

*Kearney, Nebraska*  
*May 27, 2008*  
*7:00 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 7:00 p.m. on May 27, 2008, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Don Kearney, Bruce Lear, and Bob Lammers. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance and Administration; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Luke Olson, Management Assistant were also present. Some of the citizens present in the audience included: Steve Altmaier from KGFW Radio, and Sara Giboney from 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**

Mayor and Council members held a moment of silent prayer.

### **PLEDGE OF ALLEGIANCE**

Boy Scout Tristen Crook 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 towards the back of the Council Chambers.

### **ORAL COMMUNICATIONS**

There was no Oral Communications.

## **II. UNFINISHED BUSINESS**

There was no Unfinished Business.

### **III. PUBLIC HEARINGS**

#### **PROPOSED AMENDMENTS TO CITY CODE PERTAINING TO RECREATIONAL VEHICLES, TRAILERS AND COMMERCIAL VEHICLES**

Mayor Clouse stated Public Hearing 1 will remain on the table until June 10. It pertains to proposed amendments to the City Code relative to parking of recreational vehicles, trailers and commercial vehicles. The City Council will be holding a Study Session to discuss this matter.

### **IV. CONSENT AGENDA**

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

1. Approve Minutes of Regular Meeting held May 13, 2008.
2. Approve the following Claims:
  - PS – Personnel Services
  - SMCS – Supplies, Materials & Contractual Services
  - ER – Equipment Rental
  - CO – Capital Outlay
  - DS – Debt Service

AT&T \$164.65 smcs; Ace Irrigation \$303.43 smcs; A-G Pipe \$3,573.60 smcs; Agri Co-op \$7,654.50 smcs; Alamar Uniforms \$909.13 ps; Anderson Ford Lincoln \$15,692.00 co; Ask Supply \$215.60 smcs; Baker & Taylor Books \$1,907.47 smcs; Banda,T \$8.66 smcs; Barber,J \$529.50 smcs; BBC Audiobooks \$120.26 smcs; Blessing \$178,524.35 smcs,co; Bluecross Blueshield \$125,379.68 smcs; Bosselman \$55,798.44 smcs; Bowman,R \$200.00 smcs; Broadfoot's Sand \$3,483.00 smcs; Buffalo Co Court \$114.22 ps; Buffalo Co Economic \$4,812.18 smcs; Buffalo Co Treasurer \$30.00 co; Burnham,W \$3.58 smcs; Byrne,D \$10.01 smcs; Cash-Wa \$56.70 smcs; Cassidy,A \$15.66 smcs; Central Contracting \$91,493.10 co; Charter \$119.98 smcs; City of Ky \$80,731.53 smcs,co,ps; Civic Plus \$11,300.00 co; Clayton,A \$25.92 smcs; College Savings Plan of NE \$75.00 ps; Control Masters \$596.74 smcs; Cook,R \$1,200.00 smcs; Copycat Printing \$1,805.79 smcs; Crocker & Co \$90.50 smcs; Crossroads Ford \$25.00 smcs; Cummins Central Power \$174.36 smcs; Dawson Co PPD \$12,008.40 smcs; Delta Systems \$1,895.00 smcs; Depository Trust \$551,417.08 ds; Dept of the Treasury \$6.19 ps; DPC Industries \$9,124.50 smcs; Dreyer,D \$140.87 smcs; Dutton-Lainson \$140.73 smcs; Eakes \$354.70 smcs; Ecolab \$30.00 smcs; EMC Insurance \$58.00 smcs; Enterprise \$37.00 smcs; Erickson,C \$19.41 smcs; Family Advocacy Network \$3,975.00 smcs; Farmers Union \$30.00 smcs; Farrell,A \$18.94 smcs; Fedex \$124.49 smcs; Fedex \$26.40 smcs; Fellman,M \$10.29 smcs; Fireguard \$7,950.00 co; Frontier \$8,111.32 smcs; Gale \$305.39 smcs; Glacken & Associates \$530.00 smcs; Gooch Brake \$2,546.00 co; Grand Central Apple Market \$32.43 smcs; Great Plains One Call \$434.16 smcs; Gregory,B \$66.00 smcs; Grint,K \$113.01 smcs; Gryphon Wireless \$4,139.83 co; Guideposts \$16.94 smcs; H&H Distributing \$1,341.05 smcs; Harley Davidson \$159.08 smcs; HD Supply \$6,049.20 smcs; Hoehner Turf \$48.20 smcs; Hogan's Sporting Turf \$19.95 smcs; Hyatt,L \$52.87 smcs; Hydrologic \$175.00 smcs;

