

Kearney, Nebraska
July 27, 2010
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 July 27, 2010, in the Council Chambers at City Hall. Present were: Randy Buschkoetter, Vice-President of the Council; Michaelle Trembly, City Clerk; Council Members Don Kearney, Bruce Lear, and Bob Lammers. Absent: Mayor Stanley Clouse. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant to the City Manager; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Candy Kuntz, Steve Altmaier from KGFW Radio, Kevin Hervert 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

Reverend Jerry Ness from St. Luke's Episcopal Church provided the Invocation.

PLEDGE OF ALLEGIANCE

Two Boy Scouts from Troop 158 led the Council members and audience in the Pledge of Allegiance.

ANNOUNCEMENT

Vice-President Buschkoetter 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

None.

IV. CONSENT AGENDA

Moved by Kearney seconded by Lammers that Subsections 1 through 15 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney, Lear. Nay: None. Clouse absent. Motion carried.

1. Approve Minutes of Regular Meeting held July 13, 2010.

2. Approve the following Claims:

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

AT&T \$173.25 smcs; Advance Services \$112.50 smcs; Alamar Uniforms \$454.17 smcs; Amer First Aid \$54.06 smcs; Amer Red Cross \$100.00 smcs; Ask Supply \$49.60 smcs; Aurora Coop \$787.20 smcs; B&S Concrete \$995.00 co; Bachman,S \$28.29 smcs; Baker & Taylor \$1,936.56 smcs; Barney Abstract \$360.00 smcs; BBC Audiobooks \$228.21 smcs; Becker,G \$129.50 smcs; Blevins,D \$480.00 smcs; Blessing \$314,386.20 smcs,co; Bluecross Blueshield \$136,650.07 smcs; Bosselman \$6,370.49 smcs; Broadfoot's \$3,055.50 smcs,co; Brodart Co \$49.25 smcs; Buffalo Co Treasurer \$15.00 co; Builders \$2,306.21 smcs; Business Office Systems \$156.96 smcs; Carnes,H \$637.50 smcs; Casey's \$51.05 smcs; Cash-Wa \$77.10 smcs; Central Dist Health Dept \$3,190.00 smcs; Central Fire & Safety \$45.25 smcs; Central NE Bobcat \$6,064.00 co; Charter \$509.95 smcs; Chesterman \$2,458.30 smcs; Chief Industries \$26,146.53 co; CHS Agri Service \$1,617.71 smcs; City of Ky \$25,495.66 smcs,co,ps; Clarke,L \$14.00 smcs; Coleman,K \$42.62 smcs; College Savings Plan of NE \$190.00 ps; Comcate \$6,000.00 co; Consec Life Ins \$24.00 ps; Consolidated Fleet Services \$2,035.00 smcs; Copycat Printing \$361.54 smcs; Corporate Edge \$52.00 smcs; Credit Info Systems \$9.50 smcs; Credit Management Services \$209.70 ps; Crouch Recreational \$3,764.00 smcs; Cullen,M \$26.49 smcs; Cummins Central Power \$2,598.77 smcs; D&M Security \$64.50 smcs; Dawson Co PPD \$31,699.73 smcs; Demco \$54.91 smcs; DeMoss,J \$13.00 smcs; Deterdings \$687.82 smcs; DPC Industries \$4,677.27 smcs; Dutton-Lainson \$811.56 smcs; E&D Enterprises \$255.00 smcs; Eakes \$2,474.49 smcs; Ecolab \$31.00 smcs; Elliott Equipment \$325.00 smcs; EMC Insurance \$218.00 smcs; Entenmann-Rovin \$263.73 smcs; Eustis Body Shop \$75.00 smcs; Factual Data \$10.73 smcs; Fanci That \$10,530.00 co; Farley,K \$42.83 smcs; Fiddelke \$183.00 smcs; Footjoy \$381.19 smcs; Foster,D \$67.11 smcs; Frontier \$8,798.55 smcs; Gale \$307.48 smcs; Galls \$1,286.19 smcs; Gangwish Turf \$129.90 co; Gaylord Brothers \$193.80 smcs; Gear for Sports \$216.00 smcs; General Binding \$3,859.82 smcs; Govt Finance \$225.00 smcs; Great Plains One Call \$619.80 smcs; H&H Distributing \$1,693.74 smcs; HD Supply \$889.40 smcs; Highsmith \$240.65 smcs; Hometown Leasing \$207.71 smcs; Horbia Jobin Yvon \$260.00 smcs; Horner,K \$30.57 smcs; Hydrite Chemical \$3,440.69 smcs; ICMA RC \$4,429.60 ps; IRS \$114,671.74 ps; J&A Traffic Products \$8,875.20

