcs; Menards \$5,262.45 smcs; Merryman Perf. Arts Cent. \$255.56 smcs; Michael's \$125.06 smcs; Microsoft \$74.89 smcs; Mid-NE Garage Doors \$150.00 smcs; Midwest Connect \$178.25 smcs; Midwest Petroleum \$1,381.50 smcs; Midwest Service & Sales \$109.92 smcs; Midwest Turf \$344.61 smcs; Miller & Associates \$435.00 smcs; Miller Signs \$240.00 smcs; Miller,D \$170.00 smcs; Milligan,C \$50.00 smcs; Moonlight Embroidery \$1,692.95 smcs; Municipal Supply \$14,153.51 smcs; NCL of Wisconsin \$325.94 smcs; NE Child Support Pmt \$2,287.35 ps; NE Crane \$48.99 smcs; NE Dept of Revenue \$41,163.67 smcs; NE Extension-UNK Lincoln \$50.00 smcs; NE Floodplain \$35.00 smcs; NE Library Assn. \$60.00 smcs; NE Library Commission \$1,189.76 smcs; NE Machinery \$171.22 smcs; NE Safety \$195.00 smcs; NE Supreme Court Pubs. \$104.70 smcs; NE Truck Center \$579.07 smcs; Ne Turf Assn. \$1,300.00 smcs; Nelson,C \$100.00 smcs; Nelson,M \$195.00 smcs; Northern Safety \$115.43 smcs; Northwestern

Energy \$10,280.76 smcs; O'Reilly Auto \$2,131.88 smcs; O'Bryan,D \$16.38 smcs; Officemax \$1,133.88 smcs; Officenet \$411.73 smcs; Omaha Publishing \$17.33 smcs; Omni Chicago \$293.52 smcs; O'Reilly Auto \$246.40 smcs; Orscheln \$1,075.13 smcs; OTC Brands \$47.85 smcs; Palace Hotel \$549.81 smcs; Paramount \$242.61 smcs; Pennwell \$89.00 smcs; Penworthy Company \$226.40 smcs; Pep Co \$150.00 smcs; Pitney Bowes \$1,056.52 smcs; Platte Valley Auto \$432.84 smcs; Platte Valley Comm. \$2,125.25 smcs; Police Officers Assn. \$9.00 smcs; Police One \$495.00 smcs; Pot O' Gold \$230.00 smcs; Presto-X \$322.00 smcs; Prime Comm. \$1,890.50 smcs; Provantage \$354.99 smcs; Public Agency \$25.00 smcs; Quill \$249.95 smcs; R&R Repair \$317.86 smcs; Ransdell,A \$7.50 smcs; Recorded Books \$260.60 smcs; Red Cross \$38.00 smcs; edman's Shoes \$184.44 smcs; Riekes Equipment Co \$1,605.53 smcs; Safe Slide Restoration \$1,750.00 co; Safelite Autoglass \$365.98 smcs; Safety Products \$49.06 smcs; Safety Store \$51.07 ps; Sahling Kenworth \$460.46 smcs; Sapp Brothers \$54,943.29 smcs; Scholastic Education \$245.00 smcs; Select Sprayers \$1,277.48 smcs; Sherwin Williams \$152.03 smcs; Shredding Solutions \$45.00 smcs; Silverstone Group \$5,005.75 smcs; Skala,B \$526.06 smcs; Skywest \$146,172.28 smcs; SOS Portable Toilets \$220.00 smcs; South Central Diesel \$1,759.46 smcs; Spectrum \$917.07 smcs; Steel Toe Shoes \$180.48 smcs; Steinbrink's \$2,570.00 smcs; Stitch 3 \$161.71 smcs; Stutsman Logistics \$1,647.00 smcs; Sunbelt Rentals \$34.90 smcs; Super Shine Auto \$78.50 smcs; Superior \$1,197.00 smcs; Supply House \$215.37 smcs; Target \$21.40 smcs; Taxi Service Chicago \$120.60 smcs; Thomson Reuters \$84.53 smcs; Titan Machinery \$154.34 smcs; Tracfone \$22.86 smcs; Tractor Supply \$399.18 smcs; Transunion \$110.30 smcs; Tri Co Equipment \$730.96 smcs; Tri-Co Glass \$132.10 smcs; Triple Crown Products \$971.92 smcs; Tri-Tech Nat'l Law \$302.75 smcs; Turfco Direct \$95.10 smcs; Tyler Business \$132.20 smcs; Tyler Technologies \$481.25 co; Uber \$24.11 smcs; Union Bank & Trust \$89,007.22 ps; Unique Management Serv. \$196.90 smcs; United \$3,020.70 smcs; UNK \$10.00 smcs; UNL Agronomy \$720.00 smcs; Updraftplus.com \$30.00 co; UPS \$29.78 smcs; USA Comm. \$174.85 smcs; USPS \$209.50 smcs; Vermont Systems \$218.75 smcs; Vinylgaurd \$281.94 smcs; W.T. Cox \$26.99 smcs; Wal-Mart \$1,000.14 smcs; Wands and Whimsy \$225.75 smcs; Water Link \$682.12 smcs; Water's Edge Aquatic \$4,555.00 smcs; Web Netowrk \$34.95 smcs; Wellness Council of Amer. \$97.20 ps; Westheffer \$302.56 smcs; Wilco Life Insurance Co. \$10.00 ps; Windham Waponry \$1,230.00 smcs; WPCI \$157.50 ps; Zimmerman Printers \$179.50 smcs; Zoro Tools \$232.98 smcs; Payroll Ending 01/18/2020 -- \$483,976.87. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set February 11, 2020 at 5:30 p.m. as date and time for hearing on those applications where applicable.
4. Approve the Plans and Specifications for the Cherry Avenue Pedestrian Bridge Replacement and set the bid opening date for February 18, 2020 at 2:00 p.m.
5. Approve the Plans and Specifications for the 2020 Trail Restoration and set the bid opening date for February 18, 2020 at 2:00 p.m.
6. Adopt Resolution No. 2020-9 approving Application for Payment No. 6 in the amount of \$188,318.77 submitted by Midlands Contracting, Inc. and approved by Miller