ICC \$100.00 smcs; ICMA RC \$2,530.01 ps; IRS \$98,833.13 ps; Jack Lederman \$684.90 smcs; James,D \$1,000.00 smcs; Jerke,D \$12.93 smcs; Johnson, Ronald \$298.00 smcs; Jostens Yearbooks \$46.73 smcs; Ky Clinic \$35.00 smcs; Ky Concrete \$7,854.50 smcs,co; Ky Crete & Block \$380.40 co; Ky Hub \$6,216.39 smcs; Ky Humane Society \$2,400.00 smcs; KHAS-TV \$2,750.00 smcs; Kirkham Michael \$11,846.55 co; Konica Minolta \$284.98 smcs; Krepel,J \$476.00 smcs; Labels, Leadville & Lore \$30.00 smcs; Linweld \$91.70 smcs; Lockmobile \$160.82 smcs; Longly,A \$8.66 smcs; Magic Cleaning \$660.00 smcs; Manary,M \$136.75 smcs; Mendez,C \$35.00 smcs; Miller & Associates \$21,701.81 smcs,co; Morgan,M \$22.00 smcs; Mosbarger,B \$21.00 smcs; Municipal Supply \$349.34 smcs; NE Child Support \$2,716.36 ps; NE Dept Environmental \$309,992.30 smcs,co; NE Dept of Revenue \$33,058.86 smcs; NE Salt & Grain \$9,234.65 smcs; NE Soc of Fire Service \$45.00 smcs; NE Truck Center \$113,604.00 smcs,co; NEland Distributors \$1,182.10 smcs; NeFSMA \$35.00 smcs; Nevco Scoreboard \$7,040.30 co; Northwestern Energy \$659.21 smcs; Northridge Plaza \$3,000.00 co; Officenet \$319.00 smcs; Olson,T \$52.14 smcs; OMB's Express Police \$176.97 co; Paramount Linen \$371.79 smcs; Payne,B \$26.13 smcs; Peerless Pumps \$8,588.64 smcs,co; Platte Valley Comm \$1,936.17 smcs; Presto-X \$96.00 smcs; Pro Source One \$4,403.11 smcs; Proquest \$2,840.00 smcs; Random House \$590.40 smcs; Rauert,M \$7.11 smcs; Ready Mixed Concrete \$2,906.53 smcs,co; Recognition Unlimited \$185.80 smcs; Recorded Books \$416.41 smcs; Remington Arms \$600.00 smcs; Republican Valley Library \$15.00 smcs; Roper's Radiator \$20.00 smcs; Sam's Club \$100.00 smcs; See Clear Cleaning \$3,200.00 smcs; Sesna,D \$158.00 smcs; Sid Dillion Wahoo \$15,597.00 co; Snow,T \$100.00 smcs; Solid Waste Agency \$387.90 smcs; State of NE/HHS Lab \$562.00 smcs; Story,G \$208.00 smcs; Theis,J \$60.00 smcs; Third Party Environmental \$225.00 smcs; Turner Body Shop \$150.00 smcs; UAP Distribution \$3,547.95 smcs; Unique Management \$259.55 smcs; Unisys \$180.80 smcs; West Payment Center \$1,260.59 smcs; Wiegand Security \$75.00 smcs; Wilson,J \$4.37 smcs; WPCI \$160.50 ps; Zimmerman Printers \$107.00 smcs; Payroll Ending 5-10-2008 -- \$292,722.73. 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 June 10, 2008 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Approve the request submitted by the Central Nebraska Auto Club to conduct a parade on July 19, 2008 from 5:00 p.m. until 6:00 p.m. on Central Avenue from North Railroad Street and ending at Apple Market.
5. Approve the application for a Special Designated License submitted by Kearney Event Center in connection with their Class CK-66275 liquor license to dispense beer, wine and distilled spirits an enclosed fenced area (temporary beer garden) in front of the arena in the parking lot of the Kearney Event Center, 609 Platte Road, on July 3, 2008 (alternate date is July 4, 2008) from 5:00 p.m. until 1:00 a.m. for the July 4th Celebration.
6. Approve Eastbrooke Tenth Addition Amended Subdivision Agreement between the City of Kearney and Camron, Inc. and Nebraska National Bank pertaining to the public improvements to serve Lots 1 and 2 of Block 1; Lots 1, 2, 3, 4, 5, 6, 7 of Block 2;

Lots 1 and 2 of Block 3; Lots 1 and 2 of Block 4; and Lot 1 of Block 5, Eastbrooke Tenth Addition to the City of Kearney and approve **Resolution No. 2008-80.**

**RESOLUTION NO. 2008-80**

WHEREAS, the Kearney City Council passed and approved Resolution No. 2007-180 on September 11, 2007 approving the Subdivision Agreement for Eastbrooke Tenth, an addition to the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the developer had indicated that the public improvements for Eastbrooke Tenth Addition including paving, water, sanitary sewer and storm water drainage and detention would be installed by the developer; and

WHEREAS, the developer has reconsidered this matter and has decided that improvement districts are the preferable method to install the improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the original Subdivision Agreement, be and is hereby amended to reflect the changes in the implementation of the improvements. A copy of the Amended 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.

