

Kearney, Nebraska
March 22, 2011
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 March 22, 2011, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaëlle Trembly, City Clerk; Council Members Randy Buschkoetter, Don Kearney, Bruce Lear, and Bob Lammers. Absent: None. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Neal Lewis, Director of Park & Recreation were also present. Some of the citizens present in the audience included: Marvion Reichert, Lois Reichert, Denise Zweiner, Lacrica Olson, 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

Mayor Clouse and Council members led the 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

ORDINANCE NO. 7635 REZONING 113 WEST 27TH STREET

Mayor Clouse stated at the last Council meeting, the public hearing was conducted on the application to rezone the third lot east of 2nd Avenue and north of 27th Street from Urban Residential Mixed-Density District to Mixed Use Urban Corridor District. This property is located at 113 West 27th Street. Because there were only three Council members present, any action on the ordinance was postponed until this meeting.

Moved by Kearney seconded by Lammers to remove from the table Ordinance No. 7635. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

Council Member Lammers introduced Ordinance No. 7635, being Subsection 1 of Agenda Item II rezoning from District R-2, Urban Residential Mixed-Density District to District UC, Mixed Use Urban Corridor District property described as the east 50 feet of Lot 249, Southwest Quarter School Section Addition to the City of Kearney, Buffalo County, Nebraska (113 West 27th Street), and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lear seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7635 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7635 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7635 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.

III. PUBLIC HEARINGS

There were no public hearings.

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 14 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held March 8, 2011.

2. Approve the following Claims:

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

3595-American \$274.88 smcs; 3M \$78.85 smcs; AT&T \$521.71 smcs; A.M. Best Co \$79.90 smcs; ABPA Region 12 \$65.00 smcs; Ace Eaton \$73.25 smcs; Ace Hardware \$196.30 smcs; Acteva Event Payment \$1,137.00 smcs; Advance Auto Parts \$27.92 smcs; Air Cleaning Technologies \$131.94 smcs; Alamar \$1,710.74 smcs; Alertshirt \$775.62 smcs; All Makes Auto Supply \$1,229.10 smcs; Altec Corporate \$34.69 smcs; Amazon \$2,682.45 smcs,co; Amer First Aid \$170.33 smcs; Amer Legion \$233.95 smcs; APWA \$480.70 smcs; Amsan \$985.28 smcs; Analytical Services \$100.00 smcs; Andersen Wrecking \$436.00 co; Antelope Newspaper \$320.00 smcs; Apple Market \$69.91 smcs,co; Ask Supply \$696.22 smcs; Asphalt & Concrete Materials \$3,845.36 smcs; Audio Go \$112.26 smcs; Aurora Coop \$1,524.80 smcs; Baker & Taylor \$2,617.82 smcs; Baltic Networks \$1,427.84 co; Bamford \$1,325.00 smcs; Barcodes \$100.00 smcs; Beerbohm,G \$125.00 smcs; Bernan \$66.00 smcs; Bluecross Blueshield \$249,249.23 smcs; Bob's Super Store \$96.73 smcs; Bosselman \$48,803.77 smcs; Brilliance Audio \$44.58 smcs; Broadfoot's \$242.00 smcs; Brunner,T \$52.37 smcs; Bubble Factory \$123.05 smcs; Buckle \$369.00 smcs; Buffalo Co Courthouse \$1,974.00 smcs; Buffalo Co Reg Deeds \$35.50 smcs; Buffalo Outdoor Power \$848.25 smcs,co; Buggy Bath \$9.25 smcs; Builders Warehouse \$4,051.37 smcs,co; Cabela's \$213.99 smcs; Capstone Press \$4,478.14 smcs; Carquest \$4,049.24 smcs; Casey's \$70.11 smcs; Cash Wa Distributing \$554.45 smcs; CBA Lighting \$421.49 smcs; Cellar Bar & Grill \$125.00 ps; Central Auto Electric \$353.06 smcs; Central Fire & Safety \$226.50 smcs; Central Hydraulic \$2,406.86 smcs; Central NE Bobcat \$62.80 smcs; Central Restaurant \$38.10 co; Charter \$249.98 smcs; Chesterman \$77.50 smcs; Child's World \$786.75 smcs; CHS Agri Service Center \$2,478.48 smcs; City of Ky \$17,229.05 smcs,ps; CNA Surety \$40.00 smcs; Consec Life Ins \$19.00 ps; Construction Rental \$95.00 smcs; Copycat Printing \$237.11 smcs; Crossroads Ford \$512.52 smcs; CRW Flags \$39.00 smcs; Culligan \$3,043.50 smcs,co; Cummins Central Power \$30.36 smcs; D&S Lighting \$331.62 smcs; Danko Emergency \$348.73 smcs; Dawson Co PPD \$20,215.46 smcs; Daylight Donuts \$32.55 smcs; Dell \$130.53 smcs; Dish Network \$182.03 smcs; Dogpoopbagscom \$76.08 smcs; Dultmeier Sales \$263.68 smcs; Eakes \$2,429.35 smcs,co; Ecolab \$31.00 smcs; Elliott Equipment \$625.49 smcs; EMC Ins \$1,544.24 smcs; Engels Glass Design \$54.00 smcs; Epply Express \$450.00 smcs; ESRI \$1,350.00 co; Eustis Body Shop \$247.50 smcs; Excel Systems Software \$681.75 co; E-Z Way Restoration \$58.25 co; Ezyberquestcom \$245.93 smcs; Fairbanks Intl \$3,018.31 smcs; Fastenal \$1,417.86 smcs; Fedex \$85.93 smcs; First Financial Investment \$191.84 ps; Flaherty,T \$179.00 smcs; Fleetpride \$2,395.91 smcs; Footjoy \$6,596.81 smcs; Fresh Water Systems \$169.29 smcs; Frontier \$8,828.35 smcs; Gale \$427.97 smcs; Garrett Tires & Treads \$2,384.73 smcs; GE Money Bank \$1,411.27 smcs; Glendale Industries \$50.70 smcs; Golden Thread \$105.00 ps; Graham Tire \$281.65 smcs; Grainger \$2,116.18 smcs,co; Great Plains One Call \$128.32 smcs;