smcs; Jack Lederman \$792.42 smcs; Jasnoch,J \$34.95 smcs; Johnson Service \$10,378.00 smcs; Jones & Bartlett Learning \$1,706.81 smcs; Ky Clinic \$882.00 smcs,ps; Ky Comm. Foundation \$6,000.00 smcs; Ky Concrete \$18,712.25 co; Ky Crete & Block \$2,260.42 smcs,co; Ky Hub \$2,132.10 smcs; Ky Implement \$5,800.00 co; Kelly Electric \$1,612.33 smcs; KGFW/KQKY \$414.00 smcs; KHGI/KWNB-TV \$300.00 smcs; Klein,A \$150.00 smcs; Klemme,S \$39.50 smcs; Konica Minolta \$696.61 smcs; Linweld \$33.20 smcs; Lockmobile \$57.50 smcs; Magic Cleaning \$5,510.00 smcs; Metlife \$2.76 ps; Mid Peterson Meal Program \$52.50 smcs; Midland Molding \$80.00 smcs; Midwest Labs \$4,750.00 smcs; Midwest Turf \$1,260.83 smcs; Miller & Associates \$4,301.00 co; Miller Signs \$3,000.00 co; Minitex \$2,299.00 smcs; Morris Press \$427.00 smcs; Mostek Electric \$5,093.00 co; Municipal Supply \$2,915.59 smcs; Navis,E \$34.95 smcs; NE Child Support \$2,407.20 ps; NE Dept of Aeronautics \$2,095.00 smcs,er; NE Dept of Environmental \$14,887.84 smcs; NE Dept of Labor \$100.00 smcs; NE Dept of Revenue \$23,061.79 smcs; NE Dept of Weights \$49.10 smcs; NE Environmental Products \$17,100.00 smcs; NE Salt & Grain \$32,476.13 smcs; NE Softball Assn \$2,322.00 smcs; NE State Library \$26.10 smcs; NE Truck & Equipment \$301.28 smcs; NE Workforce Development \$4,409.38 ps; NEland Distributors \$1,852.33 smcs; Niemeyer,J \$23.95 smcs; Northwestern Energy \$2,019.30 smcs; Novus \$66.50 smcs; Office Depot \$129.88 smcs; Officenet \$27.50 smcs; Old Town Ky Assn \$1,000.00 smcs; Outdoor Recreation \$3,360.00 smcs,co; Paramount Linen \$306.74 smcs; Platte Valley Comm \$3,581.61 co; Presto-X \$162.75 smcs; Pro-Tint \$100.00 smcs; Pulliam,R \$194.10 smcs; Quill \$298.75 smcs; Random House \$96.00 smcs; RDJ Specialties \$263.63 smcs; Ready Mixed Concrete \$19,335.79 smcs,co; Recorded Books \$125.27 smcs; Reinke's Heating \$361.19 smcs; Riverside Mfg \$91.15 ps; RSG Home Improvements \$55.00 smcs; Russell's Appliance \$79.95 smcs; Sahling Kenworth \$1,909.48 co; Snap-On Tools \$602.65 smcs; Sapp Brothers \$32,981.33 smcs; Schuster,K \$14.00 smcs; Shea,S \$550.40 smcs; Sheldon,S \$23.75 smcs; Sherwin Williams \$5,504.00 smcs; Smith Signs \$54.00 smcs; Solid Waste Agency \$50,387.22 smcs; Steinbrink Landscaping \$3,377.30 smcs; Stevens,M \$6.12 smcs; Sutphen Corp \$1,200.00 smcs; Swank Motion Pictures \$271.00 smcs; Theis,J \$30.00 smcs; Tielke Enterprise \$421.69 smcs; Titleist \$109.76 smcs; Tool Doctor \$52.50 smcs; TruGreen ChemLawn \$159.60 smcs; UPRR \$2,060.00 smcs,er; Unique Management Serv \$286.40 smcs; UNK-Human Resources \$73.88 ps; Varda Silent Alarm \$624.07 smcs; Verizon \$24.03 smcs; Ward Labs \$28.50 smcs; West Payment Center \$1,372.10 smcs; Wiegand Security \$80.00 smcs; Wilkins Hinrichs Stober \$8,200.23 co; Williams,M \$38.86 smcs; World Book \$1,903.00 smcs; WPCI \$107.00 ps; Payroll Ending 7-10-2010 -- \$375,641.20. 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. Approve the Employment Agreement between the City of Kearney and Michael Morgan and approve **Resolution No. 2010-136**.

RESOLUTION NO. 2010-136

WHEREAS, the City Council of the City of Kearney, Nebraska, do hereby fix, prescribe and limit salary and wages to be paid by this City to the City Manager, pursuant to the authority granted in Section 1-301 of the Code of the City of Kearney, Nebraska, and Section 19-620 of the Nebraska Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager continue to be paid an annual salary of One Hundred Fifty-five Thousand One Hundred Sixty-seven Dollars (\$155,167.00) effective July 1, 2010; said salary to be paid bi-weekly from any City funds in such proportionate amounts as the City Manager may determine.