BE IT FURTHER RESOLVED that the other provisions, promises, obligations and requirements contained in the original Subdivision Agreement are still in effect.

PASSED AND APPROVED THIS 27TH DAY OF MAY, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

7. Approve the recommendation from the Building Official on the annual renewal of the following manufactured home court licenses until May 31, 2009: **Cornhusker Mobile Home Park**, 1115 Avenue C; **Cottonmill Mobile Home Court**, 3635 Cottonmill Avenue; **Countryside Mobile Park**, 1920 15th Avenue; **East Lawn Mobile Homes Estates**, 2900, 3010 Grand Avenue; **L&M Mobile Home Park**, 1122 Central Avenue; **Merriweather Mobile Home Village**, 914 West 17th Street; **Northside Park**, 4641 West Highway 30; **Rodeo Court**, 2414 West 24th Street; **R-Villa East, West and South**, 2424, 2719, 2803 West 24th Street; **Schnase Trailer Court**, 1284 62nd Avenue; **Sheen's Mobile Home Court**, 4664 West Highway 30; **Valley View Mobile Home Court**, 2701 Grand Avenue; **Van Vleet Trailer Court**, 550 30th Avenue; **Villa Park**, 2703 West 24th Street; **Westside Trailer Court**, 1282 62nd Avenue.

8. Approve Application and Certificate for Payment No. 4 in the amount of \$46,193.81 submitted by Starostka Group Unlimited and approved by Miller & Associates in connection with the Northwest Well Field Improvements; Phase II – Water Transmission Main and approve **Resolution No. 2008-81.**

**RESOLUTION NO. 2008-81**

WHEREAS, Starostka Group Unlimited of Grand Island, Nebraska has performed services in connection with the Northwest Well Field Improvements; Phase II

– Water Transmission Main, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Application and Certificate for Payment No. 4 in the amount of \$46,193.81 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$4,098,297.20
Change Order – None	<u>.00</u>
Contract Sum to Date	4,098,297.20
Total Completed and Stored to Date	2,639,806.71
Retainage	263,980.67
Amount Due to Date	2,375,826.04
Less Previous Certificates for Payment	- 1,974,184.23
Less Bacteria Testing/Flushing/Chlorination	- 124,724.00
Pressure Testing	- 124,724.00
Less Late Completion (October 2007 – April 2008)	<u>- 106,000.00</u>
Current Payment Due	\$ 46,193.81

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. 4, as shown on Exhibit “A”, be and is hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF MAY, 2008.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

9. Approve Application and Certificate for Payment No. 5 in the amount of \$152,100.00 submitted by Eriksen Construction and approved by Miller & Associates in connection with the Northwest Well Field Improvements; Phase III – Water Conditioning Facility and Control System and approve **Resolution No. 2008-82**.

**RESOLUTION NO. 2008-82**

WHEREAS, Eriksen Construction Co. of Blair, Nebraska has performed services in connection with the Northwest Well Field Improvements – Phase III (Water Conditioning Facility and Control System) and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 5 in the amount of \$152,100.00 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$410,900.00</u>
Contract Sum To Date	410,900.00
Gross Amount Due	392,970.00
Retainage	39,297.00
Amount Due to Date	353,673.00
Less Previous Certificates for Payment	<u>201,573.00</u>
Current Payment Due	\$152,100.00

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

PASSED AND APPROVED THIS 27TH DAY OF MAY, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**10.** Approve Change Order No. 2 showing a decrease in the amount of \$11,114.00, Application and Certificate for Payment No. 3-Final in the amount of \$67,617.63 and the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates in connection with the 2007 Manhole Rehabilitation Project and approve **Resolution No. 2008-83.**

**RESOLUTION NO. 2008-83**

WHEREAS, Midlands Contracting Inc. of Kearney, Nebraska has performed services in connection with the 2007 Manhole Rehabilitation Project and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing a decrease to the contract sum in the amount of \$11,114.00 as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting Inc. and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3-Final in the amount of \$67,617.63 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$125,118.95
Change Order No. 1 (1-22-2008)	+13,607.00
Change Order No. 1 (1-22-2008)	<u>-11,114.00</u>
Contract Sum To Date	127,611.95
Gross Amount Due	127,611.95
Retainage	0.00
Amount Due to Date	127,611.95
Less Previous Certificates for Payment	<u>59,994.32</u>
Current Payment Due	\$ 67,617.63

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of April 30, 2008, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

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", Application and Certificate for Payment No. 3-Final, as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF MAY, 2008.