Grunke,R \$13.10 smcs; H&H Distributing \$439.86 smcs; Hach Co \$648.50 smcs; Harrah's Resort \$614.64 smcs; HD Supply \$2,671.85 smcs; Heinemann-Raintree \$348.97 smcs; Hobby-Lobby \$21.79 smcs; Holmes Plumbing \$137.43 smcs; Hoover Fence \$799.21 smcs; Hotsy Equipment \$20.94 smcs; HP Home Store \$513.56 co; I Drive Safely \$14.95 smcs; ICMA \$4,090.47 ps; IRS \$101,500.64 ps; Interstate All Battery \$51.90 smcs; Interstate Industrial \$10.23 smcs; J&P Park Seed \$22.64 smcs; Jack Lederman \$1,495.11 smcs; Jack's Uniforms \$2,456.99 smcs; Jacobs,J \$189.91 smcs; JLC \$170,112.00 co; Johnson Hardware \$453.00 smcs; Johnstone Supply \$177.68 smcs; Joseph's of Ky \$619.50 smcs; K&K Parts \$1,116.49 smcs; Kamery,B \$70.02 smcs; Ky Clinic \$692.00 smcs,ps; Ky Comm Foundation \$1,230.50 smcs; Ky Crete & Block \$2,760.75 smcs,co; Ky Hub \$1,636.24 smcs; Ky Humane Society \$6,825.00 smcs; Ky Implement \$2,764.18 smcs; Ky Quality Sew & Vac \$2.99 smcs; Ky Towing \$52.50 smcs; Ky Warehouse \$808.34 smcs; Ky Winlectric \$22.65 smcs; Kelly Supply \$863.50 smcs; KGFW-AM \$72.00 smcs; Killion Motors \$327.12 smcs; Kindle \$20.98 smcs; Konica Minolta \$556.99 smcs; Kotschwar,T \$57.50 smcs; Kramer,L \$65.00 smcs; Krueger,L \$136.00 smcs; Krull Insurance \$1,950.00 smcs; Lawson Products \$158.00 smcs; League of NE Municipalities \$1,005.00 smcs; Lerner Publishing \$1,483.91 smcs; Lighthouse Uniform \$81.15 smcs; Lincoln Winwater Works \$6,473.50 co; Lind Electronics \$569.80 smcs; Linweld \$497.30 smcs; Lips Printing Service \$122.05 smcs; Little Caesars \$60.00 smcs; Lockmobile \$66.75 smcs; Londer,P \$27.70 smcs; M.E. Sharpe \$266.43 smcs; Magic Cleaning \$5,460.00 smcs; Mail Express \$108.58 smcs; Marlatt Machine \$94.63 smcs; Martin Apparatus \$89.39 smcs; Matheson Tri-Gas \$35.14 smcs; Menards \$2,745.53 smcs,co; Meston,L \$10.00 smcs; Metlife \$17.88 ps; Mid American Signal \$119.00 smcs; Mid-NE Garage \$225.00 smcs; Miller & Associates \$6,272.16 smcs,co; Miller Signs \$132.00 smcs; Mirror Image \$20.00 smcs; Misko Sports \$35.00 smcs; MOCIC \$250.00 smcs; Moonlight Embroidery \$1,148.50 smcs; Mr. Basketball \$425.00 smcs; MSC \$152.49 smcs; Municipal Emergency \$61.30 smcs; Napa All Makes Auto \$292.72 smcs; NCS Equipment \$343.29 smcs; NE Child Support \$2,680.22 ps; NE Dept of Aeronautics \$706.34 smcs,ds; NE DOL/Boiler Inspection \$72.00 smcs; NE Environmental Products \$165.00 smcs; NE Game & Parks Comm \$1,000.00 smcs; NE Game & Parks Reserve \$119.00 smcs; NE Golf Assn \$18.00 smcs; NE Machinery \$83.89 smcs; NE Truck & Equipment \$15.00 smcs; NE@online \$1,000.00 smcs; NEland Distributors \$416.95 smcs; NeFSMA \$200.00 smcs; Neopost \$6,000.00 smcs; Newegg \$602.07 co; Newsbank \$870.00 smcs; NMC Exchange \$1,653.68 smcs; Northern Safety \$33.85 smcs; Northwest Electric \$757.87 smcs; Northwestern Energy \$11,117.33 smcs; OCLC \$250.12 smcs; Office Depot \$646.36 smcs; Office Max \$972.26 smcs,co; Oragnizecom \$10.93 smcs; O'Reilly Auto \$2,193.87 smcs; Oriental Trading \$41.41 smcs; Orscheln \$240.92 smcs; Overhead Door \$352.00 smcs; Oxarc SP Counter \$77.02 smcs; Palmetto Specialty \$280.37 smcs; Paramount \$136.31 smcs; Party America \$83.98 smcs; Pat's Plumbing \$1,600.00 smcs; Paypal \$483.82 smcs,co; PBD Ala-Graph Editions \$194.50 smcs; PCdictatecom \$72.56 smcs; Pep Co \$51.10 smcs; Peterson,R \$125.00 smcs; Pettit,B \$183.70 smcs; Pfeiffer,D \$57.50 smcs; Ping \$3,911.17 smcs; Pioneer Revere \$999.25 smcs; Platte Valley Comm \$384.90 smcs; Platte Valley Glass \$238.00 smcs; Porter Trustin Carlson \$327.05 smcs; Presto-X \$357.00 smcs; Provantage \$372.59 smcs,co; Quill \$523.64 smcs; Radioshack \$39.99 smcs; Random House \$197.00 smcs; Raynor Garage \$157.50 smcs; Read Aloud NE \$68.00 smcs; Ready Mixed Concrete \$255.20 smcs; Recognition Unlimited \$27.71 ps; Recorded Books \$700.19 smcs; Richardson,M \$125.40 smcs; S.A. Foster Lumber \$80.02 smcs; Sandhill Plastics \$85.23 smcs;

