

Kearney, Nebraska
January 25, 2011
5:00 p.m.

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:00 p.m. on January 25, 2011, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Don Kearney, Bruce Lear, and Bob Lammers. Absent: Randy Buschkoetter. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant 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: Tom Fuller, Kevin Hibbs, Ronette Bush, Dan Lindstrom, 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

With the absence of a representative from the Kearney Ministerial Association, the Council held a moment of silent prayer.

PLEDGE OF ALLEGIANCE

Tyler Newby, Boy Scout 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

ANNEXATION; KEARNEY RV PARK & CAMPGROUND LOCATED SOUTH OF 11TH STREET EAST OF AVENUE M

Mayor Clouse opened the public hearing on the annexation of a tract of land being part of Government Lots 3 and 4 and part of accretion land adjacent to and abutting said Government Lots 3 and 4, all located in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street east of Avenue M).

City Attorney Michael Tye presented this matter to the Council. On November 9, 2010, the City granted a Conditional Use Permit to locate and operate an RV Park & Campground on property located south of 11th Street, east of Avenue M abutting Turkey Creek. Since the parcel exceeded ten acres in size it was not required to be placed in a subdivision by state law. However, since the property will be connecting to City services and is contiguous to the City limits, the City required annexation of the property. Therefore, the owners of the RV Park executed an agreement favoring the annexation of this property.

The Planning Commission considered the proposed annexation at a public hearing held on December 17, 2010 and was approved. There were no members of the public that testified at said hearing.

In accordance with Section 16-117 of the Nebraska Revised Statutes, the City Council, on January 11, 2011, passed a resolution stating its intent to annex, approved an annexation plan, and set the public hearing for comment on the proposed annexation before the City Council for January 25. The Council will receive comments from the public with regard to the annexation.

Item 6 under the Regular Agenda is the ordinance annexing the property. Most generally, the City Council always suspends the rules requiring the reading on three different days and moves for final passage. However, in accordance with Section 16-404 of the Nebraska Revised Statutes, "...such requirement shall not be suspended for any ordinance for the annexation of territory." The first reading of the ordinance by title was at this meeting, the second reading on February 8 and the third and final reading on February 22.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lammers to close the hearing and approve the annexation of a tract of land being part of Government Lots 3 and 4 and part of accretion land adjacent to and abutting said Government Lots 3 and 4, all located in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street east of Avenue M). Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney. Nay: None. Buschkoetter absent. Motion carried.

IV. CONSENT AGENDA

Mayor Clouse stated the agenda was amended on Monday to include Subsection 10 to the Consent Agenda.

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

1. Approve Minutes of Regular Meeting held January 11, 2011.
2. Approve the following Claims:

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

AT&T \$189.81 smcs; Ace Hardware \$100.15 smcs,co; Acoustics \$4,275.00 smcs; Advance Auto Parts \$3.59 smcs; Allied Electronics \$599.58 smcs; Amax Contracting \$32.00 smcs; Amazon \$482.80 smcs,co; American \$390.69 smcs,co; Amer Fence \$2,835.00 smcs; Amer First Aid \$127.85 smcs; Amer Legion \$172.55 smcs; AWWA \$165.00 smcs; Amsan \$611.03 smcs; Anderson Bros \$564.00 smcs; Apple Books \$59.85 smcs; Apple Market \$28.07 smcs; Ask Supply \$158.78 smcs; Audio Go \$112.26 smcs; Aurora Coop \$467.50 smcs; Baker & Taylor Books \$1,721.96 smcs; Baltic Networks \$407.33 co; Barnes & Noble \$28.73 smcs; Big Apple Fun Center \$394.09 smcs; Big Rack Shack \$845.00 smcs; Bluecross Blueshield \$138,322.25 smcs; Bobs Super Store \$337.79 smcs; Boogaart's \$13.76 smcs; Bosselman \$27,888.70 smcs; Broadfoot's \$2,463.00 smcs; Brodine,S \$800.00 smcs; Buffalo Co Register Deeds \$103.50 smcs,co; Buffalo Co Treasurer \$131.10 smcs; Buffalo Outdoor Power \$146.42 smcs,co; Builders Warehouse \$2,688.23 smcs; C&H Distributors \$494.57 smcs; Cabela's \$53.48 smcs; Cableguy com \$192.98 co; Carquest \$3,856.14 smcs,co; Cash-Wa \$1,856.89 smcs; Central Comm College \$85.00 smcs; Central Hydraulic Systems \$437.62 smcs; Central NE Bobcat \$382.13 smcs; Century 21 Midlands \$141.19 co; Charter \$299.23 smcs; CHS Agri Service \$300.90 smcs; City of Ky \$18,058.25 smcs,co,ps; Comcate \$5,591.00 smcs; Complete Music \$325.00 smcs; Computer Warehouse #4 \$149.96 smcs; Consec Life Ins \$19.00 ps; Coolcupcakescom \$58.90 smcs; Copycat Printing \$949.35 smcs; Credit Management Services \$638.12 ps; Crossroads Ford \$1,632.68 smcs; Crossroads Welding \$120.00 smcs; Culligan \$1,426.00 smcs; Cummins Central Power \$29.91 smcs; D&S Lighting \$143.70 smcs; Danko Emergency \$427.86 smcs; Dawson Co PPD \$2,656.77 smcs; Daylight Donuts \$198.40 smcs; Dell \$3,653.94 smcs,co; Delticom \$133.04 smcs; Development Council \$275,642.00 smcs; Dish Network \$50.63 smcs; Dmilaco Sports \$531.25 smcs,ps; Dutton-Lainson \$273.91 smcs; Eakes \$559.20 ps; Eakes \$4,286.77 smcs,co; Eileen's Cookies \$48.65 smcs; Elliott Equipment \$1,201.45 smcs; Embassy Suites \$235.32 smcs; EMC Ins \$13,399.50 smcs; Envirotech Services \$16,209.85 smcs; Eustis Body Shop \$150.00 smcs; Fairbanks \$2,733.09 smcs; Faith Christian School \$55.00 smcs; Farmers Union Coop \$726.00 smcs; Fastenal \$384.84 smcs; Fedex \$63.54 smcs; Feese,E \$404.98 co; Fiddelke \$687.77 smcs; Fire Safety Education \$738.00 smcs;