ATTEST:  
MICHAELLE E. TREMBLY

STANLEY A. CLOUSE  
PRESIDENT OF THE COUNCIL

CITY CLERK

AND EX-OFFICIO MAYOR

**11.** Approve Change Order No. 1 showing an increase in the amount of \$6,726.00 and Application and Certificate for Payment No. 1 in the amount of \$220,466.98 submitted by Blessing, LLC and approved by Miller & Associates in connection with the 2007 Part IV Improvements for the construction of Avenue A between 11th Street and 13th Street, Avenue I between 14th Street and 15th Street and 14th Street between Avenue I and Avenue K and approve **Resolution No. 2008-84.**

**RESOLUTION NO. 2008-84**

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2007 Part IV Improvements for the construction of Avenue A between 11th Street and 13th Street, Avenue I between 14th Street and 15th Street and 14th Street between Avenue I and Avenue K 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 \$6,726.00 as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Blessing, LLC and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$220,466.98 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$225,438.00
Change Order No. 1 (5-27-2008)	+ 6,726.00
Contract Sum To Date	232,164.00
Gross Amount Due	232,070.50
Retainage	11,603.53
Amount Due to Date	220,466.98
Less Previous Certificates for Payment	0.00
Current Payment Due	\$220,466.98

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" and Application and Certificate for Payment No. 1, as shown on Exhibit "B", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF MAY, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**12.** Approve the Plans and Specifications for the construction of the 2008 Part 2 Improvements consisting of Paving Improvement District No. 2007-920 for the alley lying between 24th Street to 25th Street from 1st Avenue to 2nd Avenue; Paving Improvement District No. 2007-921 for the alley lying between 1st Avenue and 2nd Avenue from 23rd Street to 24th Street; Paving Improvement District No. 2007-922 for the alley lying between 25th Street and 26th Street from Central Avenue to Avenue A; Paving Improvement District No. 2007-923 for the alley lying between Central Avenue

and Avenue A from 23rd Street to 24th Street; Paving Improvement District No. 2007-924 for the alley lying between Central Avenue and 1st Avenue from 23rd Street to 24th Street and set the bid opening date for June 17, 2008 at 2:00 p.m.

**13.** Approve the application for a Special Designated License submitted by ALLEY ROSE, INC., dba "Alley Rose" in connection with their Class IK-21763 liquor license to dispense beer and wine in the Museum of Nebraska Art located at 2401 Central Avenue on June 11, 2008 from 6:00 p.m. until 9:00 p.m. for the Nebraska State Wide Arts Conference.

**14.** Approve the Developer Constructed Infrastructure Agreement between the City of Kearney and Baldwin Filters for part of Tract "B" in Midway Industrial District, Kearney Airfield, Buffalo County, Nebraska and approve **Resolution No. 2008-85.**

**RESOLUTION NO. 2008-85**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement" between the City of Kearney and Baldwin Filters, Inc. for the construction of a 15-inch diameter vitrified clay pipe sanitary sewer main from the existing sanitary sewer main located in the Highway 30 right-of-way near the east property line of Eaton Manufacturing, Inc. east along said Highway 30 a distance of 961 feet to a point located in front of Baldwin Filters, Inc. be and is hereby accepted and approved. The Agreement, marked as Exhibit 1 is attached hereto, negotiated with Sam Ferrise, President of Baldwin Filters, Inc. to construct sanitary sewer as stated above in the highway right-of-way.

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 27TH DAY OF MAY, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**15.** Approve **Resolution No. 2008-73A** correcting the number listed for the distance in the legal description for the final plat of Ingalls Crossing Fourth Addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, containing 3.05 acres, more or less (approximately 474.10 feet north of the intersection of 2nd Avenue and 56th Street on the east side of 2nd Avenue).