Sanitation Products \$954.42 smcs; Seelye Plastics \$146.12 smcs; Sentry Group \$15.00 smcs; S-F Analytical Lab \$986.00 smcs; Sherwin Williams \$47.38 smcs; Solid Waste Equipment \$3,258.30 smcs; Sport Supply Group \$2,433.58 co; Stanley Security Solutions \$157.21 smcs; Starkey,R \$44.14 smcs; Sungard Public Sector \$540.00 smcs; Sunmart \$23.92 smcs; Super Shine Auto Care \$44.26 smcs; Target \$3.72 smcs; Test Q&A \$44.95 smcs; Titleist \$273.14 smcs; Tool Doctor \$20.00 smcs; Tractor-Supply \$570.72 smcs; Tri City Outdoor Power \$226.37 smcs; Turfwerks \$207.00 smcs; Turner Body Shop \$160.00 smcs; UNL Ctr for Applied Rural \$660.00 smcs; UNL Educational Media \$142.85 smcs; UPS Store \$30.57 smcs; Upstart \$56.50 smcs; USA Blue Book \$322.94 smcs; USPS \$200.52 smcs; Van Wall Turf \$252.21 smcs; Verizon Wireless \$14.99 smcs; Village Uniform \$542.12 smcs; Walgreens \$6.41 smcs; Wal-mart \$1,305.38 smcs,ps; Webstaurant Store \$164.00 co; Weiser,D \$34.40 smcs; West Villa Animal Hospital \$58.00 smcs; Wiegand Security \$85.00 smcs; Wilke Donovans \$405.06 smcs,co; Wilkins Hinrichs Stober \$3,889.10 co; Wilson,N \$41.00 smcs; WPCI \$210.50 ps; Z Wireless \$16.04 smcs; Zesco Products \$97.46 co; Payroll Ending 3-12-2011 -- \$324,243.67. 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 April 12, 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 Karen Martin, dba The Sandbar in connection with their Class CK-85038 catering liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 1400 East 34th Street, on March 26, 2011 from 3:00 p.m. until 1:00 a.m. for a dance and reception subject to the City receiving the required Certificate of Insurance.
5. Approve the request submitted by Mutual of Omaha to temporarily block off eight parking stalls located in the parking lot north of the Museum of Nebraska Art beginning at 7:00 a.m. on August 25, 2011 until 8:00 p.m. on August 26, 2011 to locate the Mutual of Omaha Aha Moment trailer.
6. Approve the request submitted by the Kearney Public Schools and the Human Performance Lab at UNK to conduct the 3rd Annual PATH Walk/Run on April 30, 2011 beginning at 8:45 a.m. The route will begin at UNK Foster Field, east on the sidewalk parallel with 28th Street, south on the sidewalk parallel with 6th Avenue, west on the sidewalk parallel with 26th Street, south on the sidewalk parallel with 15th Avenue, west on the sidewalk parallel with 25th Street, south on the sidewalk parallel with 19th Avenue, west on the sidewalk parallel with 24th Street, north on the sidewalk parallel with Country Club Lane to the hike/bike trail, east on hike/bike trail to University Drive, north through parking lot and ending at UNK Foster Field.
7. Approve the request submitted by the UNK Loper Programming and Activities Council to conduct the 9th Annual Fun 5K Run/Walk on April 16, 2011 beginning at 9:00 a.m. The route will begin at UNK Foster Field, east in the right lane of eastbound traffic on University Drive, south on the sidewalk parallel with 9th Avenue, west on the sidewalk parallel with 25th Street, north and east in the right lane of the eastbound