BE IT FURTHER RESOLVED that the President of the Council be and is hereby authorized and directed to execute the Employment Agreement.

PASSED AND APPROVED THIS 27TH DAY OF JULY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

4. Approve the Developer Constructed Infrastructure Agreement for Good Samaritan Hospital Fourth Subdivision to abandon existing water mains, sanitary sewer mains, storm sewer mains and street paving and to construct new water mains, sanitary sewer mains, storm sewer mains and street paving within said subdivision and approve **Resolution No. 2010-137.**

RESOLUTION NO. 2010-137

BE IT RESOLVED BY THE VICE-PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA that the agreement entitled "Developer Constructed Infrastructure Agreement for Good Samaritan Hospital Fourth Subdivision between the City of Kearney and Good Samaritan Hospital, a Nebraska Corporation to abandon existing water mains, sanitary sewer mains, storm sewer mains and street paving and to construct new water mains, sanitary sewer mains, storm sewer mains and street paving within said subdivision be and is hereby accepted and approved. The Agreement, negotiated with Kasey Brandt, Project Manager for Good Samaritan Hospital, is marked as Exhibit 1 and is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the Vice-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 JULY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

5. Approve the Memorandum of Understanding between the City of Kearney and the Nebraska Department of Roads for Illicit Discharge Detection and Elimination along State Highways and approve **Resolution No. 2010-138.**

RESOLUTION NO. 2010-138

BE IT RESOLVED by the Vice-President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Memorandum of Understanding between the City of Kearney and the Nebraska Department of Roads outlining the terms and conditions for Illicit Discharge Detection

and Elimination along State Highways. The Memorandum of Understanding, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF JULY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

6. Approve the application for a Special Designated License submitted by Becker Enterprises, Inc., dba Bill's Liquor in connection with their Class C-82254 liquor license to dispense beer, wine and distilled spirits in a tent located in the parking lot at 204 East 25th Street, Suite 2, on August 26, 2010 from 2:00 p.m. until 12:00 a.m. for a customer appreciation function.

7. Repeal Resolution No. 2009-190 and approve **Resolution No. 2010-139** correcting the legal description pertaining to the redevelopment project (Younes Conference Center) in Redevelopment Areas #2 and #8 for an area described as a tract of land being part of Lot 1, Interstate Fifth Addition and a part of Lot B, Interstate Subdivision, all in the City of Kearney, Buffalo County, Nebraska (south of Talmadge Street and 650 feet west of 3rd Avenue).

RESOLUTION NO. 2010-139

WHEREAS, on October 27, 2009 the City Council adopted Resolution No. 2009-190 approving the redevelopment project (Younes Conference Center) located in Redevelopment Areas #2 and #8 for an area described as a tract of land being part of Government Lot 5 and part of Government Lot 6 of Section 11, Township 8 North, Range 16 West of the 6th P.M., containing 8.99 acres, more or less, Buffalo County, Nebraska; and

WHEREAS, City staff has determined that the legal description is in error and that said Resolution No. 2009-190 must be repealed and a new resolution adopted with the correct legal description; and

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1991, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for both Area #2 and Area #8 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, if any, to the Authority, pursuant to Section 18-2114 of the Act; and

WHEREAS, in accordance with Section 18-2114 of the Act, the Authority submitted its recommendation, along with the recommendation from the Planning Commission to the City Council; and

WHEREAS, following consideration of the recommendations of the Planning Commission and the Authority, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County; Nebraska, EXCEPT THEREFROM that part of Lot 1, Interstate Fifth Addition being more particularly described as follows: Referring to the southwest corner of Lot 1, Interstate Fifth Addition and assuming the south line of Lot 1, Interstate Fifth Addition as bearing S88°07'45"W and all bearings contained herein are relative thereto; thence N02°11'25"E and on the west line of said Lot 1, a distance of 635.66 feet to the ACTUAL PLACE OF BEGINNING, said point being 280.94 feet southerly from the northwest corner of said Lot 1; thence continuing N02°11'25"E and on the west line of said Lot 1, a distance 280.94 feet to the northwest corner of said Lot 1; thence S87°48'42"E and on the north line of said Lot 1 a distance of 346.25 feet; thence leaving the north line of said Lot 1, SOUTH a distance of 267.50 feet; thence WEST a distance of 356.73 feet to the place of beginning. TOGETHER WITH, Lot "B", Interstate Subdivision, a subdivision to the City of Kearney, Buffalo County, excepting however, the east 20.0 feet of the south 190.0 feet thereof. EXCEPTING THEREFROM a tract of land being part of Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with that part of Lot 1 being more particularly described as follows: Beginning at the southwest corner of Lot 1, Interstate Fifth Addition and assuming the south line of Lot 1, Interstate Fifth Addition as bearing S88°07'45"W and all bearings contained herein are relative thereto; thence N02°11'25"E and on the west line of said Lot 1 a distance of 335.45 feet; thence leaving the west line of said Lot 1, EAST a distance of 437.68 feet to a point on the easterly line of said Lot 1; thence S00°09'32"W and on the easterly line of said Lot 1 a distance of 13.54 feet to a point on the north line of Lot 1, Interstate Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S89°48'38"W, on the north line of said Lot 1, Interstate Fourth Addition a distance of 83.00 feet to the northwest corner of said Lot 1, Interstate Fourth Addition; thence S00°04'21"W on the west line of said Lot 1, Interstate Fourth Addition and the east line of said Lot 1, Interstate Fifth Addition, a distance of 309.39 feet to the southeast corner of said Lot 1, Interstate Fifth Addition; thence on the south line of said Lot 1, Interstate Fifth Addition, S88°07'45"W a distance of 367.28 feet to the place of beginning, all in Buffalo County, Nebraska; and