**RESOLUTION NO. 2008-73A**

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA, that the plat of "INGALLS CROSSING FOURTH ADDITION" an addition to the City of Kearney, Buffalo County, Nebraska for a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, 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 24 and assuming the west line of the Southwest Quarter of Section 24 as bearing  $N00^{\circ}14'59''E$  and all bearings contained herein are relative thereto; thence  $N00^{\circ}14'59''E$  and on the west line of the Southwest Quarter of Section 24 a distance of 59.68 feet; thence  $S89^{\circ}45'01''E$  a distance of 59.05 feet to the southwest corner of Lot 1, Ingalls Crossing Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, said point also being on the north right-of-way line of 56th Street, a street in the City of Kearney, Buffalo County, Nebraska, and said point also being on the east right-of-way line of Nebraska State Highway No. 10/2nd Avenue, an avenue in the City of Kearney, Buffalo County, Nebraska; thence  $N01^{\circ}09'48''E$  and on the west line of said Lot 1, Ingalls Crossing Second Addition, and on the east line of said Nebraska State Highway No. 10/2nd Avenue, a distance of 223.46 feet to the Actual Place of Beginning, said point being the northwest corner of said Lot 1, Ingalls Crossing Second Addition, and said point also being the southwest corner of Lot 3 (now vacated) of said Ingalls Crossing Second Addition; thence continuing  $N01^{\circ}09'48''E$  and on the east line of said Nebraska State Highway No. 10/2nd Avenue and the west line of said Lot 3 (now vacated), Ingalls Crossing Second Addition a distance of 191.41 feet to the northwest corner of said Lot 3 (now vacated), Ingalls Crossing Second Addition; thence  $N01^{\circ}13'12''E$  and continuing on the east right-of-way line of said Nebraska State Highway No. 10/2nd Avenue a distance of 249.64 feet; thence leaving said east right-of-way line of Nebraska State Highway No. 10/2nd Avenue,  $S89^{\circ}36'03''E$  a distance of 314.43 feet; thence  $S00^{\circ}23'57''W$  a distance of 131.00 feet to a point of curvature; thence on a 170.0 foot radius curve to the left forming a central angle  $13^{\circ}39'40''$ , an arc distance of 40.53 feet to a point of non-tangency, said point being the northeasterly corner of 1st Avenue, an avenue in the City of Kearney, Buffalo County, Nebraska, as dedicated and shown on the plat of Ingalls Crossing, an addition to the City of Kearney, Buffalo County, Nebraska; thence  $S76^{\circ}44'17''W$  and on the northerly line of said 1st Avenue a distance of 60.00 feet to a point of non-tangency, said point also being on the westerly line of said 1st Avenue and said point also being on the easterly line of said Lot 3 (now vacated), Ingalls Crossing Second Addition; thence southeasterly on a 230.0 foot radius curve, concave northeasterly, forming a central angle of  $16^{\circ}52'31''$  and continuing on the westerly line of said 1st Avenue and the easterly line of said Lot 3 (now vacated), Ingalls Crossing Second Addition, an arc distance of 67.74 feet to a point of tangency, said point being  $S21^{\circ}41'58''E$  a chord distance of 67.50 feet from the previously described point; thence  $S30^{\circ}08'13''E$  and continuing on the westerly line of said 1st Avenue and the easterly of said Lot 3 (now vacated), Ingalls Crossing Second Addition a distance of 109.5 feet to the southeasterly corner of said Lot 3 (now vacated), Ingalls Crossing Second Addition, said point also being the northerly corner of Lot 2 of said Ingalls Crossing Second Addition; thence leaving the westerly line of said 1st Avenue,  $S60^{\circ}37'06''W$  and on the southerly line of said Lot 3 (now vacated), Ingalls Crossing Second Addition and on the northerly line of said Lot 2, Ingalls Crossing Second Addition a distance of 79.06 feet to a point of curvature; thence on a 100.0 foot radius curve to the left forming a central angle of  $46^{\circ}15'12''$  and continuing on the southerly line of said Lot 3 (now vacated), Ingalls Crossing Second Addition, and the northerly line of said Lot 2, Ingalls Crossing Second Addition, an arc distance of 80.73 feet to a point of non-tangency said point being the northwesterly corner of said Lot 2, Ingalls Crossing Second Addition and said point also being on the north line of said Lot 1, Ingalls Crossing Second Addition; thence  $N88^{\circ}50'12''W$  and on the south line of said Lot 3

(now vacated), Ingalls Crossing Second Addition, and on the north line of said Lot 1, Ingalls Crossing Second Addition a distance of 232.12 feet to the place of beginning, containing 3.50 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 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 27TH DAY OF MAY, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**16.** Approve **Resolution No. 2008-74A** correcting the number listed for the distance in the legal description for the annexation of Ingalls Crossing Fourth Addition to the City of Kearney, Buffalo County, Nebraska for property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, containing 3.05 acres, more or less (approximately 474.10 feet north of the intersection of 2nd Avenue and 56th Street on the east side of 2nd Avenue).

#### **RESOLUTION NO. 2008-74A**

WHEREAS, an Application has been submitted by Mitch Humphrey from Buffalo Surveying (Applicant) for Roberta Corrigan, Trustee of the Leroy Corrigan Trust and Roberta Corrigan General Partner of the Roberta Corrigan Farm, a Limited Partnership (Owner) for the inclusion of "INGALLS CROSSING FOURTH ADDITION" an addition within the corporate boundaries of the City of Kearney said property described as a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 24, 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 24 and assuming the west line of the Southwest Quarter of Section 24 as bearing N00°14'59"E and all bearings contained herein are relative thereto; thence N00°14'59"E and on the west line of the Southwest Quarter of Section 24 a distance of 59.68 feet; thence S89°45'01"E a distance of 59.05 feet to the southwest corner of Lot 1, Ingalls Crossing Second Addition, an addition to the City of Kearney, Buffalo County, Nebraska, said point also being on the north right-of-way line of 56th Street, a street in the City of Kearney, Buffalo County, Nebraska, and said point also being on the east right-of-way line of Nebraska State Highway No. 10/2nd Avenue, an avenue in the City of Kearney, Buffalo County, Nebraska; thence N01°09'48"E and on the west line of said Lot 1, Ingalls Crossing Second Addition, and on the east line of said Nebraska State Highway No. 10/2nd Avenue, a distance of 223.46 feet to the Actual Place of Beginning, said point being the northwest corner of said Lot 1, Ingalls Crossing Second Addition, and