Fireguard \$120.98 smcs; Fleetpride \$1,130.19 smcs; Flutterwheels \$30.00 smcs; Frick,J \$13.00 smcs; Frontier \$8,668.47 smcs; Gale \$224.96 smcs; Gall's \$588.15 smcs; Garrett Tires & Treads \$1,014.42 smcs; Global Industrial \$67.14 smcs; Gotomeetingcom \$468.00 smcs; Graham Tire \$368.90 smcs; Grainger \$2,004.41 smcs,co; Great Plains One Call \$164.30 smcs; HD Supply \$740.84 smcs; Heartland Marketing \$150.28 smcs; Hilgenkamp,M \$387.14 co; Hobby-Lobby \$95.31 smcs; Hoehner Turf \$451.94 co; Holdrege Public Library \$14.98 smcs; Holmes Plumbing \$461.52 smcs; Hometown Leasing \$237.20 co; Howard Electronic \$299.06 smcs; HP Home Stores \$164.70 smcs; HSBC Bank Nevada \$319.74 ps; ICMA RC \$41,287.40 ps; Improvements \$26.98 smcs; Inland Truck Parts \$707.94 smcs; IRS \$111,171.38 ps; Iowa State University \$125.00 smcs; Jack Lederman \$1,782.88 smcs; Just Blinds \$217.30 smcs; K&K Parts \$1,027.43 smcs; Ky Clinic \$335.00 smcs,ps; Ky Concrete \$2,006.99 smcs,co; Ky Crete & Block \$1,141.00 smcs,co; Ky Hub \$551.10 smcs; Ky Implement \$1,905.33 smcs; Ky Jehovah's Witness \$310.05 co; Ky Quality \$299.00 co; Ky Visitors Bureau \$25,305.96 smcs; Ky Warehouse \$1,192.55 smcs; Ky Winlectric \$44.39 co; Ky Winnelson \$24.66 smcs; Ky Yamaha \$278.55 smcs; KGFV-AM \$72.00 smcs; Killion Motors \$6.04 smcs; Kinder Morgan \$2,759.42 co; Kindle \$20.98 smcs; Kiplinger Tax Letter \$67.00 smcs; Kmart \$15.15 smcs; Konica Minolta \$665.46 smcs; Laser Technology \$619.50 co; Laserlinkgo \$199.00 smcs; Lawn Builders \$1,293.17 smcs,co; Lind Optical \$84.00 smcs; Linweld \$94.09 smcs; Lips Printing \$16.54 smcs; Location Technologies \$89.00 co; Lockmobile \$33.20 smcs; Logan Contractors \$383.15 smcs; Long,D \$447.72 co; Loves Country \$36.58 smcs; Macolite \$275.32 co; Magic Cleaning \$6,500.00 smcs; Mail Express \$92.20 smcs; Matchless Gifts \$0.28 smcs; Matheson \$165.07 smcs; McCormack Distributing \$28.86 smcs; McDermott & Miller \$21,910.00 smcs; Menards \$1,224.39 smcs,ps; Metlife \$8.94 ps; Michael Todd \$2,115.00 smcs; Microfilm Imaging \$295.00 smcs; Mid Amer Signal \$267.00 smcs; Mid Peterson Meal Program \$4,109.18 smcs; Mid-Iowa Solid Waste \$38.42 smcs; Midwest Labs \$15.00 smcs; Midwest Turf \$515.96 smcs; Mieth,T \$22.47 smcs; Miller & Associates \$11,827.59 co; Miller Signs \$279.79 smcs; Mindware \$22.40 smcs; Misko Sports \$390.20 smcs; Moonlight Embroidery \$1,655.75 smcs; Municipal Automation \$5,091.00 smcs; Municipal Supply \$607.44 co; Napa All Makes \$3,809.17 smcs; NCS Equipment \$361.75 smcs; NDEQ \$13,092.15 smcs; NE Child Support \$2,454.98 ps; NE Dept of Aeronautics \$1,470.00 ds,er; NE Green Expo \$160.00 smcs; NE Machinery \$715.38 smcs; NE Public Health \$948.00 smcs; NE Rural Water \$170.00 smcs; NE Safety & Fire \$96.43 smcs; NE Sec of State \$30.00 smcs; NE Truck & Equipment \$294.28 smcs; NE Truck Center \$1,903.65 smcs; NE Turfgrass Assn \$150.00 smcs; NE Workforce Dev \$948.00 ps; NeFSMA \$35.00 smcs; Nelson's Furniture \$545.00 co; Neopost \$6,000.00 smcs; Nest Direct Plan \$200.00 ps; New Cingular Wireless \$634.99 smcs; Newegg \$1,036.15 co; Newman Signs \$413.88 smcs; Northwest Electric \$130.03 smcs; Northwestern Energy \$14,218.51 smcs; Nova Fitness \$660.24 smcs; Novus \$35.00 smcs; Office Depot \$108.57 smcs; Office Max \$735.54 smcs; Officenet \$488.91 smcs; O'Keefe Elevator \$515.46 smcs; OMB's Express Police \$226.99 smcs; O'Reilly Auto \$1,377.23 smcs; Oriental Trading \$104.95 smcs; Orscheln \$391.65 smcs; Our Design \$50.99 ps; Owl System \$312.50 smcs; Oxford University Press \$777.33 smcs; Paramount Linen \$81.12 smcs; Pat's Plumbing \$145.00 smcs; Paypal \$1,014.90 co; Platte Valley Comm \$545.50 smcs,co; Presto-X \$440.50 smcs; Pump & Pantry \$30.37 smcs; Pure Water Products \$48.00 smcs; Quatred \$1,099.00 smcs; Quill \$93.17 smcs; R&R Products \$949.92 smcs; Radioshack \$20.87 co; Random House \$121.96 smcs; Rasmussen Mechanical \$85.00 smcs; RDJ Specialties \$242.84 smcs; Ready Mixed