WHEREAS, the City Council has determined that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project have been found to be in the long-term best interests of the community.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that: Resolution No. 2009-190 passed and approved on the 27th day of October, 2010 be and is hereby repealed in its entirety.

BE IT RESOLVED by the President and City Council of the City of Kearney,

Nebraska that:

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibits "A", and "B" including the Redevelopment Project legally described as Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County; Nebraska, EXCEPT THEREFROM that part of Lot 1, Interstate Fifth Addition being more particularly described as follows: Referring to the southwest corner of Lot 1, Interstate Fifth Addition and assuming the south line of Lot 1, Interstate Fifth Addition as bearing S88°07'45"W and all bearings contained herein are relative thereto; thence N02°11'25"E and on the west line of said Lot 1, a distance of 635.66 feet to the ACTUAL PLACE OF BEGINNING, said point being 280.94 feet southerly from the northwest corner of said Lot 1; thence continuing N02°11'25"E and on the west line of said Lot 1, a distance 280.94 feet to the northwest corner of said Lot 1; thence S87°48'42"E and on the north line of said Lot 1 a distance of 346.25 feet; thence leaving the north line of said Lot 1, SOUTH a distance of 267.50 feet; thence WEST a distance of 356.73 feet to the place of beginning; TOGETHER WITH, Lot "B", Interstate Subdivision, a subdivision to the City of Kearney, Buffalo County, excepting however, the east 20.0 feet of the south 190.0 feet thereof. EXCEPTING THEREFROM a tract of land being part of Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with that part of Lot 1 being more particularly described as follows: Beginning at the southwest corner of Lot 1, Interstate Fifth Addition and assuming the south line of Lot 1, Interstate Fifth Addition as bearing S88°07'45"W and all bearings contained herein are relative thereto; thence N02°11'25"E and on the west line of said Lot 1 a distance of 335.45 feet; thence leaving the west line of said Lot 1, EAST a distance of 437.68 feet to a point on the easterly line of said Lot 1; thence S00°09'32"W and on the easterly line of said Lot 1 a distance of 13.54 feet to a point on the north line of Lot 1, Interstate Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S89°48'38"W, on the north line of said Lot 1, Interstate Fourth Addition a distance of 83.00 feet to the northwest corner of said Lot 1, Interstate Fourth Addition; thence S00°04'21"W on the west line of said Lot 1, Interstate Fourth Addition and the east line of said Lot 1, Interstate Fifth Addition, a distance of 309.39 feet to the southeast corner of said Lot 1, Interstate Fifth Addition; thence on the south line of said Lot 1, Interstate Fifth Addition, S88°07'45"W a distance of 367.28 feet to the place of beginning, all in Buffalo County, Nebraska, is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on the attached Exhibits "A" and "B", is in conformity with the legislative declarations and determinations set forth in the Act.

2. The City Council hereby determines that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project are found to be in the long-term interests of the community.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County; Nebraska, EXCEPT THEREFROM that