traffic on University Drive (near softball fields) and following University Drive to 9th Avenue, south on the sidewalk parallel with 9th Avenue to 27th Street, west on 27th Street and ending at UNK Foster Field.

8. Approve Application and Certificate for Payment No. 2 in the amount of \$284,982.22 submitted by General Excavating and approved by Miller & Associates for the 2010 Part 5 Improvements – Bid A consisting of Water District No. 2010-561 commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard; and Sanitary Sewer District No. 2010-501 commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard and adopt **Resolution No. 2011-26.**

RESOLUTION NO. 2011-26

WHEREAS, General Excavating of Lincoln, Nebraska has performed services in connection with the 2010 Part 5 Improvements – Bid A consisting of Water District No. 2010-561 commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard; and Sanitary Sewer District No. 2010-501 commencing at the south line of 56th Street thence northerly to the north line of Spruce Hollow Boulevard in and including all 11th Avenue, 57th Street Place, 59th Street, 61st Street, 61st Street Place, 62nd Street Place and Spruce Hollow Boulevard, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$284,982.22, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,816,395.00
Contract Sum To Date	1,816,395.00
Gross Amount Due	600,209.90
Retainage	60,020.99
Amount Due to Date	540,188.91
Less Previous Certificates for Payment	<u>255,206.69</u>
Current Payment Due	\$ 284,982.22

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

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Approve the application for a Special Designated License submitted by Earn & Return Investments, dba The Cellar Bar & Grill in connection with their I-64728 liquor

license to dispense beer, wine and distilled spirits in the Museum of Nebraska Art, 2401 Central Avenue on April 8, 2011 from 4:30 p.m. until 8:00 p.m. for a reception.

10. Approve the application to extend Conditional Use Permit No. 1995-02 granted to Cathleen Headlee to locate a dog grooming business at 211 East 30th Street and for a period of one year.

11. Approve the Plans and Specifications for the 2010 Part 7 Improvements consisting of Paving Improvement District No. 2010-945 for Central Avenue from the south right-of-way line of 1st Street, thence south to its terminus in a cul-de-sac and set the bid opening date for April 19, 2010 at 2:00 p.m.

12. Approve the Agreement between the City of Kearney and the Kearney Area Community Foundation to temporarily close the parking lot located north of the Museum of Nebraska Art from 6:00 a.m. on May 18, 2011 until 12:00 p.m. on May 24, 2011 for the 4th Annual Nebraska Wine and Jazz Festival.