Concrete \$3,841.61 smcs,co; Reams \$139.38 co; Recognition Unlimited \$144.00 ps; Reserve Account \$750.00 smcs; SA Foster Lumber \$10.98 co; Sahling Kenworth \$49.42 smcs; Sanitation Products \$632.98 smcs; Schindler Elevator \$322.55 smcs; Seiler Instrument \$106.00 smcs; S-F Analytical \$490.00 smcs; Snap-On Tools \$194.78 smcs; Sorensen Partners \$355.51 ps; Staples Sprint Solution \$327.59 smcs; Storm Hockey \$23.00 smcs; Strategic Materials \$800.04 smcs; Sunmart \$17.57 smcs; Supershine Auto \$29.75 smcs; Target \$169.96 smcs; Tokay Software \$900.00 smcs; Tractor-Supply \$399.85 smcs; Tri City Outdoor \$802.08 smcs; Tri-Cities Group \$214.40 smcs; Tubbs,J \$350.00 co; Tye & Rademacher \$11,570.22 smcs; Unique Management \$331.15 smcs; UPS Store \$60.33 smcs; US Cavalry \$732.55 smcs; USPS \$98.67 smcs; Van Wall Turf \$218.82 smcs; Vasko,E \$307.90 co; Vermeer High Plains \$75.54 smcs; Village Profile \$530.00 smcs; Village Uniform \$160.20 smcs; Waggoner Plumbing \$97.35 smcs; Wal-Mart \$1,700.55 smcs,co; Warped Sportz \$8.00 smcs; Warrinton,D \$12.25 smcs; Watchguard Video \$33.00 co; West Payment Center \$1,454.43 smcs; Wiegand Security \$80.00 smcs; Wilke Donovans \$280.70 smcs,co; Wilkins Hinrichs Stober \$11,413.50 co; Williams,M \$68.57 smcs; Witmer Public Safety \$647.00 smcs; Wordans \$283.19 smcs; WPCI \$53.50 ps; Xavus Solutions \$890.00 smcs; Yobitech \$225.00 co; Zendcom \$600.00 smcs; Payroll Ending 1-15-2011 -- \$318,447.87. The foregoing schedule of claims is published in accordance with Section 19-1102 of the Revised Statutes of Nebraska, and is published at an expense of \$_____ to the City of Kearney.

3. Receive recommendations of Planning Commission and set February 8, 2011 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Approve the application for a Special Designated License submitted by TERRY PULS, dba The Speak Easy in connection with their Class IBK-07688 catering liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on February 26, 2011 from 1:00 p.m. until 1:00 a.m. for the a fund raiser.
5. Adopt **Resolution No. 2011-3** supporting the introduction legislation to decrease the length of time between keno games.

RESOLUTION NO. 2011-3

WHEREAS, on January 5, 2011, the One-Hundred and Second Legislature of the State of Nebraska, First Session, will convene; and

WHEREAS, legislation may be proposed by others which is of interest to the City of Kearney and its citizens; and

WHEREAS, the City of Kearney desires to express its support for certain of such legislative bills which are introduced; and

WHEREAS, it is the purpose of this resolution to approve support for legislation, if introduced, to decrease the length of time between keno games.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the legislative package of the City of Kearney for the First Session of the One-Hundred and Second Legislature of the State of Nebraska shall include support for legislation, if introduced, to decrease the length of time between keno games.

PASSED AND APPROVED THIS 25TH DAY OF JANUARY, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Approve the application for a Special Designated License submitted by Veterans of FW 759 in connection with their Class C-09025 liquor license to dispense beer, wine and distilled spirits in the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on March 11, 2011 from 8:00 a.m. until 12:00 a.m., March 12, 2011 from 8:00 a.m. until 1:00 a.m., and March 13, 2011 from 12:00 p.m. until 7:00 p.m. for a fund raiser.

7. Approve the recommendation from the Utilities Department on the purchase of Water Inventory Supplies from Municipal Supply of Hastings, Nebraska in the amount of \$37,763.23 and from Lincoln Winwater of Lincoln, Nebraska in the amount of \$43,922.14.

8. Approve the application for a Special Designated License submitted by Flashbacks Neighborhood Grille in connection with their Class CK-82536 catering liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 3807 Avenue N on February 5, 2011 from 5:00 p.m. until 1:00 a.m. for a reception.

9. Approve the Consultant Agreement between the City of Kearney and Alfred Benesch and Company for design and bidding of AIP Project No. 3-31-0045-24 – Terminal Ramp Sealcoat, Runway 13/31, and Surface Painted Holding Position Signs (SPHPS) Marking at the Kearney Regional Airport and adopt **Resolution No. 2011-4.**

RESOLUTION NO. 2011-4

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President of the Council be and is hereby authorized and directed to execute the Consultant’s Agreement with Alfred Benesch and Company for architect/engineering services for the design and bidding phases of AIP Project No. 3-31-0045-24; the Terminal Ramp Sealcoat, Runway 13/31, and Surface Painted Holding Position Signs (SPHPS) Marking at the Kearney Regional Airport being funded under the FAA Airport Improvement Program. A copy of the Consultant Agreement, marked as Exhibit “A”, is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 25TH DAY OF JANUARY, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

None.

VI. REGULAR AGENDA

ORDINANCE NO. 7628

On November 9, 2010, the City Council awarded a bid of \$1,634,697.50 to Paulsen Inc. for the 2010 Part 5 Improvements (Spruce Hollows Estates Fourth and Fifth Addition). This project needs to be financed by the issuance of Series 2011 Bond Anticipation Notes. The Notes will provide short-term financing for the project. After the project is completed, the Notes will be redeemed at maturity with cash received from the issuance of Series 2013 Various Purpose General Obligation Bonds. The Bonds will provide long-term (twenty years) financing for the project.