part of Lot 1, Interstate Fifth Addition being more particularly described as follows: Referring to the southwest corner of Lot 1, Interstate Fifth Addition and assuming the south line of Lot 1, Interstate Fifth Addition as bearing S88°07'45"W and all bearings contained herein are relative thereto; thence N02°11'25"E and on the west line of said Lot 1, a distance of 635.66 feet to the ACTUAL PLACE OF BEGINNING, said point being 280.94 feet southerly from the northwest corner of said Lot 1; thence continuing N02°11'25"E and on the west line of said Lot 1, a distance 280.94 feet to the northwest corner of said Lot 1; thence S87°48'42"E and on the north line of said Lot 1 a distance of 346.25 feet; thence leaving the north line of said Lot 1, SOUTH a distance of 267.50 feet; thence WEST a distance of 356.73 feet to the place of beginning. TOGETHER WITH, Lot "B", Interstate Subdivision, a subdivision to the City of Kearney, Buffalo County, excepting however, the east 20.0 feet of the south 190.0 feet thereof. EXCEPTING THEREFROM a tract of land being part of Lot 1, Interstate Fifth Addition, an addition to the City of Kearney, Buffalo County, Nebraska, with that part of Lot 1 being more particularly described as follows: Beginning at the southwest corner of Lot 1, Interstate Fifth Addition and assuming the south line of Lot 1, Interstate Fifth Addition as bearing S88°07'45"W and all bearings contained herein are relative thereto; thence N02°11'25"E and on the west line of said Lot 1 a distance of 335.45 feet; thence leaving the west line of said Lot 1, EAST a distance of 437.68 feet to a point on the easterly line of said Lot 1; thence S00°09'32"W and on the easterly line of said Lot 1 a distance of 13.54 feet to a point on the north line of Lot 1, Interstate Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence S89°48'38"W, on the north line of said Lot 1, Interstate Fourth Addition a distance of 83.00 feet to the northwest corner of said Lot 1, Interstate Fourth Addition; thence S00°04'21"W on the west line of said Lot 1, Interstate Fourth Addition and the east line of said Lot 1, Interstate Fifth Addition, a distance of 309.39 feet to the southeast corner of said Lot 1, Interstate Fifth Addition; thence on the south line of said Lot 1, Interstate Fifth Addition, S88°07'45"W a distance of 367.28 feet to the place of beginning, all in Buffalo County, Nebraska, shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be July 27, 2010, as follows:

a. That proportion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That proportion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

c. Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The Mayor and City Clerk are authorized and directed to execute and file with

the Treasurer and Assessor of Buffalo County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project substantially in the form attached hereto as Exhibit "C" with appropriate insertions.

PASSED AND APPROVED THIS 27TH DAY OF JULY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

8. Approve the application for a Special Designated License submitted by JUAN LAZO, dba El Tropico in connection with their IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on August 21, 2010 from 6:00 p.m. until 1:00 a.m. for a dance.

9. Approve **Resolution No. 2010-140** appointing members to fill the vacancies/expiration on the following Boards/Commissions: Advisory Board of Park & Recreation Commissioners, Airport Advisory Board, Board of Adjustment, Community Redevelopment Authority, Downtown Improvement Board, Golf Advisory Board, Kearney Housing Agency, Library Advisory Board and Planning Commission.

RESOLUTION NO. 2010-140

WHEREAS, Resolution No. 2005-96 calls for Citizen Board/Commission member appointments to be made by resolution submitted by the Mayor to the City Council for final approval; and

WHEREAS, vacancies currently exist on certain Boards/Commissions.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the following persons, as proposed by the Mayor of the City of Kearney, Nebraska, are hereby appointed to the designated Boards/Commissions for the term indicated:

ADVISORY BOARD OF PARK & RECREATION COMMISSIONERS

Jerry Schroeder reappointed to July 31, 2015

AIRPORT ADVISORY BOARD

Ron Hendrickson reappointed to July 31, 2015

BOARD OF ADJUSTMENT

Marilyn Lammers reappointed to July 31, 2013

Jonathan Nikkila appointed to succeed Janet Rowling to July 31, 2013

Jonathan Brandt appointed as Alternate to succeed Heather Swanson-Murray to July 31, 2013

COMMUNITY REDEVELOPMENT AUTHORITY

Janice Wiebusch reappointed to July 31, 2015

DOWNTOWN IMPROVEMENT BOARD

John Roschewski appointed to succeed Vicki Harper to July 31, 2015

GOLF ADVISORY BOARD

Kim Smith reappointed to July 31, 2014
Michelle Carlson appointed to succeed Terry Renner to July 31, 2014
Don Johnson appointed to succeed Scott Anderson to July 31, 2014

KEARNEY HOUSING AGENCY

Joyce Lieske reappointed to July 31, 2015
Gwen Traxler reappointed to July 31, 2015

LIBRARY ADVISORY BOARD

Priscella Jepson reappointed to July 31, 2014
Bani Christine appointed to succeed Dan Bahensky to July 31, 2014

PLANNING COMMISSION

Steve Homan reappointed to July 31, 2013
Paul Fredrickson reappointed to July 31, 2013
John Lowe appointed to succeed Eric Hellriegel to July 31, 2013

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED THIS 27TH DAY OF JULY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

10. Approve Application and Certificate for Payment No. 4 in the amount of \$619,363.69 submitted by Midlands Contracting and approved by Miller & Associates for 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 approve **Resolution No. 2010-141.**

RESOLUTION NO. 2010-141

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with 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 the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 4 in the amount of \$619,363.69, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$2,269,439.00</u>
Contract Sum To Date	2,269,439.00
Gross Amount Due	1,972,492.73

Retainage	98,624.64
Amount Due to Date	1,873,868.09
Less Previous Certificates for Payment	<u>1,254,504.40</u>
Current Payment Due	\$ 619,363.69