13. Approve the U.S. Government Lease for Real Property between the City of Kearney and the Transportation Security Administration for rental space in the Terminal located at the Kearney Regional Airport and adopt **Resolution No. 2011-27**.

RESOLUTION NO. 2011-27

BE IT RESOLVED by the President and Council of the City of Kearney, that the President be and is hereby authorized and directed to execute the U.S. Government Lease for Real Property on behalf of the City of Kearney, Nebraska, with the Transportation Security Administration for rental space in the Terminal located at the Kearney Regional Airport, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

14. Approve the application for a Special Designated License submitted by Hi-Brand Kearney LLC, dba Old Chicago in connection with their Class IK-66969 catering liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 1400 East 34th Street, on April 9, 2011 from 8:00 p.m. until 12:30 a.m. for a reception.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7636 – MID-YEAR PERSONNEL ORDINANCE

A cost of living increase was not included in the 2010-11 adopted budget due to local economic uncertainties, with the understanding that as funding allowed in the future,

adjustments could be made to ensure that employees' salaries remain comparable with similar positions in other communities.

After monitoring the local economy over the past year, it now appears that the City is in a position to provide a small cost of living increase for all City employees. As you know, the primary tax revenue for the City is sales tax. During the 2010 calendar year, sales tax revenues grew eleven of twelve months or 6.5% over the prior calendar year. Additionally, during the current fiscal year, sales tax revenues have increased five of five months or 6.9% over the prior fiscal year.

The proposed ordinance also includes a reclassification of the Code Enforcement Officer to City Code Inspector, the addition of the Assistant Director of Development Services, and the creation of a Learning Center Coordinator. These changes are the result of the reorganization of Development Services and the Library building expansion.

Ordinance No. 7636 includes a two percent cost of living increase for all City employees beginning on the April 15, 2011 payday. This would result in a one percent cost of living increase for the entire fiscal year. The total estimated cost of the pay increase is \$145,000; or \$100,000 for the Governmental Funds and \$45,000 from the Proprietary Funds.

Council Member Clouse introduced Ordinance No. 7636, being Subsection 1 of Agenda Item V repealing Ordinance No. 7613 and classify the officers and employees of the City; fix the ranges of compensation of such officers and employees; establish the hours and work period for overtime eligibility; provide for payments of clothing and/or uniform allowances; provide for payment of vehicle allowance; and provide for payment of cell phone allowance, 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 Kearney 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, Buschkoetter. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7636 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, Buschkoetter. Nay: None. Motion carried. Ordinance was read by number.

Moved by Kearney seconded by Lammers that Ordinance No. 7636 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7636 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

PRESENTATION OF PROJECTS FOR ½ CENT CITY SALES TAX CAPITAL IMPROVEMENTS

Mayor Clouse opened for discussion the projects identified through the Listening Sessions for the ½ cent City Sales Tax Capital Improvements. These projects are merely being presented to the Council and no decisions will be made.

City Manager Michael Morgan presented this matter to the Council. He gave a brief overview of the special ½ cent sales tax that was placed on the ballot in 2005 following several listening sessions in the community. This eventually led to the ½ cent sales tax which was approved in November 2005. The purpose of this was to fund capital improvements and equipment. Approximately \$3.3 million is raised annually from sales tax. The Council adopted some specific guidelines at that time. Some of those guidelines were: encourage public input through the annual public hearings, notices on the City website, public notices, and specific annual public hearings in front of the Council, public awareness on the City web page, newsletter and signage. The interest earned remains in the special sales tax fund. The Council adopted some financial targets, 35 percent of the sales tax revenue allocated to the debt service; 10 percent would be allocated to fund balance in the form of contingency and is generally issued only for projects of more than \$500,000. Also 50 percent would be used to develop some spending targets for streets, curbs and sidewalks, 25 percent for buildings, 15 percent for miscellaneous, 5 percent for large equipment over \$50,000 and 5-10 percent for reserves.

The citizen input the City received in 2005 included downtown improvements, many of which have been done, Harmon Park Activity Center and the Peterson Senior Activity Center which has been completed and paid for. Phase I is nearing completion at the Library and additional funds are in reserve for the next phase, sidewalks and ADA improvements of which several hundred thousand dollars have been spent, and general park facility improvements (many of which have been done). In the past five years, funds from the ½ cent sales tax have been used to complete 39th Street, 11th Street west, 30th Avenue north, 56th Street east, 4th Street and 4th Avenue and 25th Street from Avenue B to Avenue L, plus several hundred thousand dollars of gravel street replacement programs have been done.

