

Kearney, Nebraska
December 10, 2009
4:00 p.m.

An emergency meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 4:00 p.m. on December 10, 2009 in the Council Chambers at City Hall. Because of the severe winter storm and the canceling of the regular Council meeting set for December 8, 2009, an emergency meeting was scheduled to consider the necessary matters. All other matters were placed on the Council Agenda for December 22, 2009. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Don Kearney, and Bob Lammers. Absent: Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; and Kirk Stocker, Director of Utilities were also present. Some of the citizens present in the audience included: 5 students from UNK, Kevin Hervert from Kearney Hub.

Because of the time constraint, notice of the meeting was given by emailing the notice and agenda to the Mayor and Council members and news media on Tuesday morning. A copy of their acknowledgment or receipt of such notice is attached to these minutes. Availability of the Agenda was communicated 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.

ROUTINE BUSINESS

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.

CONSENT AGENDA

Moved by Kearney seconded by Lammers that Subsections 1 through 8 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held November 24, 2009.
2. Approve the following Claims:
 - PS Personnel Services
 - SMCS Supplies, Materials & Contractual Services
 - ER Equipment Rental
 - CO Capital Outlay
 - DS Debt Service

Ace Hardware \$77.98 smcs; Advanced Auto Parts \$128.64 smcs; Aflac \$2,721.66 ps; Agent Fee \$40.00 smcs; Aiken Colon Tool Supply \$391.59 smcs; Alertshirt \$1,575.46 smcs; Allied Electronics \$91.61 smcs; Alvarado,F \$50.00 smcs; Amax Contracting