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 JULY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

11. Approve Application and Certificate for Payment No. 3 in the amount of \$75,571.20 submitted by Blessing, LLC and approved by Miller & Associates for the 2010 Part 1 Improvements consisting Paving of 16th Street from 30th Avenue east to its terminus and the paving of 30th Avenue from North Railroad Street and 11th Street and approve **Resolution No. 2010-142.**

RESOLUTION NO. 2010-142

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2010 Part 1 Improvements consisting of paving 16th Street from 30th Avenue east to its terminus and the paving of 30th Avenue from North Railroad Street and 11th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$75,571.20, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$1,256,795.30</u>
Contract Sum To Date	1,256,795.30
Gross Amount Due	260,747.00
Retainage	26,074.70
Amount Due to Date	234,672.30
Less Previous Certificates for Payment	<u>159,101.10</u>
Current Payment Due	\$ 75,571.20

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

PASSED AND APPROVED THIS 27TH DAY OF JULY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

12. Approve Change Order No. 1 showing a decrease in the amount of \$2,502.50, Application and Certificate for Payment No. 3-Final in the amount of \$4,822.72, and

accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates 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 and approve **Resolution No. 2010-143**.

RESOLUTION NO. 2010-143

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with 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, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease to the contract in the amount of \$2,502.50, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting 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 \$4,822.72, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$58,335.00
Change Order No. 1 (7-27-2010)	- <u>2,502.50</u>
Contract Sum To Date	55,832.50
Gross Amount Due	55,832.50
Retainage	.00
Amount Due to Date	55,832.50
Less Previous Certificates for Payment	<u>51,009.78</u>
Current Payment Due	\$ 4,822.72

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of April 26, 2010, 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. 1, 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 JULY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

13. Approve Application and Certificate for Payment No. 1 in the amount of \$26,109.53 submitted by Midlands Contracting and approved by Miller & Associates for the 2010 Part 2 Improvements – Bid A consisting of Water District No. 2010-559 for 8th Street from 16th Avenue east to the east line of Block One of Park View Estates Fifth Addition; and for 15th Avenue from 8th Street to 11th Street; and for 16th Avenue from 8th Street to 11th Street; and Sanitary Sewer District No. 2010-499 for 8th Street from 16th Avenue east to the east line of Block One of Park View Estates Fifth Addition; and

for 15th Avenue from 8th Street to 11th Street; and for 16th Avenue from 8th Street to 11th Street and approve **Resolution No. 2010-144.**

RESOLUTION NO. 2010-144

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2010 Part 2 Improvements consisting of Water District No. 2010-559 for 8th Street from 16th Avenue east to the east line of Block One of Park View Estates Fifth Addition; and for 15th Avenue from 8th Street to 11th Street; and for 16th Avenue from 8th Street to 11th Street; and Sanitary Sewer District No. 2010-499 for 8th Street from 16th Avenue east to the east line of Block One of Park View Estates Fifth Addition; and for 15th Avenue from 8th Street to 11th Street; and for 16th Avenue from 8th Street to 11th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$26,109.53, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$515,988.00</u>
Contract Sum To Date	515,988.00
Gross Amount Due	29,010.59
Retainage	2,901.06
Amount Due to Date	26,109.53
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 26,109.53

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

PASSED AND APPROVED THIS 27TH DAY OF JULY, 2010.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

RANDY BUSCHKOETTER
 VICE-PRESIDENT OF THE COUNCIL

14. Approve Change Order No. 2 showing an increase in the amount of \$1,525.75, Application and Certificate for Payment No. 1-Final in the amount of \$173,076.25, and accept the Certificate of Substantial Completion submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for the 2009 Part 14 Improvements consisting of the 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. 2010-145.**

RESOLUTION NO. 2010-145

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the 2009 Part 14 Improvements consisting of the paving of 17th Street from Avenue K to Avenue M, and paving of Avenue K from 17th Street to 18th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 2 showing an increase to the contract in the amount of \$1,525.75, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Dan Roeder Concrete and the City's engineer, Miller & Associates,

have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$173,076.25, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$169,630.50
Change Order No. 1 (5-25-2010)	+ 1,920.00
Change Order No. 2 (7-27-2010)	+ <u>1,525.75</u>
Contract Sum To Date	173,076.25
Gross Amount Due	173,076.25
Retainage	.00
Amount Due to Date	173,076.25
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$173,076.25

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of June 30, 2010, 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. 1-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 JULY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

15. Approve the application for a Special Designated License submitted by Justin J. Bilby, dba Rock 'N Horse Lounge in connection with their Class CK-77614 catering liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on August 28, 2010 from 4:00 p.m. until 1:00 a.m. for a reception.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7607 – ISSUE TWO SEPARATE COMBINED UTILITIES REVENUE BONDS

On April 27, the City Council awarded a bid to Midlands Contracting for the construction of water and sanitary sewer improvements in Parkview Estates Fifth Addition. This project is eligible for financing by a Drinking Water State Revolving Fund loan (\$240,000) and a Clean Water State Revolving Fund loan (\$400,000) through the State of Nebraska Department of Environmental Quality. The following loan conditions and terms will apply to the loan:

- The amount of the loan will be for \$640,000.
- The term of the loan will be for 20 years.
- The interest rate on the loan will be 2% with an additional 1% administrative fee.