Bruce Lefler from Ameritas Investments presented this to the Council. These notes will have a maturity date of 2013 at which time they will do the permanent financing for the project that is still remaining outstanding. In connection with this project, there was some water financing done as well. He anticipated coming back to the Council at one of the February meetings to incorporate that financing and possibly combine it with a refinance of a combined utility issue that is outstanding. All the notes were purchased locally which are good efforts and economics for citizens to invest in the City of Kearney. The average rate on the bonds was 1.3 percent for about 2½ years.

Council Member Lear introduced Ordinance No. 7628, being Subsection 1 of Agenda Item VI authorizing the issuance and sale of Bond Anticipation Notes of the City of Kearney, Nebraska in the principal amount of \$1,265,000 for the purpose of providing interim financing for the costs of constructing street improvements in Paving Improvement District No. 2010-944 of said City pending the issuance of permanent General Obligation Various Purpose Bonds of the City; prescribing the form of said Notes, agreeing to issue the City's General obligation Various Purpose Bonds to pay the Notes at maturity or to pay the notes from other available funds; entering into a contract on behalf of the City with the holders of said Notes, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Clouse seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Lammers, Kearney. Nay: None. Buschkoetter absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7628 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lear, Lammers, Kearney. Nay: None. Buschkoetter absent. Motion carried. Ordinance was read by number.

Moved by Clouse seconded by Kearney that Ordinance No. 7628 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney. Nay: None. Buschkoetter absent. Motion carried.

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

Ordinance No. 7628 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.

KEARNEY SHOOTERS SPECIAL DESIGNATED LICENSE

Mayor Clouse opened for discussion the application for a Special Designated License submitted by Kearney Shooters to dispense beer, wine, and distilled spirits in the Exposition Building and the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N on February 14, 15, 16, 17, 18, 19, 2011 from 8:00 a.m. until 1:00 a.m. for the Cattlemen's Classic.

This application for a Special Designated License has been submitted by Kearney Shooters in conjunction with their Class CK catering liquor license to dispense beer, wine and distilled spirits for the Cattlemen's Classic to be held in the Ag Pavilion and Exposition Building on February 14 through 19, 2011. These are typical requests for these facilities and have been granted in the past.

Shooter's received a liquor license in March of 2005. The following is the history on violations since the issuance of a liquor license:

- August 4, 2005 Serve/sell to intoxicated person
 - Warning letter from NLCC attorney sent on December 7, 2005
- April 26, 2007 Intoxicated person consume/possession
 - Cited by NLCC on July 17, 2007
 - Applicant paid fine on November 13, 2007
- May 3, 2007 Serve/sell to intoxicated person
 - Cited by NLCC on July 17, 2007
 - Applicant paid fine on November 13, 2007
- May 3, 2007 Serve/sell to intoxicated person
 - Applicant was not cited by NLCC but a warning letter from NLCC attorney sent on July 24, 2007
- May 22, 2009 Extended credit
 - Cited by NLCC on October 29, 2009
 - Applicant paid fine on January 5, 2010
- April 17, 2010 Serve/sell to intoxicated person
 - Cited by NLCC on November 3, 2010
 - Applicant paid fine on January 3, 2011
- May 6, 2010 Minor Consuming/Possession. This is still pending before the Liquor Commission. No hearing date has been set.

According to Police Chief Dan Lynch, Shooter's has had issues over the past year at the business location regarding serving intoxicated people. He has personally spoken to both Mr. Hibbs and Mr. Fuller regarding a change of business culture. Chief Lynch expressed concern it was very important for the staff to be properly trained and the arrangement for this has been made. Both partners are sincerely concerned and want to change both the culture and avoid the conflicts and violations that have arisen in the

past. The Police Department intends to monitor this event closely. Shooter's has paid all fines and met the obligations of the Nebraska Liquor Commission.

Mr. Hibbs, on behalf of Shooter's appeared before the City Council on August 10, 2010 requesting a Special Designated License for a reception for September 18. The Council, with reservation, approved that application for a Special Designated License. There have not been any violations since April of 2010.

The Council has the authority to review and either approve or deny the issuance of a special designated license for alcohol sales. If the Council chooses to approve the application, they will be forwarded to the Nebraska Liquor Control Commission for further processing. If the Council chooses to deny the application, that is the final decision and they are not forward to the Liquor Commission.

Kevin Hibbs, owner of Shooters, presented this matter to the Council. Each employee has been trained on TIPS and those working the Cattlemen's Classic have also been trained. They have catered several events in the past off premises and have had no violations. They catered the alcohol for the Cattlemens Classic in 2010 and had no problems. He believed that the Kearney Police Department was behind them for doing this event again this year. They planned to have more help out there this year than last to work the event and would be using wristbands as before. He would be at the event the entire time over the 5-day period.

Council member Lammers asked what led to the incidents that happened at his bar. Mr. Hibbs stated the last incident in 2010 involved a young man who came into the bar to celebrate his 21st birthday. He carded the young man and he appeared sober at that time. He had 10-12 friends with him and they all went to the far side of the bar. According to the bartenders' testimony, none of them served him while he was at the bar. Within 45 minutes, Mr. Hibbs noticed that the young man was intoxicated and he was asked to leave.

After leaving the bar, he got stopped by a Police Office outside the bar and when tested, he had a high alcohol content rate. The bar received the citation from the Kearney Police and the case was sent to the Nebraska Liquor Commission. The Liquor Commission stated that the bar did all that they could, but because he was at their bar, they were at fault. The Commission commended them on trying to get him a sober ride, giving him water and asking him to leave when they realized he was intoxicated. Mr. Hibbs stated it is difficult to watch every person in the bar, but he does have several of his people walking around the bar to observe. He has two door guys, an assistant manager, bartenders and wait staff. On a Saturday night, they usually have 10-12 people working. It is difficult with a group of 12 people to monitor every single drink that a person is getting. He stated that 90 percent of 21st birthdays, he does not allow in the bar after the first hour because they can get out of hand. This is done in bars across the United States. They work as hard as they can to prevent things like this.