& Associates for 2019 Part 1 Improvements; Younes Center Sixth Addition for the construction of water and sewer infrastructure (Bid A).

RESOLUTION NO. 2020-9

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with 2019 Part 1 Improvements; Younes Center Sixth Addition for construction of water and sewer infrastructure (Bid A), and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 6 in the amount of \$188,318.77 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$ <u>1,302,048.00</u>
Change Order No. 1 (5-28-19)	+ 0.00
Change Order No. 2 (5-28-19)	+ 73,286.00
Change Order No. 3 (7-23-19)	+ <u>58,528.00</u>
Contract Sum To Date	1,433,862.00
Gross Amount Due	1,420,390.00
Retainage (10%)	- 71,019.50
Amount Due to Date	1,349,370.50
Less Previous Certificates for Payment	- <u>1,161,051.73</u>
Current Payment Due	\$ 188,318.77

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 6, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF JANUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

7. Adopt Resolution No. 2020-10 approving Change Order No. 2 showing an increase in the amount of \$171,000.75 submitted by Blessing Construction and approved by Miller & Associates for 2019 Part 2 Improvements for the construction of Patriot Industrial Park consisting of Paving Improvement District No. 2019-998.

RESOLUTION NO. 2020-10

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with 2019 Part 2 Improvements for the construction of Patriot Industrial Park consisting of Paving Improvement District No. 2019-998, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an increase to the contract sum in the amount of \$171,000.75 as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

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. 2, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF JANUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

8. Accept the bids received for the 2020 Sidewalk ADA Improvements (also known as Community Development Block Grant funded Sidewalk Replacement Project; Phase 2) for the project area of 2nd Avenue to 5th Avenue and 16th Street to 22nd Street and adopt Resolution No. 2020-11 awarding the bid to GD Concrete Construction Inc. in the amount of \$399,150.00.