- The semi-annual payment on the loan will be \$19,491.58 plus 1% of the outstanding balance for the administration fee.

Funding for the semi-annual debt service will be included in future water and sanitary sewer budgets.

Council Member Lammers introduced Ordinance No. 7607, being Subsection 1 of Agenda Item V authorizing the issuance of two separate Combined Utilities Revenue Bonds of the City of Kearney, Nebraska in the respective drawable principal amounts of \$400,000 for wastewater treatment works and \$240,000 for public water supply systems for the purpose of paying the costs of improvements to the City's combined utilities; authorizing the issuance of said bonds in the form of two separate promissory notes to evidence two separate loans from the Nebraska Department of Environmental Quality; approving the execution and delivery of two separate loan contracts with the Nebraska Department of Environmental Quality; approving related documents with respect to said loans; prescribing the form, terms and details of said bonds; pledging and hypothecating the revenue and earnings of the waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system of said City for the payment of said bonds and interest thereon; providing for the collection, segregation and application of the revenues of the City's waterworks plant and water system, sewage disposal plant and sanitary sewer system and electric distribution system; approving execution of related documents; entering into a contract on behalf of the City with the holders of said bonds; determining that interest on said bond shall not be excludable from gross income for purposes of federal income taxation, 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: Buschkoetter, Lear, Lammers, Kearney. Nay: None. Clouse 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. 7607 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Buschkoetter, Lear, Lammers, Kearney. Nay: None. Clouse absent. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7607 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney, Lear. Nay: None. Clouse absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7607 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

AWARD PROPOSALS FOR DEMOLITION OF STRUCTURES

Vice-President Buschkoetter opened for discussion the Proposals received to demolish at least four structures (house at 925 East 27th Street, garage at 224 East 26th Street, 4-plex and garage at 1920 5th Avenue, St. Luke's at 2400 East 32nd Street) in the City limits and to consider Resolution No. 2010-146.

Candy Kuntz, Grant Administrator from Miller & Associates presented this matter to the Council. The City of Kearney received grant funds in the amount of \$110,000 for the Neighborhood Stabilization Program from the NE Department of Economic Development (NDED). Proposals were sent out and a RFP published in The Kearney Hub for demolition contractors for 4 properties in the City of Kearney. The following table is the results of the bids on the properties:

BIDDERS	925 E 27th St (house)	224 E 26th St (garage only)	1920 5th Ave (4-plex and garage)	2400 E 32nd St (St. Luke's)	Demolition of all 4 properties
Dirt Works Kearney, NE	\$2,500	\$1,000	\$3,500	\$182,000	\$188,500
Blessing LLC Kearney, NE	\$2,850	\$1,850	\$5,400	\$69,950	\$77,900
Weaver Tree Service Bartley, NE	\$6,000	\$2,500	\$15,000	No Bid	No Bid

The total of these combined bids is \$76,950 which is less than the combined bid of \$77,900. All funds for payment to contractors will be from the Neighborhood Stabilization Program grant funds. The City will not pay for any of the demolition; however, the City had agreed to waive the landfill fee as part of the grant match.

The Grant Administrator recommended awarding the bid to Blessing LLC for the property located at 2400 East 32nd Street, contingent upon Nebraska Department of Economic Development and the State Historic Preservation Office approval and the receipt of additional funds for the project; and to Dirt Works for the properties located at 925 East 27th Street, 224 East 26th Street, and 1920 5th Avenue.

Vice-President Buschkoetter stated that Jennifer Murrish from Buffalo County Historical Society contacted him. The Society wanted to make sure that everything was being done according to Section 106. Ms. Kuntz stated that she sent photographs of the property and documentation about demolishing the St. Luke's structure and the State Historic Preservation Office replied asking some additional questions about the size of the building, what it had been used for in the past and requesting some additional photographs. They also requested a report by the building inspector on the condition of the building. She intended to have that information completed and ready to be sent on July 28.