Local organizations have benefited from the ½ cent sales tax such as: Firefighter's Museum, Children's Museum, Fort Kearney Shooting Range, the RYDE Bus program, the World Theatre Foundation and the Kearney Raceway. Currently, what the saw requested is a transition from a lot of Park & Rec projects into more street projects.

Some of the projects to be funded for 2011–2015 include:

- South Central curbs and sidewalks (\$900,000)
- Central Avenue from 12th Street to 16th Street (\$2,600,000)
- Central Avenue from 26th Street to 31st Street (\$1,420,000)
- Central Avenue alone will cost approximately \$5 million.
- City will continue with ADA and sidewalk improvements (\$300,000).

- Downtown parking lot across from the Library (\$600,000).
- For Fire Station 3, \$3 million is budgeted of which \$1 million dollars each year is being set aside.
- Downtown lighting is \$200,000 which is the City's share to match the grant.
- Street median improvements for South 2nd Avenue and 25th Street continue in the program that was started (\$270,000).
- Some basic improvements for the Tech Park with respect to fiber optic and reserving funds for the next five years for the projects that best suit the community needs that may not be consistent with the State's needs. The City may choose to pay that grant back. Although the City may not need to; however, it would be in a position to payback that \$675,000 because the City does have that option with no restrictions.
- 5th Avenue from Railroad Street to 25th Street is a project that was started but was determined it needed a total replacement which has been moved up to 2012 and some money will be reserved for that out of the Street budget.
- 16th Street improvement by the Courthouse because it is in really rough shape has been moved up.
- Other projects are 30th Avenue north of 39th Street, 50th Street and 17th Avenue, widening to four lanes on 56th Street from 2nd to 4th Avenue.
- Funds have been budgeted annually and will increase each year over the next five years for miscellaneous street repairs of approximately \$1 million and another \$1 million is for asphalt street replacement.

The ½ sales tax is really prioritizing street projects which he believed is consistent with what was heard from the citizens. Over the next five years, funds will be set aside for City Hall HVAC replacement, in hopes of replacing the system that is over 35 years for this building. Approximately \$17 million is already funded over the next 4-5 years in the ½ cent sales tax for all these projects which are included in the One and Six Year Street Program.

Since the beginning of the year, they have conducted 42 listening sessions attended by 880 citizens. Overwhelmingly, the topics were Park & Rec projects and continued traffic and street improvements. Suggestions were less than they saw in 2005 which shows the City has made progress. In addition, they received the request from UNK for assistance.

City Manager stated a list was compiled from those recent listening sessions and private suggestions and presented to the Council for their review. Staff looked at putting together a list with some analysis with respect to what they heard regarding park improvements. The projects that are currently funded by the City ½ cent sales tax in the general City budget are very generic estimates for some of these facilities. They wanted to give some idea about the costs of what was requested.

The projects that were listed are the top ten from the Park & Recreation Advisory Board as they prioritized them.

- An Adult Softball complex (5 fields and a few practice fields, dug outs, concessions, irrigation, fencing) approximated at \$3.5 million.
- Some of the other requests were for a park in the northwest or northeast part of

Kearney

- Renovation of the Rock Garden and bathhouse (\$1 million) and sonatorium at Harmon Park, additional shade features and park lighting and the addition of the all inclusive playground (estimated \$150,000 match from the City).
- Harvey Park requests a youth softball complex, with new restrooms, concessions, lights, making one field a championship size field, indoor softball hitting facility, pave the parking lots and a splash ground (\$1.4 million).
- Ted Baldwin Park requests park shelter, paved parking lots and a splash ground. They are looking at these parks as neighborhood parks versus major complexes.

The following were not prioritized, but were put on the list at random.

- Memorial Field requests sports turf, level outfield, upgrade the press box exterior, pave the parking lot (\$1 million for parking lot paving).
- Apollo Park requests Skateboard Park (\$150,000), resurface/light tennis courts.
- Nina Hammer Park and Dryden Park both requested splash grounds.
- Yanney Park requests a bridge to Kenwood (\$200,000), lighting upgrade and 50 percent share of the south parking lot which they are possibly looking toward a grant to fund.
- Pave parking lot at West Lincolnway (\$410,000).
- Meadowlark Golf Course requests concessions and permanent restrooms on the course.
- New park facilities considering various trails, pedestrian bridge from Turkey Creek to 2nd Avenue and the Veteran Memorial.

These Park and Recreation projects total \$13,407,000.

What is not on the list that was proposed is a new swimming pool (several million dollars), an indoor facility (approximately \$8-\$9 million). Those larger projects are listed only in the notes with an estimated cost just to give an idea of a starting point for these large projects.