The Nebraska Liquor Commission is not taking any action on the incident that was reported on May 6, 2010. He contacted the State Attorney and she stated that she was not sure at that time if she was going to write a letter regarding it. The incidents in 2007 were people that had been kicked out the bar for fighting which continued outside and

the bar got cited. He has bartenders that have worked for him going on four years and he believed the rest of his staff is very trustworthy as well. He has trained and instructed his employees on how important it is that the bar does not receive any more violations.

Mr. Hibbs stated the citation for extended credit resulted from a couple of tabs being left out overnight which is technically illegal. Even if someone leaves a credit card, all tabs must be run each night. The State Patrol came into the bar and saw this situation and they were cited. Since that time, if a customer uses a credit card, they let them know that they run tabs at the end of night. No one can buy on credit and so that issue is eliminated.

Council member Kearney believed the number of citations Shooters has had are very significant to him. He thought the Council had previously agreed that three strikes and they would not grant an SDL.

Mr. Hibbs stated that this bar is his livelihood and he takes these infractions very seriously. He is an active member in his business and works along side of his staff. He admitted this has created a bad situation and he apologized for the violations and are striving to get better. He believed that his patrons are a mixed age group. From Tuesday through Saturday they average between 500-800 people through the door. Some nights are busier than others and they deal with large crowds. 21st birthdays can be a problem so they do not give out free drinks for 21st birthdays or any freebies. His staff is alerted if someone comes in with a 21st birthday because usually they have a bunch of people that want to buy the person drinks. As a result, they are being asked to leave after the first hour.

He stated there were no incidents at the Cattlemens Classic last year or at the 4-6 other SDL functions they catered last year. The Classic is a huge event for Kearney and Shooters has put a lot of money into the upcoming event with advertising fees and preparations.

Further discussion was held on the May 6th incident that Mr. Hibbs stated he had talked to the State Attorney about. City Clerk Michaelle Trembly stated that she had contacted the Liquor Commission last week and their records showed the May 6th incident as pending depending on what the legal department decided to do with it.

Chief Lynch stated that he was not aware of any event regarding Shooters on May 6th. They are usually notified by mail if there is a citation or a pending case against a licensee and he has not received any letter to date. It does show on the Commission's website, but he would not necessarily be notified for a week after a decision has been made. City Attorney Michael Tye stated that all the police would know is reflected on the Commission's record. It is very possible that they decided not to pursue it, but until the State Attorney decides to dismiss it or take it off the record they will not be notified.

Ronette Bush, the manager of Cattlemens Classic, stated on behalf of herself and the board of directors for the Cattlemens Classic they appreciate the Council's careful evaluation of liquor license issues and their sensitivity. She shared about the magnitude of their decision. The Cattlemens Classic is a large livestock expo which will take place in about 20 days at the Buffalo County Fairgrounds. They will attract over 25,000 people

from across the Midwest to Kearney. These individuals are large ranchers, feedlot managers and decision makers in the beef industry. The average age of the people who attend is probably 50 years old. It is not like they are going to have a whole lot of 21 year olds fresh out of college attending. It is truly a beef industry event that allows for networking, cattle shows and sales and to attend livestock educational seminars throughout the week.

In regards to their relationship to Shooters, last year was the first year that they selected Shooters to be the alcohol vendor at the Classic. Ms. Bush stated they did an outstanding job. There have been several challenges with the facilities at the Buffalo County Fairgrounds while waiting for the new expo building to be built. Shooters did a great job with providing the entertainment, which includes bands they have to hire for evening entertainment. In addition to providing the alcohol they also serve pop and other beverages. The Classic works with the Kearney off duty police that provides security for the event. They commented to her last year after the Classic that Shooters had done an outstanding job and had probably done the best job of any vendor they have had in the past. It was a natural decision for them to again this year invite Shooters to be a sponsor, provide the Country Western entertainment and alcohol for the event. Ms. Bush stated they have had a great working relationship with Shooters and as Mr. Hibbs stated he has more invested than just serving alcohol. They have entered into an advertising investment and close to 10,000 flyers have been sent out across the nation. Shooters has invested a sizable amount of money as far as advertising and promotion for the Classic to enhance this event that is to be held in Kearney. Ms. Bush stated that she wanted to share with the Council the magnitude of their decision.

Mayor Clouse stated that it was his understanding that if the Council denied this SDL for Shooters, that the Classic would have enough time to choose another vendor if the Council held an emergency meeting. City Manager Michael Morgan stated that for clarification, there would be enough time legally to have them find a vendor and submit an application forward for the Commission to approve. They would need to have that emergency meeting by January 31st or sooner.

Ms. Bush stated there are a lot of things that a business would have to take into play besides just applying for the liquor license. They would have to contact their vendors and do the product line up for the week, they would have to get additional bands hired to provide the entertainment for the social events and the evening entertainment. They do require the business to be a major sponsor. They would also need to be able to provide the staff necessary for the 5-day event.

Council member Lammers stated that when there is a situation such as this, it would have been nice to have the SDL application come to Council 3-5 months in advance when they are anticipating being the provider at such a large annual event. That would provide time to make changes if necessary. He is deeply concerned about this issue, but stated he could be in favor of it with big reservations about any future events if they have any other incidents. He stated that they are very concerned about liquor in Kearney. That being said, he also knows that when you serve hundreds of people every week the chances of an incident are going to be out there.

Council member Lear stated that whatever the Council decides today is not as much a reflection on the Classic as it is in having to deal with situations that come before them. As a community they run a great program which the Council is very supportive of. Regardless of what the Council decides here; he expressed his appreciation for their efforts.