said point also being the southwest corner of Lot 3 (now vacated) of said Ingalls Crossing Second Addition; thence continuing  $N01^{\circ}09'48''E$  and on the east line of said Nebraska State Highway No. 10/2nd Avenue and the west line of said Lot 3 (now vacated), Ingalls Crossing Second Addition a distance of 191.41 feet to the northwest corner of said Lot 3 (now vacated), Ingalls Crossing Second Addition; thence  $N01^{\circ}13'12''E$  and continuing on the east right-of-way line of said Nebraska State Highway No. 10/2nd Avenue a distance of 249.64 feet; thence leaving said east right-of-way line of Nebraska State Highway No. 10/2nd Avenue,  $S89^{\circ}36'03''E$  a distance of 314.43 feet; thence  $S00^{\circ}23'57''W$  a distance of 131.00 feet to a point of curvature; thence on a 170.0 foot radius curve to the left forming a central angle  $13^{\circ}39'40''$ , an arc distance of 40.53 feet to a point of non-tangency, said point being the northeasterly corner of 1st Avenue, an avenue in the City of Kearney, Buffalo County, Nebraska, as dedicated and shown on the plat of Ingalls Crossing, an addition to the City of Kearney, Buffalo County, Nebraska; thence  $S76^{\circ}44'17''W$  and on the northerly line of said 1st Avenue a distance of 60.00 feet to a point of non-tangency, said point also being on the westerly line of said 1st Avenue and said point also being on the easterly line of said Lot 3 (now vacated), Ingalls Crossing Second Addition; thence southeasterly on a 230.0 foot radius curve, concave northeasterly, forming a central angle of  $16^{\circ}52'31''$  and continuing on the westerly line of said 1st Avenue and the easterly line of said Lot 3 (now vacated), Ingalls Crossing Second Addition, an arc distance of 67.74 feet to a point of tangency, said point being  $S21^{\circ}41'58''E$  a chord distance of 67.50 feet from the previously described point; thence  $S30^{\circ}08'13''E$  and continuing on the westerly line of said 1st Avenue and the easterly of said Lot 3 (now vacated), Ingalls Crossing Second Addition a distance of 109.5 feet to the southeasterly corner of said Lot 3 (now vacated), Ingalls Crossing Second Addition, said point also being the northerly corner of Lot 2 of said Ingalls Crossing Second Addition; thence leaving the westerly line of said 1st Avenue,  $S60^{\circ}37'06''W$  and on the southerly line of said Lot 3 (now vacated), Ingalls Crossing Second Addition and on the northerly line of said Lot 2, Ingalls Crossing Second Addition a distance of 79.06 feet to a point of curvature; thence on a 100.0 foot radius curve to the left forming a central angle of  $46^{\circ}15'12''$  and continuing on the southerly line of said Lot 3 (now vacated), Ingalls Crossing Second Addition, and the northerly line of said Lot 2, Ingalls Crossing Second Addition, an arc distance of 80.73 feet to a point of non-tangency said point being the northwesterly corner of said Lot 2, Ingalls Crossing Second Addition and said point also being on the north line of said Lot 1, Ingalls Crossing Second Addition; thence  $N88^{\circ}50'12''W$  and on the south line of said Lot 3 (now vacated), Ingalls Crossing Second Addition, and on the north line of said Lot 1, Ingalls Crossing Second Addition a distance of 232.12 feet to the place of beginning, containing 3.50 acres, more or less, all in Buffalo County, Nebraska; and

WHEREAS, the Kearney City Planning Commission has received and held a public hearing on April 18, 2008 on the inclusion of "INGALLS CROSSING FOURTH ADDITION" within the corporate limits and recommended the Kearney City Council approve said application; and

WHEREAS, said application to include the land within the corporate limits was duly signed by the owners of the land affected with the express intent of platting the land as "INGALLS CROSSING FOURTH ADDITION" an addition to the City of Kearney, Buffalo County, Nebraska;

WHEREAS, a public hearing was held by the Kearney City Council relating to said application on May 13, 2008 who deemed the said addition to be included within the corporate limits to be advantageous to and in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the land to be platted as "INGALLS CROSSING FOURTH ADDITION" shall be included within the corporate limits of the City of Kearney, Buffalo County, Nebraska, that the inhabitants of such addition shall be entitled to all the rights and privileges, and shall be subject to all the laws, ordinances, rules and regulations of the City of Kearney.