\$970.00 co; Amazon \$347.99 co; Amer Electric \$223.41 smcs,co; Amer First Aid \$37.90 smcs; Amer Library Assn \$335.00 smcs; AWWA \$165.00 smcs; Amsan \$932.75 smcs; Andersen,G \$2,400.00 smcs; Anixter \$547.75 co; Antelope Newspaper \$70.00 smcs; Apple Books \$425.89 smcs; Apria Home Health Care \$40.00 smcs; Ask Supply \$760.75 smcs; Auto Glass Center \$354.35 smcs; Baker & Taylor Books \$3,017.96 smcs; Barco Municipal Products \$187.04 smcs; BBC Audiobooks \$175.91 smcs; Best Lock \$264.01 smcs; Big Rack Shack \$985.00 smcs; Blessing Construction \$185,659.99 smcs,co; Bluecross Blueshield \$86,748.29 smcs; Bosselman \$29,694.18 smcs; Brokering,P \$100.00 smcs; Bruce Furniture \$1,540.00 co; Buffalo Air Services \$4,000.01 smcs; Buffalo Co Treasurer \$18,750.00 smcs; Buffalo Outdoor Power \$767.94 smcs; Builders Warehouse \$5,335.44 smcs,co; Business Office Systems \$1,400.00 smcs; Buzz's Marine Supply \$22.99 smcs; Cabela's \$2,440.49 smcs; Carquest \$1,495.35 smcs; Cash-Wa \$268.85 smcs; CDW Govt \$171.57 smcs; Center For Education \$254.95 smcs; Central Hydraulic Systems \$481.11 smcs; Central NE Bobcat \$285.75 smcs; Central States Group \$7,601.42 smcs; Certified Power \$339.39 smcs; Chad \$8.00 ps; Charter \$229.97 smcs; City of Ky \$183,159.76 ps; College Savings Plan of NE \$150.00 ps; Comcate \$5,325.30 smcs; Construction Rental \$200.83 smcs; Copycat Printing \$206.73 smcs; Country Estate Fence \$611.89 smcs; Cowpoke \$516.00 smcs; CPS \$2,689.95 smcs; Crossroads Ford \$398.44 smcs; Crushers \$13,987.29 co; CRW Flags \$52.50 smcs; Cummins Central Power \$426.25 smcs; Dan Roeder Concrete \$112,526.98 co; Daylight Donuts \$12.70 smcs; Dell \$14,874.66 smcs,co; DHHS Online Licensing \$94.00 smcs; Disney Educational \$104.85 smcs; DPMS Panther Arms \$139.78 smcs; Dugan Business Forms \$436.39 smcs; Dutton-Lainson \$191.00 smcs; DXPE \$366.78 smcs; Eakes \$1,151.49 smcs; Ecolab \$31.00 smcs; Eileens Cookies \$38.25 smcs; Elliott Equipment \$174.67 smcs; Emerson Network \$219.00 smcs; Empire Promotional \$24.88 ps; Enforcement Technology \$5,999.94 co; Epromos Promotional \$16.91 ps; Exhaust Pros \$40.00 smcs; Expression Wear \$104.00 smcs; Fairbanks Intl \$506.65 smcs; Famous Dave's \$92.27 smcs; Farmers Union \$486.01 smcs; Fastenal \$1,239.73 smcs; Fire Safety Media \$176.00 smcs; Foster,D \$30.92 smcs; Fox Print Direct \$605.68 smcs; Fredrikson Construction \$2,361.20 smcs; Frontier \$128.92 smcs; Gale \$844.42 smcs; Galeton Gloves \$899.40 smcs; Galls \$39.24 smcs; Garrett Tires \$7,845.64 smcs; Goodwill Industries \$4.01 smcs; Graham Tire \$1,271.94 smcs; Grainger \$5,038.31 smcs; Hampton Inn \$70.00 smcs; HD Supply \$644.09 smcs; Henning,V \$295.00 smcs; Himmelrick,J \$40.94 smcs; Hobby-Lobby \$28.87 smcs; Holmes Plumbing \$863.45 smcs; Hometown Leasing \$237.20 co; HP Product \$15.99 co; Huber,V \$13.18 smcs; Hydrologic \$338.64 smcs; ICMA RC \$6,150.37 smcs,ps; IRS \$103,688.97 ps; Intl Public Mgt \$700.75 smcs; Interstate All Battery \$314.45 smcs; Intl Assn for Identification \$70.00 smcs; IIMC \$165.00 smcs; Intuit \$100.52 smcs; Jack Lederman \$96.73 smcs; JCPenney \$2,540.10 smcs; Jerry's Sinclair \$28.00 smcs; Johnson Hardware \$943.00 smcs; Johnstone Supply \$57.74 smcs; Jrs Western \$2,291.78 smcs; K&K Parts \$568.00 smcs; Ky Crete & Block \$96.00 smcs; Ky Hub \$611.60 smcs; Ky Humane Society \$6,500.00 smcs; Ky Implement \$10,639.73 smcs,co; Ky United Way \$571.00 ps; Ky Visitors Bureau \$29,520.79 smcs; Ky Warehouse \$704.76 smcs; Ky Winlectric \$76.18 smcs; Ky Winnelson \$22.48 smcs; Ky Yamaha \$478.95 smcs; Killion Motors \$322.16 smcs; Kmart \$265.98 smcs; Konica Minolta \$283.93 smcs; Landmark \$26.78 smcs; Lear,B \$18.00 smcs; Lifeguard Store \$183.00 smcs; Lightworld \$337.69 smcs; Linweld \$135.13 smcs; Lockmobile \$65.00 smcs; LVNV Funding \$236.09 ps; Magic Cleaning \$1,700.00 smcs; Mahalek,J \$78.76 smcs; Marketing Displays \$624.71 smcs; Marlatt Machine Shop \$31.53 smcs; Maverick