Ms. Bush stated for herself and the Classic board of directors they understand that the Council needs to evaluate and protect the community in these matters. She just wanted to share the details with them so they could have a better understanding of the magnitude of the event and to understand the relationship they had with Shooters last year. They did an excellent job by banding and monitoring the alcohol served, providing great service to over 25,000 people who come to Kearney for this event. It can be a hard situation out there and not the typical bar environment. She believed with their new facility this year, it should even be easier and make is much easier for whoever the alcohol purveyor is. She spoke with Officer McLaughlin who is her main contact at the Police Department. She commended Chief Lynch and his department because they are great to work with and do a great job at their event. This is a great event to have in Kearney and it brings opportunities for all of our businesses in town to reap the benefits.

Mayor Clouse agreed that this event is a challenge and the good thing is Shooters does very well at this particular event as far as liquor control. Outside of this event is where the problem lies.

Council member Kearney stated this is one of the few times that the Council is in control of the decision because it is for catering. In other instances regarding liquor, the Council can only make recommendations to the Nebraska Liquor Commission.

Council member Lear stated the issue is what is acceptable and what is not acceptable. What he saw in this situation is a license holder in three of the last five years had violations of one sort or another. Shooters has had multiple violations in one particular year. So it is a hard decision getting excited about approving a special permission for an applicant who has demonstrated that track record.

Council member Lear further stated he had given this a lot of thought and whether this is making a statement or making a decision, special designated licenses never put the Council in a good situation. Ideally, they would be obtained well in advance of the date of the event so if there were a problem alternate arrangements could be made. The Council rarely sees them happen that way. As an example there is one on this agenda that is not a problem, but the agenda had to be amended to get it on because they are going to need it in a very short period of time. These are often for weddings or somebody else's special event. The Classic is one of the hallmark events of this community and he would hate to see anything happen to it. On the other hand, there is a part of him that says that whether it is the Classic or not, that is irrelevant. He believed that they have to look at the record and base their decision on that.

Attorney Dan Lindstrom stated that he represents the Classic and reiterated that the Classic agrees that the liquor laws should be enforced and appreciated the Council's efforts. He has had experience with some of these issues both before the Council and the Liquor Commission. He wanted to address a couple of the points that were raised

during the discussion. He sensed the feeling on one hand is a statement needs to be made about how seriously the Council take these sorts of situations where there is a vendor who has some violations. On the other hand, there is some feeling because it is the Classic they do not want to appear to make any special concessions. Mr. Lindstrom pointed out the process in place is the same regardless if it is the Classic or somebody who has 400 guests at a wedding dance. The problem is perhaps with the process where there is not enough advanced notice given which creates a problem such as in this case.

He suggested that the City have a process in place that states how far in advance an application from the vendor must be made and how quickly it can be acted on. He is aware that some investigation is done on the license and insurance before it gets to Council. This somewhat underscores the problem for the Classic because even if they were able to find somebody who would agree to do this on short notice and the emergency meeting were to happen and it gets to the Liquor Commission within their 10-business day deadline, it would be asking a lot to be ready to go by February 13th. He believed that it would be helpful if the City would consider making a more detailed guideline than they have had in the past about what they will do with a vendor and special designated permit or not do. The difficulty of the situation is the Classic based their decision on the reliance of all kinds of people who recommended Shooters, the fact that they did a good job last year and they have not had any violations outside of the premises of their bar. They did not anticipate there would be a problem and now they are on a short timeline. If the Council believes that they need to make a statement, he asked to not make it about the Classic at this time but to set up better guidelines to follow in the future.

Council member Lear stated Mr. Lindstrom had a good suggestion. He has had an opportunity to work with Buffalo County Community Health Partners and now working through the process of developing such a policy so that the Council would have one. The City Attorney and staff are reviewing that document for them. The Council has recognized they need a policy in place before being faced with these kinds of decisions.

Council member Lammers stated that regardless of the event they are approving, it should always be treated as the same situation and that is how he is evaluating this issue. He believed that if it is not approved, the group that is having the event is being penalized as well as the provider. He stated that they must make the statement to Shooters that this must not happen again. Both Council members Kearney and Lear interjected that is what they were told last time they appeared before the Council in 2010. Council member Lear stated they made it pretty clear to them at that time that with two pending violations they reluctantly went ahead and approved it. Shooters has been cited by the Commission for both of these violations which were not adjudicated at that time so he voted to give them the benefit of the doubt that they were not guilty. Now it has been proven otherwise on one particular violation.

Mayor Clouse believed that the City needs to proceed with working with Buffalo County Health Partners as Council member Lear has been doing. It was his understanding that the timelines were pretty clear regarding SDLs. The City Clerk stated the Liquor Commission has timelines as far as them receiving it and being able to issue the license. Many times, the application is brought to her office on the day the license

holder receives the request for the event they want to do because they have just received it. That is why it can be difficult for the vendor to get it to the City in time for the scheduled Council meetings.

City Attorney stated in the scenario where someone is planning a wedding or special event and they request a liquor vendor to cater their event they assume that vendor has everything in place with their license in order to do their event. The person does not investigate the history of that vendor with the Liquor Commission or if it requires a special designated license, etc. However, as in this case it does happen that the provider is not eligible. Another scenario is that the liquor vendor might receive the request for an event, but does not bring the application to the City immediately and misses the deadline for the Council meeting or the Commission deadline. In that case, it puts the liquor provider at risk and the City Council in a very difficult situation.

City Manager suggested at the beginning of each year, the City would provide a list of liquor license holders that are eligible for special designated licenses and those that are not. In fairness to vendors, someone might switch vendors two or three times or they might lose their vendor and must find another on short notice. An SDL is a privilege and well within the Council's discretion to make a policy stating if you have this number of violations or whatever the criteria, you are not eligible for a certain period of time. He believed that would be an appropriate way to handle it so everyone would know in advance. Certainly Shooters would not have signed up to do this event if they thought they were not eligible. They would not have donated money, advertising, etc. If you asked them, they knew they had some issues, but believed that they had addressed them and they thought would probably get approved because there are no guidelines.