Mayor Clouse stated as they see where the sales tax dollars come in, they can move some of these \$150,000 projects around and pick up the inclusive playground or the skate park for example. Even though it shows up on the list as non-funded, the Council has an idea of what it is going to cost and can incorporate them. As things develop, they see what projects can be moved up and try to manage them. He pointed out that many of the street projects are funded and the street needs are being met.

City Manager stated that what he and the Finance Director look at is the scope of these larger projects, such as a new park, because it is very difficult to see how the City could do those with the estimated cost ranges being pretty significant. Mayor Clouse stated they need to stick with their fundamental plan of not exceeding debt service. We have just gone through a recession which is not completely over yet and have used that debt policy which has served the City well. It also was projected a few years ago that the City had substantial fund balances projected for 2013-2014. As the projects are being identified, the fund balances are not there as anticipated.

Council member Lammers stated he looked at the total cost of street projects of \$30

million which are not wish list items, but are things that need to be done and street projects are never ending. Regarding such things as parks in the north part of Kearney, these are things we are going to need sooner or later, but only as the City continues to grow and will be considered as options are available. They could spend all \$3 million on streets every year which would not be difficult to do. The options that are available need to be considered.

Council member Kearney asked if there was a total cost on the all inclusive playground. City Manager stated in their conversations with City Council and staff, the group indicated that the target request from the City was \$150,000 and that is a portion of the entire cost. They were looking at a total cost of \$250,000 or 300,000. They could come back with a different requested amount if they are not able to raise enough funds or do not get a grant. Mayor Clouse stated that just because it is on the list does not mean that it is going to be done because these items have not yet been prioritized. City Manager stated this is the type of project that can be put back in later due to the fact that the budget is conservative and may have the flexibility to do the \$150,000 or \$200,000 project.

In the past, there have been groups that have come to the City and said they could raise \$50,000 or \$40,000 for a project and we have been able to leverage those costs. Being conservative has helped to accomplish some of those projects if the Council chooses to do those. They are aware that some of these projects are more than a year away and as the time gets closer; they can be brought back to the Council for consideration.

Council member Buschkoetter stated over the past three years, the City has been able to collect about \$3.2 million per year for sales tax. Putting that into perspective, here is \$30 million worth of projects that would like to done. City Manager added that they have been conservative on the numbers and have done much better than expected with those funds.

The overall demographic of the public making the suggestions was discussed. The general consensus was that it was a very diverse group. City Manager stated that in 2005 they had similar groups like this time and received almost 1,000 suggestion cards which were very diverse. The good news is that the City has been able to accomplish the major projects that it wanted to do. The challenge is that when people say "why don't you pave all the parking lots in the parks?" how do we answer that with this limited revenue.

Council member Lammers stated they have talked about streets and recreational, but what about the Airport and things that are needed for the tech park, those are other areas that potentially the ½ cent sales tax will need to go towards. There are things like a new hangar at the airport that are not yet funded that the City could utilize out there. There are many needs and these are just a few of them.

Council member Buschkoetter stated that what they are looking at are real needs, they are not looking at contributing to a \$9 million indoor sports complex or an indoor arena. They have ten times the request for dollars and dollars need some prioritization. Since the City does not borrow a lot of money, not a lot of money is spent on interest. They

would rather be able to buy the brick and mortar and make these things happen. As Council member Lammers stated earlier if a group such as the all inclusive playground group can raise half the money, then it is a whole lot easier to get the other half. That allows the Council to do some of the other projects they want to do as well. They have done a great job of leveraging that through the course of this process.

Council member Lear stated that it is important that they do not over-leverage that fund. As they went through the budget cycles a little over a year ago, they worried about what the funding level was going to be and sales tax will always be like that. The City has been fortunate in the local economy that we have not experienced the kinds of declines in sales tax revenues that many communities across the U.S. have experienced. It does not mean this community is immune to that happening. Kearney is fortunate that it has a very diversified economy, and core employers who have been very stable through economic cycles and especially agriculture. They have stated they will do the street projects, but would save the money to get them done. He believed that a number of these projects are what he called "make life better for me" projects. A number of them also have exterior benefits because they provide benefits for this community to leverage those sales tax dollars from events brought to Kearney. He believed that it is underestimated the benefits that UNK students and events bring to Kearney.

City Manager pointed out that it was very pleasing to have the public participation in the almost 90 listening sessions with 2,000 participants which is a very good method to find out what the citizens are thinking. Looking at the list, there are not things that are not basic functions that fit this community and are very reasonable. He was pleased in looking back on what the governing body promised the public when this was passed, they have fulfilled those promises. Although no one likes tax, he believed the public feedback has been positive about what the tax money has been used to do.