Books \$9.00 smcs; McLean Thermal Mgmt \$479.71 smcs; Menards \$3,154.97 smcs; Metlife \$6,374.67 ps; Microsoft Store \$326.31 smcs; Mid Amer Signal \$325.00 smcs; Mid-Amer Specialties \$365.03 smcs; Midas Auto \$206.39 smcs; Midlands Contracting \$81,413.05 smcs,co; Midway Chrysler \$35.65 smcs; Milco Environmental \$951.85 smcs; Miller & Associates \$14,399.48 smcs,co; Misko Sports \$531.95 smcs; Moonlight Embroidery \$2,078.00 smcs; Mullen,L \$177.04 smcs; Napa All Makes Auto \$5,373.65 smcs; NE All Battery \$100.00 co; NE Child Support \$2,650.20 ps; NE Dept of Revenue \$31,779.39 ps; NE Truck Center \$364.92 smcs; Neopost \$7,000.00 smcs; NeRPA \$50.00 smcs; Netmotion Wireless \$639.17 co; Newegg \$1,212.41 co; Newman Signs \$212.83 smcs; NMC \$419.57 smcs; Noah,R \$83.00 smcs; Norlab \$169.52 smcs; Northwest Electric \$368.86 smcs; Northwestern Energy \$1,365.46 smcs; Office Max \$1,445.87 smcs,co; Officenet \$1,481.76 smcs; Oil-Rite \$386.06 smcs; O'Keefe Elevator \$436.00 smcs; Old Navy \$42.80 smcs; O'Reilly Auto \$2,513.31 smcs; Orscheln \$979.75 smcs; Oshkosh \$840.33 smcs; Otis Air Service \$5,299.30 smcs,co; Our Design \$206.00 smcs,co; Paraben \$132.90 smcs; Paramount \$22.00 smcs; Payflex Systems \$501.50 smcs,ps; Paypal \$132.50 co; PBD Ala-Graph Editions \$47.25 smcs; Peerless Machine \$5,610.18 smcs; Phillips,D \$1.14 smcs; Photo Check-out \$23.91 smcs; Planet Battery \$166.96 ps; Platte Valley Comm \$119.42 smcs; Pramac \$3,865.31 co; Presto-X \$78.00 smcs; Provantage Corp \$1,588.17 smcs; Quality Inn Suites \$216.03 ps; Quality Logo Products \$19.67 smcs; Quill \$32.95 smcs; Random House \$86.00 smcs; Realtiesoftcom \$39.95 smcs; Recognition Unlimited \$121.45 ps; Recorded Books \$306.13 smcs; Redman's Shoes \$6,734.84 smcs; RT Corporation \$84.50 smcs; Run-N-Iron Customizing \$53.61 smcs; SA Foster Lumber \$5.36 smcs; Sahling Kenworth \$382.09 smcs; Salient Stills \$9,995.00 co; Salina Blueprint \$113.29 smcs; Sanitation Products \$749.53 smcs; Sanny,M \$18.00 smcs; Schonstedt Instrument \$330.36 smcs; Scientific Sales \$412.84 smcs; Sherwin Williams \$232.84 smcs; Sign Center \$338.86 co; Softchoice \$4,559.23 smcs; Sorensen Group \$10,634.25 co; Southland Electrical \$448.60 smcs; Spencer Turbine \$614.00 smcs; Spirit in the Wind Enterprises \$80.00 smcs; Sports Village \$209.93 smcs; Springtree Media \$65.12 smcs,co; SPS VAR \$2,035.00 co; St of NE HHS Lab \$982.00 smcs; St of NE/AS Central \$3,751.90 smcs,co; St of NE/Elevator Safety \$100.00 smcs; Steinbrinks Landscaping \$1,568.40 smcs; Sun Life Financial \$29,331.36 smcs; Sungard \$1,410.00 smcs,co; Sunmart \$34.82 smcs; Swank Motion Pictures \$285.91 co; Tape4Backup \$389.00 smcs; Target \$191.63 smcs; Tarps Direct \$85.12 smcs; TCJ Enterprises \$315.75 smcs; Teledyne Isco \$965.00 smcs; Terri's Shrub Design \$590.00 smcs; Tigerdirect \$144.99 smcs; Titan Machinery \$1,145.27 smcs; Tractor-Supply \$3,607.89 smcs; Trane Co \$269.00 smcs; Trans Iowa Equipment \$1,482.85 smcs; Tri City Outdoor Power \$136.17 smcs; Turf Werks Omaha \$36.65 smcs; Turner Body Shop \$70.00 smcs; United Air \$1,541.40 smcs; United Industries \$2,866.51 co; United Way \$300.00 smcs; UPS \$28.67 smcs; Urbanek,G \$25.77 smcs; US Bank \$1,050.00 smcs; USA Blue Book \$201.23 smcs; USPS \$160.77 smcs; Van Diest \$957.60 smcs; Verizon \$1,248.83 smcs; Village Uniform \$373.24 smcs; Voss Lighting \$409.76 smcs; Wagner's Irrigation \$3,875.00 co; Walgreens \$22.12 smcs; Wal-mart \$1,843.86 smcs; Walsh,C \$107.67 smcs; Walter Curtis \$42.00 smcs; Water Environment \$417.00 smcs; Weigl Publishers \$194.77 smcs; West Marine \$84.89 smcs; West Payment Center \$168.00 smcs; Wicks Sterling Trucks \$1,021.43 smcs; Wilke Donovans \$298.12 smcs; Wittek Golf Supply \$831.99 co; Yanda's Music \$13.95 smcs; Zimmerman Printers \$155.50 smcs; Payroll Ending 11-21-2009 -- \$320,593.63; and Longevity Payroll -- \$46,380.65. 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. Accept the bids received for the purchase of an automated side load refuse compactor truck used in the Sanitation Division and award the bid to Sanitation Products Inc. of Sioux Falls, South Dakota in the amount of \$218,742.00.