RESOLUTION NO. 2020-11

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on January 22, 2020 at 2:00 p.m. for the 2020 Sidewalk ADA Improvements; and

WHEREAS, the Engineer’s Opinion of Probable Construction Cost for the project was \$470,375.00; and

WHEREAS, Miller & Associates and the City have recommended the bid offered by GD Concrete Construction Inc. of Overton, Nebraska in the amount of \$399,150.00 be accepted as the lowest responsible bid for 2020 Sidewalk ADA Improvements.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the said Engineer’s recommendation is hereby accepted, that GD Concrete Construction Inc. be and is the lowest responsible bidder for the 2020 Sidewalk ADA Improvements to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of GD Concrete Construction Inc. in the amount of \$399,150.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer’s Opinion of Probable Construction Cost in the amount of \$470,375.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 28TH DAY OF JANUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

9. Authorize the Mayor to execute a Partial Release of Easement for several easements that were included in the Instruments but were not plotted for property described as: Lot 1, Block Two, Piper Subdivision, part of the Northeast Quarter of the Southwest Quarter, the Northwest Quarter of the Southeast Quarter, Part of Government Lot 1 and part of Government Lot 4, Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; AND a tract being part of Tract C in the Midway Industrial District, Kearney Air Field, located in the South Half of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; AND a tract of land in the South Half of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; AND a tract of land located in Tract C in the Midway Industrial District, Kearney Air Field, which tract lies in the South Half of Section 28, Township 9 North,

Range 15 West of the 6th P.M., Buffalo County, Nebraska; AND a tract of land being part of Government Lot 2 and part of Government Lot 3 located in the Southwest Quarter of the Southeast Quarter of Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska and approve Resolution No. 2020-12.

RESOLUTION NO. 2020-12

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby directed and authorized to execute a Partial Release of Easement, a copy of which marked Exhibit "1" is attached hereto, to release the easements that were included in the Instruments but were not plotted on tracts of land described on Exhibit "1". A copy of the said Partial Release of Easement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF JANUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

10. Approve the Easement Agreement between the City of Kearney and Ace Irrigation and Manufacturing Company agreeing to terms on various easements surrounding the Ace Irrigation and Manufacturing Company property located at 4740 East 39th Street and adopt Resolution No. 2020-13.

RESOLUTION NO. 2020-13

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Easement Agreement with Ace Irrigation and Manufacturing Company, a Nebraska Corporation agreeing to the terms set forth on the various easements surrounding the Ace Irrigation and Manufacturing Company property located at 4740 East 39th Street. A copy of the Easement Agreement, marked as Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF JANUARY, 2020.

ATTEST:
LAUREN BRANDT
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 8395 AMENDING SEVERAL SECTIONS OF CHAPTER 5

Council Member Moore introduced Ordinance No. 8395 amending several sections of Chapter 5 "Health and Sanitation" of the City Code including: Section 5-408 "Generally; Service of Notice" of Article 4 "Nuisances"; Section 5-605 "Weeds; Removal of Weeds by City; Authorization" of Article 6 "Weeds" and Section 5-606 "Weeds; Removal of Weeds by City; Maintenance After Initial Cutting" of Article 6 "Weeds" by amending code enforcement notification procedures for properties in violation of the City's weed nuisance

codes to be in accordance with Nebraska Revised Statute 16-230, 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 suspend the rules for Ordinance No. 8395. 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. 8395 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 Buschkoetter seconded by Clouse that Ordinance No. 8395 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. 8395 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 Buschkoetter seconded by Nikkila that the Open Account Claim in the amount of \$90,789.25 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Nikkila, Moore, Buschkoetter. Nay: None. Clouse abstained. Lear absent. Motion carried.

VII. REPORTS

CLOSED SESSION

Moved by Clouse seconded by Nikkila that Council adjourn into closed session at 5:31 p.m. for the protection of the public interest to discuss possible litigation matters. Roll call resulted as follows: Aye: Clouse, Nikkila, Moore, Buschkoetter. Nay: None. Lear absent. Motion carried.

Mayor Clouse restated the purpose for the closed session is for the protection of the public interest to discuss possible litigation matters. According to law, the Council has the option to reconvene back into open session and may take any formal action it deems appropriate.

Moved by Buschkoetter seconded by Clouse that Council reconvene in regular session at 6:10 p.m. Roll call resulted as follows: Aye: Clouse, Moore, Buschkoetter, Nikkila. Nay:

None. Lear absent. Motion carried.

VIII. ADJOURN

Moved by Clouse seconded by Nikkila that Council adjourn at 6:10 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**