Council member Lammers stated he understood there is a problem with asbestos and mold in the building. Ms. Kuntz stated they determined there is asbestos present in the

building after an inspection was done. There is a request out for proposals to asbestos abatement contractors and those bids will be reviewed on July 29. The lab results were received on July 27 but still do not know what the cost of that abatement will be. A lot of the areas that the inspector thought would come back with asbestos materials were actually cleared as non-detectable. Mainly all the floor tile that is in the building will need to be removed and there is some mastic under the floor tiles. They originally thought that the skim coat over the plaster was asbestos, but it was not. They also thought that the windows potentially contained asbestos in the glazing or caulking, but came back negative as well. Chief Building Inspector Max Richardson went to the site at the same time the abatement contractors were there to look at the conditions. Mr. Richardson did a report for her to send to DED of the condition of the structure of the building which is not in great shape. All of that documentation has been submitted to DED.

Vice-President Buschkoetter stated that this demolition was requested by St. Luke's Society which is the owner of the building in that area. From his conversation with Ms. Murrish, his impression was that since the proper procedures have been followed, they felt fairly comfortable with the actions of the City and Council. Ms. Kuntz stated this project came about as kind of a last minute project and she, along with Suzanne Brodine have been working on it for the last 2-3 weeks. They have been scrambling to get things submitted because they must have the funds obligated by the end of July according to the contingency statement in the agreement. By the City getting bids, it will prove to the DED that those funds are obligated if the State Historic Preservation Office comes through and recommends the building can be torn down. Ms. Kuntz stated there have been times on previous projects the State Historic Preservation Office has actually come out to view the deterioration and blighted condition of the building which is not easily seen in photos.

Moved by Buschkoetter seconded by Kearney to approve **Resolution No. 2010-146** awarding the bid to Blessing LLC for the property located at 2400 East 32nd Street, contingent upon Nebraska Department of Economic Development and the State Historic Preservation Office approval and the receipt of additional funds for the project; and to Dirt Works for the properties located at 925 East 27th Street, 224 East 26th Street, and 1920 5th Avenue. Roll call resulted as follows: Aye: Buschkoetter, Kearney, Lear, Lammers. Nay: None. Clouse absent. Motion carried.

RESOLUTION NO. 2010-146

WHEREAS, the City of Kearney was awarded Neighborhood Stabilization Program funds in the amount of \$110,000 from the Nebraska Department of Economic Development; and

WHEREAS, Request for Proposals were submitted to demolition contractors and was published in the Kearney Hub with a deadline submittal of July 26, 2010; and

WHEREAS, Grant Administrator, Candy Kuntz from Miller & Associates, and the City of Kearney have reviewed the Request for Proposals for the demolition of four structures; and

WHEREAS, the City's Grant Administrator has recommended the following proposals be accepted:

- The Dirt Works for the house located at 925 East 27th Street in the amount of

- \$2,500.00;
- The Dirt Works for the garage located at 224 East 26th Street in the amount of \$1,000.00; and
- The Dirt Works for the 4-plex and garage located at 1920 5th Avenue in the amount of \$3,500.00; and
- Blessing LLC for property located at 2400 East 32nd Street in the amount of \$69,950.00, contingent upon approval from the Nebraska Department of Economic Development and the State Historic Preservation Office and the receipt of additional funds for the project.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Grant Administrator's recommendation is hereby accepted and approved, that the following proposals be and are hereby accepted:

- The Dirt Works for the house located at 925 East 27th Street in the amount of \$2,500.00;
- The Dirt Works for the garage located at 224 East 26th Street in the amount of \$1,000.00; and
- The Dirt Works for the 4-plex and garage located at 1920 5th Avenue in the amount of \$3,500.00; and
- Blessing LLC for property located at 2400 East 32nd Street in the amount of \$69,950.00, contingent upon approval from the Nebraska Department of Economic Development and the State Historic Preservation Office and the receipt of additional funds for the project.

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 the contracts for such demolition in accordance with the general stipulations pertaining thereto contingent upon the approval of all proposed properties by the Nebraska Department of Economic Development and clearance given by an asbestos inspector.

PASSED AND APPROVED THIS 27TH DAY OF JULY, 2010.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

OPEN ACCOUNT CLAIMS: NPPD - \$84,221.52, PLATTE VALLEY STATE BANK - \$50,312.85, SCHOOL DISTRICT #7 - \$917.95

Moved by Buschkoetter seconded by Kearney that Open Account Claims in the amount of \$50,312.85 payable to Platte Valley State Bank, and in the amount of \$84,221.52 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney. Nay: None. Clouse absent and Lear abstained. Motion carried.

With the absence of Mayor Clouse, the claim to School District #7 will be placed on the next agenda. Therefore, no action was taken.

VII. REPORTS

The Council members voiced their condolences for the passing of Mayor Clouse's wife, Leeann.

VIII. ADJOURN

Moved by Kearney seconded by Lammers that Council adjourn at 7:14 p.m. Roll call resulted as follows: Aye: Buschkoetter, Kearney, Lear, Lammers. Nay: None. Clouse absent. Motion carried.

ATTEST:

RANDY BUSCHKOETTER
VICE-PRESIDENT OF THE COUNCIL

MICHAELLE E. TREMBLY
CITY CLERK