BE IT FURTHER RESOLVED that the inclusion of "INGALLS CROSSING FOURTH ADDITION" within the corporate limits of the City of Kearney is subject to the final plat being filed with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 27TH DAY OF MAY, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

17. Approve the application for a Special Designated License submitted by JUAN LAZO, dba "El Tropic" in connection with their Class IB-37623 liquor license to dispense beer and distilled spirits in the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on June 22, 2008 from 4:00 p.m. until 12:00 a.m. for a Mexican dance.

## **V. CONSENT AGENDA ORDINANCES**

### **ORDINANCE NO. 7434 – CREATE PAVING DISTRICT NO. 2008-927**

Chapter 16 of the Nebraska Revised Statutes sets out the rules by which water, sewer and paving districts may be created by public entities. The Council has the authority to create districts and make improvements and assess the costs to the property that is benefited by the improvements. The Mayor and Council, by ordinance, shall create districts according to Sections 16-619 and 16-667 of the Nebraska Revised Statutes. At that time, the City must publish notice of the creation of the district one time each week for not less than 20 days in a daily or weekly newspaper of general circulation in the City. After publication, if the owners of record title representing more than 50% of the front footage of the property abutting or adjoining any continuous or extending improvements objects in writing within 20 days (30 days for water and sewer) from the first publication of said notice the work will not be done. If objections are not filed against the district in a timely manner that meets the law, the Mayor and Council shall proceed to construct such improvements.

Item 6 on the Consent Agenda is the Amended Subdivision Agreement with Camron, Inc. and Nebraska National Bank pertain to the development of 62<sup>nd</sup> Street, Avenue S, Avenue T and Avenue U in Eastbrooke Tenth Addition. The developer has requested the City to create paving, water and sewer improvements for this area. Compliance with Section 57-102 of the Kearney City Code and the terms and conditions of the Amended Agreement requires the developer to deposit one hundred percent of the total estimated costs of the districts. Any remaining unpaid costs of the improvements shall be assessed against the property in said districts on a basis of special benefit to the property, if any, as provided by law.

Council Member Lammers introduced Ordinance No. 7434, being Subsection 1 of Agenda Item V to create Paving Improvement District No. 2008-927 for 62nd Street, Avenue S, Avenue T and Avenue U as said streets abut Lots 1 and 2 of Block 1; Lots 1, 2, 3, 4, 5, 6, and 7 of Block 2; Lots 1 and 2 of Block 3; Lots 1, 2, 3 of Block 4; Lot 1 of Block 5, all in Eastbrooke Tenth, 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 Lear seconded the motion to suspend the rules. 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, Kearney, Buschkoetter, Lear, Lammers. Nay: None. 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. 7434 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7434 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7434 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. 7435 – CREATE WATER DISTRICT NO. 2008-551**

Chapter 16 of the Nebraska Revised Statutes sets out the rules by which water, sewer and paving districts may be created by public entities. The Council has the authority to create districts and make improvements and assess the costs to the property that is benefited by the improvements. The Mayor and Council, by ordinance, shall create districts according to Sections 16-619 and 16-667 of the Nebraska Revised Statutes. At that time, the City must publish notice of the creation of the district one time each week for not less than 20 days in a daily or weekly newspaper of general circulation in the City. After publication, if the owners of record title representing more than 50% of the front footage of the property abutting or adjoining any continuous or extending improvements objects in writing within 20 days (30 days for water and sewer) from the first publication of said notice the work will not be done. If objections are not filed against the district in a timely manner that meets the law, the Mayor and Council shall proceed to construct such improvements.

Item 6 on the Consent Agenda is the Amended Subdivision Agreement with Camron, Inc. and Nebraska National Bank pertain to the development of 62<sup>nd</sup> Street, Avenue S, Avenue T and Avenue U in Eastbrooke Tenth Addition. The developer has requested the City to create paving, water and sewer improvements for this area. Compliance with Section 57-102 of the Kearney City Code and the terms and conditions of the Amended

Agreement requires the developer to deposit one hundred percent of the total estimated costs of the districts. Any remaining unpaid costs of the improvements shall be assessed against the property in said districts on a basis of special benefit to the property, if any, as provided by law.

Council Member Lammers introduced Ordinance No. 7435, being Subsection 2 of Agenda Item V to create Water District No. 2008-551 for 62nd Street, Avenue S Avenue T and Avenue U as said streets abut Lots 1 and 2 of Block 1; Lots 1, 2, 3, 4, 5, 6, and 7 of Block 2; Lots 1 and 2 of Block 3; Lots 1, 2, 3 of Block 4; Lot 1 of Block 5, all in Eastbrooke Tenth, 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 Lear seconded the motion to suspend the rules. 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, Kearney, Buschkoetter, Lear, Lammers. Nay: None. 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. 7435 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7435 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7435 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. 7436 – CREATE SEWER DISTRICT NO. 2008-493**

Chapter 16 of the Nebraska Revised Statutes sets out the rules by which water, sewer and paving districts may be created by public entities. The Council has the authority to create districts and make improvements and assess the costs to the property that is benefited by the improvements. The Mayor and Council, by ordinance, shall create districts according to Sections 16-619 and 16-667 of the Nebraska Revised Statutes. At that time, the City must publish notice of the creation of the district one time each week for not less than 20 days in a daily or weekly newspaper of general circulation in the City. After publication, if the owners of record title representing more than 50% of the front footage of the property abutting or adjoining any continuous or extending improvements objects in writing within 20 days (30 days for water and sewer) from the first publication of said notice the work will not be done. If objections are not filed against the district in a timely manner that meets the law, the Mayor and Council shall proceed to construct such improvements.