4. Approve the Developer Constructed Infrastructure Agreement for Cash-Wa Second Addition for the construction of paving, storm sewer and water improvements for Lots 1 and 2 of Block 1, Cash-Wa Second Addition and approve **Resolution No. 2009-215**.

RESOLUTION NO. 2009-215

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 Cash-Wa Distributing Company of Kearney, Inc. to construct water, sanitary sewer, storm sewer and paving to serve Lots 1 and 2 of Block 1, Cash-Wa Second 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, negotiated with Tom Henning, its President for Cash-Wa Distributing Company of Kearney, Inc. to construct said water, sanitary sewer, storm sewer and paving as stated above.

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 10TH DAY OF DECEMBER, 2009.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Approve the Plans and Specifications for the construction of the 2009 Part 12 Improvements consisting of Water Connection District No. 2009-4 and Sanitary Sewer Connection District No. 2009-2 in 11th Street from the existing main in 11th Street and Kea West Avenue to 30th Avenue, 30th Avenue between North Railroad Street and 11th Street, and 16th Street from 30th Avenue east to its terminus and set the bid opening date for January 11, 2010 at 2:00 p.m.

6. Approve the bids received for the 2009 Part 14 Improvements consisting of Water Connection District No. 2009-3 and Sewer Connection District No. 2009-1 for 17th Street from Avenue K to Avenue M, paving of 17th Street from Avenue K to Avenue M, and paving of Avenue K from 17th Street to 18th Street and approve **Resolution No. 2009-216** awarding the bid to Midlands Contracting in the amount of \$58,335.00 for Bid A (Water and Sewer) and to Dan Roeder Concrete in the amount of \$169,630.50 for Bid B (Paving).

RESOLUTION NO. 2009-216

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed

bids which were opened on December 1, 2009 at 2:00 p.m. for the 2009 Part 14 Improvements consisting of Water Connection District No. 2009-3 and Sewer Connection District No. 2009-1 for 17th Street from Avenue K to Avenue M, paving of 17th Street from Avenue K to Avenue M, and paving of Avenue K from 17th Street to 18th Street; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$61,966.80 for Bid A (water and sewer) and \$251,405.25 for Bid B (paving); and

WHEREAS, the said engineers have recommended the bid offered by Midlands Contracting, Inc. of Kearney, Nebraska in the sum of \$58,335.00 be accepted as the lowest responsible bid for Bid A (water and sewer); and

WHEREAS, the said engineers have recommended the bid offered by Dan Roeder Concrete of Kearney, Nebraska in the sum of \$169,630.50 be accepted as the lowest responsible bid for Bid B (paving).

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that Midlands Contracting, Inc. of Kearney, Nebraska be and is the lowest responsible bidder for the 2009 Part 14 Improvements – Bid A – consisting of Water Connection District No. 2009-3 and Sewer Connection District No. 2009-1 for 17th Street from Avenue K to Avenue M to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting, Inc. of Kearney, Nebraska in the sum of \$58,335.00 be and is hereby accepted.

BE IT FURTHER RESOLVED that the Engineers recommendation is hereby accepted and approved, that Dan Roeder Concrete of Kearney, Nebraska be and is the lowest responsible bidder for the 2009 Part 14 Improvements – Bid B consisting of paving of Avenue K from 17th Street to 18th Street; to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Dan Roeder Concrete of Kearney, Nebraska in the sum of \$169,630.50 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$61,966.80 for Bid A (water and sewer) and \$251,405.25 for Bid B (paving) 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 10TH DAY OF DECEMBER, 2009.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Approve the General Administration Contract between the City of Kearney and Miller & Associates for the CDBG-NSP Grant #095N42 in the amount of \$10,000.00 and approve **Resolution No. 2009-217**.