There are two different areas regarding liquor licenses the Council deals with. For new liquor license applications, the Council can only make recommendations for approval/denial to the Liquor Commission. The Council could make policies for their decision, but are probably not legally enforceable as the Liquor Commission has the final decision. Special designated license approval/denial is different. Council member Lear has been working with the local organization. As he indicated, some are good and some may not legally work. It is a tough issue for this Council because we do not know of another city that has set forth any guidelines regarding SDLs. They are working to bring the Council some guidelines on licenses and SDLs to evaluate.

City Attorney added the one area the Council has authority is the final decision regarding a special designated license whether or not they can have the event. Council member Lear has met with the group and came up with a fairly good list of ideas. The problem is that many of those ideas are not things the Council has the authority to do such as fining people or suspending their license. The staff has been working on guidelines within the special designated license. At the present time, there are no policies in place for the City that states because of violations, the vendor cannot be granted a SDL.

Mr. Lindstrom acknowledged that many vendors have had some violations because as Council member Lammers indicated, it is very difficult to be in that business without at some point having a slip up. The concern the Council has is a pattern of slip ups which is understandable. He agreed that the guidelines have not been set forth to determine

those vendors that are eligible and those that are not. He liked the idea of a list at the beginning of each year stating eligibility based on certain criteria. Mr. Lindstrom stated in this circumstance that denial of the SDL would create hardships for parties that have no culpability and had no reason to believe they would have a problem.

City Manager stated that it has been a challenge to determine what the criteria should be. It is easy to understand why it is difficult because it includes timing, type of violation, history over a period of time and how many people does a vendor serves in a week. It is complicated and that is why there is a Liquor Control Commission to govern liquor licenses. City Attorney stated that the Commission is very fact intensive about cases. They investigate how the situation occurred and they offer the person holding the license to be heard and present their side. In this Council's situation, they would need to afford people that same opportunity. It is not easy to come up with a hard and fast rule that applies to every situation. They are in the process of developing some guidelines to try to give people more notice and understanding about what is available to them as they try to hire a vendor.

Mayor Clouse stated this event is one of Kearney's signature events and because of the magnitude and mobilization of it, he believed that if the Council denied the application for an SDL, it would be very detrimental to the community as a whole.

Moved by Clouse seconded by Lammers to reluctantly and with great reservation to approve the application for a Special Designated License submitted by Shooters for February 14 -19, 2011 with an indication that this applicant is now on notice that the City Council has significant concerns, given the applicants violations of liquor law, about the applicant's ability to responsibly serve alcohol and that in future applications, the applicant will need to demonstrate what actions they have taken to improve their ability to comply with the law and further to proceed with establishing this type of criteria to eliminate being in this position again. Roll call resulted as follows: Aye: Clouse, Lammers. Nay: Kearney, Lear. Buschkoetter absent. Motion to approve was denied.

KEARNEY MOVING TO PLACE MANUFACTURED HOME FOR SECURITY PURPOSES, 2180 25 ROAD

Mayor Clouse opened for discussion the request submitted by Kearney Moving to place a manufactured home on property located at 2180 25 Road for security purposes.

The applicant is requesting permission from the City Council to place a 26 foot by 72 foot trailer home at the Kearney Moving Service location for security purposes. The site encompasses ten acres and is zoned C-3. It is located outside of the corporate limits in the two mile ETJ. The site is located just south of the Platte River on the east side of Highway 44 and was formerly occupied by Interstate Structures. There was a trailer home on site when Interstate Structures was at the site. The proposed trailer will be placed in the same location that the other trailer was placed. It will be tied down with standard trailer home anchors and will have skirting. The occupants will be employees of Kearney Moving Service. Trailer homes are allowed by code for this purpose.

Chapter 9, Public Works, Section 9-904 "Manufactured Homes Permitted in City, Within Two Miles of City," states:

Within the City and within two (2) miles of the corporate limits of the City a manufactured home may be permitted:

C. Following approval of the Council, as a residence for a caretaker or watchman.

The location is somewhat secluded and surrounded by a wooded area yet very close to Interstate 80 which warrants some security concerns. Since Kearney Moving Service provides a transport service, oftentimes people's private possessions are stored in the on-site warehouse overnight or longer. A night watchman will provide increased security for the premises.

Justin Halbgewachs presented this matter to the Council. He stated either himself or another employee would be living in the house for security purposes.

Moved by Kearney seconded by Lammers to approve the request submitted by Kearney Moving to place a manufactured home on property located at 2180 25 Road for security purposes. Roll call resulted as follows: Aye: Clouse, Kearney, Lear, Lammers. Nay: None. Buschkoetter absent. Motion carried.

ONE AND SIX YEAR STREET IMPROVEMENT PLAN

Mayor Clouse opened for discussion the One & Six Year Street Improvement Plan and set the public hearing for February 22, 2011 to adopt the One & Six Year Street Improvement Plan.

City Engineer Bruce Grupe presented the One Year and the Six Year Plan to the Council.

SUMMARY OF ONE YEAR PLAN 2011			
District Number	Location	Est. City Cost	Est. Total Cost
NDOR	Cherry Avenue Interstate Interchange & Cherry Avenue to 11th Street	\$2,200,000	\$20,000,000
NDOR	1st Street from Cherry Avenue west 2700'	0	\$1,000,000
Gravel	18th Street from 8th Avenue to 9th Avenue - 300'	\$100,000	\$100,000
Gravel	7th Avenue from 18th Street to 19th Street - 325'	\$100,000	\$100,000
INF	10th Street from 22nd Avenue to 24th Avenue - 580'	\$210,000	\$210,000
INF	24th Avenue from 10th Street to 11th Street - 370'	\$130,000	\$130,000
INF	22nd Avenue from 11th Street south 1475'	\$550,000	\$550,000
PD 944	Spruce Hollow Boulevard from 11th Avenue east 814'	\$220,000	\$220,000
PD 944	11th Avenue from 56th Street to Spruce Hollow Boulevard - 2300'	\$620,000	\$620,000
PD 944	62nd Street Place from 11th Avenue east 245' to end of cul-de-sac	\$70,000	\$70,000
PD 944	61st Street from 11th Avenue west 690'	\$190,000	\$190,000
PD 944	61st Street Place from 11th Avenue east 195' to end of cul-de-sac	\$60,000	\$60,000
PD 944	59th Street from 11th Avenue east 155'	\$45,000	\$45,000
PD 944	57th Street Place from 11th Avenue east 259' to end of cul-de-sac	\$70,000	\$70,000