Item 6 on the Consent Agenda is the Amended Subdivision Agreement with Camron, Inc. and Nebraska National Bank pertain to the development of 62<sup>nd</sup> Street, Avenue S, Avenue T and Avenue U in Eastbrooke Tenth Addition. The developer has requested the City to create paving, water and sewer improvements for this area. Compliance with Section 57-102 of the Kearney City Code and the terms and conditions of the Amended Agreement requires the developer to deposit one hundred percent of the total estimated costs of the districts. Any remaining unpaid costs of the improvements shall be assessed against the property in said districts on a basis of special benefit to the property, if any, as provided by law.

Council Member Lammers introduced Ordinance No. 7436, being Subsection 3 of Agenda Item V to create Sanitary Sewer District No. 2008-493 for 62nd Street, Avenue T and Avenue U as said streets abut Lots 1 and 2 of Block 1; Lots 1, 2, 3, 4 of Block 2; Lots 1 and 2 of Block 4; Lot 1 of Block 5, all in Eastbrooke Tenth, 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 Lear seconded the motion to suspend the rules. 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, Kearney, Buschkoetter, Lear, Lammers. Nay: None. 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. 7436 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7436 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7436 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**

### **KEARNEY VISITORS BUREAU – AGREEMENT FOR SERVICES**

Mayor Clouse opened for discussion the Agreement for Services between the City of Kearney and the Kearney Visitors Bureau and to consider approval of Resolution No. 2008-86.

On October 10, 2006, the Kearney City Council approved an Agreement for Services with the Kearney Visitors Bureau setting forth and terms and conditions pertaining to the annual hotel occupation tax collections. The updated Agreement for Services with the

Visitors Bureau provides the City will pay to the Visitors Bureau for services rendered the total amount of hotel occupation taxes collected in excess of \$50,000 for the fiscal year commencing on October 1, 2008 and ending on September 20, 2022. The use of these funds shall be subject to promoting economic development in the City of Kearney, and its immediate business, industrial, and manufacturing environments. The remaining \$50,000 per year will be collected for a total of ten years to be applied towards the Cherry Avenue Bypass project. These funds combined with the State's contribution of \$1.5 million and \$1 million from local keno funds, will provide the required matching funds for the project.

Council Member Lammers wanted to know if the \$3 million amount is exceeded will the State split the excess over the agreed amount. City Manager responded that the State has agreed to pay fifty percent of amount that exceeds \$3 million. The additional fifty percent, where there might be an increase, the City would have to assume that responsibility. Currently, the project is at \$13 million and they have bumped it to \$15 million due to inflation over the next two years.

Moved by Buschkoetter seconded by Clouse to approve the Agreement for Services between the City of Kearney and the Kearney Visitors Bureau and approve **Resolution No. 2008-86**. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

#### **RESOLUTION NO. 2008-86**

WHEREAS, the City of Kearney, Nebraska and the Kearney Visitors Bureau desire to enter into an agreement for the purpose of promoting economic development in the City of Kearney, Nebraska and its immediate business, industrial and manufacturing environments.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Agreement for Services on behalf of the City of Kearney. A copy of said Agreement is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF MAY, 2008.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**OPEN ACCOUNT CLAIMS: STANLEY CLOUSE - \$44.07, PLATTE VALLEY STATE BANK - \$44,628.04**

Moved by Kearney seconded by Lammers that Open Account Claims in the amount of \$44.07 payable to Stanley Clouse and in the amount of \$44,628.04 payable to Platte Valley State Bank be allowed. Roll call resulted as follows: Aye: Lammers, Kearney, Buschkoetter. Nay: None. Clouse and Lear abstained. Motion carried.

### **VII. REPORTS**

**CHERRY AVENUE BYPASS**

City Manager Michael Morgan thanked Jon Abegglen, Senator Joel Johnson, Senator Deb Fischer, Department of Roads, Governor Dave Heineman, Buffalo County Board of Supervisors, former Mayor Galen Hadley, former City Manager Allen Johnson, and Rod Wiederspan for all their hard work in implementing the construction and progress of the Cherry Avenue Bypass.

**VIII. ADJOURN**

Moved by Clouse seconded by Kearney that Council adjourn at 7:11 p.m. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

**ATTEST:**

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

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**MICHAELLE E. TREMBLY  
CITY CLERK**