RESOLUTION NO. 2009-217

WHEREAS, the City of Kearney was awarded \$210,000.00 for the Neighborhood Stabilization Program 1 Funds from the Nebraska Department of Economic

Development which will allow the demolition of five residential buildings and the construction of two Habitat for Humanity homes in the City of Kearney; and

WHEREAS, the City of Kearney requested proposals from firms in Central Nebraska for project administration services relating to this project; and

WHEREAS, City staff reviewed the proposals and recommends pursuing a contract with Miller & Associates of Kearney to provide project administration services.

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, on behalf of the City of Kearney, the Technical and Professional Services Contract between the City of Kearney and Miller & Associates for project administration services as set forth in the Contract. The said Contract, marked Exhibit "A", is attached hereto and made a part hereof by reference

PASSED AND APPROVED THIS 10TH DAY OF DECEMBER, 2009.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Approve Amendment to CDBG-NSP Grant #095N42 Contract to remove the property located at 1831 Avenue H and to add property located at 1825 Avenue I and approve **Resolution No. 2009-218**.

RESOLUTION NO. 2009-218

WHEREAS, on April 28, 2009 the City Council of Kearney, Nebraska, conducted a public hearing upon the proposed application for the Neighborhood Stabilization Program from the Nebraska Department of Economic Development; and

WHEREAS, the City of Kearney, Nebraska received notification that funds have been awarded in the amount of \$210,000.00; and

WHEREAS, the property owner of the residential structure located at 1831 Avenue H wishes to demolish the structure privately; and

WHEREAS, the grant contract will need to be amended to reflect the removal of the property located at 1831 Avenue H and to add the property located at 1825 Avenue I.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that Administration be and is hereby authorized and directed to submit a request to the Nebraska Department of Economic Development to amend the original grant contract to reflect the removal of the property located at 1831 Avenue H and to add the property located at 1825 Avenue I.

PASSED AND APPROVED THIS 10TH DAY OF DECEMBER, 2009.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7559 CREATE WATER CONNECTION DISTRICT NO. 2009-4

Items 1 and 2 of the Consent Agenda Ordinances pertain to the same area.

Section 16-6,102 of the Revised Statutes of Nebraska allows the City by ordinance passed by not less than a three-fourths vote of all members of the City Council to create water and sanitary sewer connection districts within or one mile beyond the corporate limits.

Water Connection District 2009-4 and Sanitary Sewer Connection District 2009-2 are being proposed to construct a sixteen inch diameter water main and a 21 inch diameter sanitary sewer main in 11th Street from the existing water and sanitary sewer mains located in 11th Street and Kea West Avenue westward to 30th Avenue then northward in 30th Avenue to 16th Street. The water and sanitary sewer main combined with water and sanitary sewer being built in 30th Avenue north of 16th Street and in 16th Street east of 30th Avenue will serve west 11th Street, 30th Avenue south of the Union Pacific Railroad and the Buckle Addition located east of 30th Avenue on 16th Street.

Connection Districts are not a lien on abutting property, annual payments are not required and interest does not accrue. When the abutting property owners connect to the water and sewer main they pay a connection fee that will be levied by the City Council after construction is completed.

City Administration has applied for a United States Department of Commerce, Economic Development Administration Grant to pay for the construction and engineering of the water and sanitary sewer mains included in the connection districts. If the grant is not approved, Administration proposes to issue bonds to pay for the connection districts along with any grant funds received.

Council Member Lammers introduced Ordinance No. 7559, being Subsection 1 of Agenda Item V creating Water Connection District No. 2009-4 in 11th Street from the existing main in 11th Street and Kea West Avenue to 30th Avenue, thence north in 30th Avenue to 16th Street, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter 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, Buschkoetter, Lammers, Kearney. 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. 7559 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lammers, Kearney. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7559 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance,

Ordinance No. 7559 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. 7560 – CREATE SANITARY SEWER CONNECTION DISTRICT NO. 2009-2

Council Member Lammers introduced Ordinance No. 7560, being Subsection 2 of Agenda Item V creating Sanitary Sewer Connection District No. 2009-2 in 11th Street from the existing main in 11th Street and Kea West Avenue to 30th Avenue, thence north in 30th Avenue to 16th Street, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Buschkoetter 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, Buschkoetter, Lammers, Kearney. 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. 7560 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lammers, Kearney. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7560 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7560 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.

ADJOURN

Moved by Kearney seconded by Lammers that Council adjourn at 4:03 p.m. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lammers. Nay: None. Lear absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**