PD 945	Central Avenue from 1st Street East, south 326' to end of cul-de-sac	\$140,000	\$140,000
		TOTAL	\$4,705,000
			\$23,505,000

SUMMARY OF SIX YEAR PLAN 2011-2017			
Project Number	Location	Est. City Cost	Est. Total Cost
268 (C)	Cherry Avenue Phase III - 56th Street to Glenwood Corners	\$240,000	\$12,000,000
407	17th Avenue from 49th Street north 600'	\$784,000	\$784,000
426	56th Street from 2nd Avenue to 4th Avenue	\$570,000	\$570,000
427	Central Avenue from 12th Street to 16th Street	\$2,608,000	\$2,608,000
428	30th Avenue from 39th Street north 2640'	\$1,710,000	\$1,710,000
431	Central Avenue from 26th Street to 31st Street	\$1,420,000	\$1,420,000
432	Central Avenue from 16th Street to 18th Street	\$1,394,000	\$1,394,000
433	18th Street from Central Avenue to 1st Avenue	\$627,000	\$627,000
434	1st Avenue from 18th Street to South Railroad Street	\$1,424,000	\$1,424,000
435	Avenue M from 11th Street south 500'	\$572,000	\$572,000
461	South Central Avenue Curbs and Sidewalks	\$1,000,000	\$1,000,000
472	Country Club Lane from 520' north of 35th Street to 39th Street - 800'	\$976,000	\$976,000
506	8th Street from 2nd Avenue to 3rd Avenue	\$493,000	\$493,000
507	2nd Avenue from 25th Street to 32nd Street	\$700,000	\$1,400,000
508	50th Street from 17th Avenue west 550'	\$489,000	\$489,000
509	39th Street from 30th Avenue west 5700'	\$1,634,000	\$1,634,000
510	56th Street from Cherry Avenue to Airport Road - 4000'	\$1,990,000	\$1,990,000
536	16th Street from Central Avenue to 1st Avenue	\$170,000	\$170,000
537	5th Avenue from North Railroad Street to 25th Street	\$600,000	\$600,000
538	5th Avenue from 14th Street to 16th Street	\$200,000	\$200,000
		TOTAL	\$20,401,000
			\$55,061,000

Moved by Lammers seconded by Lear to set the public hearing for February 22, 2011 to adopt the One & Six Year Street Improvement Plan. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney. Nay: None. Buschkoetter absent. Motion carried.

ORDINANCE NO. 7625 – ANNEXATION OF BROWN PROPERTIES, 1616 30TH AVENUE

Mayor Clouse stated that Ordinance No. 7625 pertains to the annexation of the Brown Properties located at 1616 30th Avenue. Most generally, the City Council generally suspends the rules requiring the reading of ordinances on three different days and moves for final passage. However, in accordance with Section 16-404 of the Nebraska Revised Statutes, "...such requirement shall not be suspended for any ordinance for the annexation of territory." The first reading was held on December 28 and the second reading on January 11. This is the third and final reading of the ordinance.

Council Member Lear moved that Ordinance No. 7625, being Subsection 5 of Agenda Item VI annexing the following tract of land to be included within the corporate limits: Lot 1, Knapp's Second Subdivision of Buffalo County, Nebraska (1616 30th Avenue), be placed on third and final reading by title and that the City Clerk be permitted to read Ordinance No. 7625 on its third and final reading. Council Member Clouse seconded the motion to place Ordinance No. 7625 on third and final reading. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lear, Lammers, Kearney. Nay: None. Buschkoetter absent. City Clerk read Ordinance No. 7625 by title on third and final reading.

Moved by Clouse seconded by Kearney that Ordinance No. 7625 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Lear. Nay: None. Buschkoetter absent. Motion carried.

By reason of the roll call voted on the third reading and final passage of the ordinance, Ordinance No. 7625 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. 7629 – ANNEXATION OF KEARNEY RV PARK & CAMPGROUND, SOUTH OF 11TH STREET EAST OF AVENUE M (PERTAINS TO PUBLIC HEARING 1)

Council Member Kearney* introduced Ordinance No. 7629, being Subsection 6 of Agenda Item VI annexing a tract of land being part of Government Lots 3 and 4 and part of accretion land adjacent to and abutting said Government Lots 3 and 4, all located in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (south of 11th Street east of Avenue M), and moved that Ordinance No. 7629 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7629 on its first reading. Council Member Lammers seconded the motion to place Ordinance No. 7625 on first reading. 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, Lear, Lammers. Nay: None. Buschkoetter absent. City Clerk read Ordinance No. 7629 by title on first reading.

OPEN ACCOUNT CLAIMS: NPPD - \$61,870.89, PLATTE VALLEY STATE BANK - \$55,479.82, SCHOOL DISTRICT #7 - \$4,328.22

Moved by Lammers seconded by Lear that Open Account Claim in the amount of \$61,870.89 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Lammers, Kearney. Nay: None. Clouse abstained. Buschkoetter absent. Motion carried.

Moved by Clouse seconded by Kearney that Open Account Claim in the amount of \$55,479.82 payable to Platte Valley State Bank be allowed. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney. Nay: None. Lear abstained. Buschkoetter absent. Motion carried.

Moved by Lear seconded by Clouse that Open Account Claims in the amount of \$4,328.22 payable to School District #7 be allowed. Roll call resulted as follows: Aye: Clouse, Kearney, Lear. Nay: None. Lammers abstained. Buschkoetter absent. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Kearney seconded by Lammers that Council adjourn at 6:02 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney. Nay: None. Buschkoetter absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**