City Manager suggested the first priority should be anything that is currently funded in the ½ cent sales tax and is consistent with what the Council has approved and has discussed should be done in the next couple of years. There is lots of time to change things down the road and time to bring back the all inclusive playground, the Veterans Memorial, the Skateboard Park and the shelter at Baldwin Park near the soccer fields.

The prioritization of these projects is left to the discretion of the Council members to remove, put on hold or move forward with any of the items listed. Mayor Clouse stated this is a fluid document which has been managed well. It is a document that is out there and transparent for the public to see what is being done. The Council has not compromised their core guidelines.

Marvion Reichert stated commended the City on presenting this to the citizens and for allowing for public input.

Council member Kearney stated that the City's debt in this community is very manageable which proves that they and past Councils have been very prudent with Kearney's money. This is not true of many other first class cities in Nebraska that have a very high debt ratio. Kearney is second in the State of Nebraska for having the lowest mill levy.

LIQUOR LICENSE POLICY

Mayor Clouse opened for discussion establishing a policy for making recommendations with reference to liquor licenses issued by the Nebraska Liquor Control Commission for liquor retailers in the City of Kearney and to consider Resolution No. 2011-28.

City Attorney Michael Tye presented this matter to the Council. This is a policy for the Council to consider regarding liquor license holders that come before them that may have liquor violations asking for approval of a special designated license or a liquor application. Staff has put together a policy and Council member Lear has met with Buffalo County Health Partners who have been very supportive of this policy. Buffalo County Health Partners gave staff some great information which staff has attempted to put into the proposed policy. As Council is aware, in terms of liquor licenses they have limited authority. They can only make recommendations to the Liquor Control Commission which according to the law is the body that issues and takes away licensing. The narrow exception to that authority is getting into a Special Designated License where there is a timing issue.

What staff hoped to accomplish was to set some overall ground rules on situations when making recommendations on liquor licenses. This is a non-binding resolution basically setting some guidelines that the Council would use to evaluate the application when someone applies for a new license, renewing a license or a Special Designated License (SDL). The reason this is non-binding is that every applicant should have an opportunity to come before the Council and present their situation. There may be some unique circumstances where if they presented their reasons, it would change the Council's opinion of what needs to happen with that particular individual license holder.

The first part is an educational piece stating that the license holder needs to provide the educational process they have gone through with their employees to make sure they have been properly trained and know how to responsibly serve alcohol. It will now be implemented into the process. The Council has in the past asked questions of the applicant regarding training as they came before them. This will ensure their employees have done this.

The second element is a specific listing of the types of violations and over what length of time they have occurred that would cause the Council to not recommend approval or renewal to the Liquor Control Commission. To further define the guidelines, a provision has been added that if the applicant has something pending with the Liquor Commission, it must be completely adjudicated and a decision made before the Council would consider making a recommendation for any further application. If the Council chooses to act favorably on this, the policy would be distributed to all liquor license holders in the community by the City Clerk with a copy of the actual policy and a letter explaining it. In this way, everyone would be aware of the new policy and Council would abide by it as they move forward with their recommendations to the Liquor Commission.

City Attorney stated that regarding the situation of the liquor holder that recently came before the Council to re-apply after they had their license revoked by the Liquor Control Commission is not really covered in the new policy. That was a somewhat unique situation in applying for another license after the old one had been revoked. It was

difficult to deal with that situation in this type of policy.

Mayor Clouse stated he was in favor of getting this policy to all liquor license holders, because as it states if there are two violations within one or three in five years, they might as well not to come to the Council with an application for a Special Designated License.

Council member Lear stated that the original work they did with Buffalo County Health Partners Coalition was to compile research and put together a pretty comprehensive policy. In working with the City Attorney, he found legal objections to some of the items and reasons why the Council did not have the authority to do them. According to state law, it prohibited them from establishing fines and other things that were advocated that he believed were all good measures. They narrowed it down and agreed to two things they could have more control over. The first is to decide whether or not they allow a license to automatically renew. They have discussed this issue in the past. In the policy, it states if any liquor license holder has two violations in a year or three in five years, does not mean that the Council cannot forward a recommendation, but their license will not automatically renew. That license holder would have to come before the Council and explain what they are doing differently to prevent these violations from occurring again. In this way, if a license holder is consistently having issues, then the Council is going to hold them to a higher standard and pay more attention to them and what they are doing. The second deals with the Special Designated Licenses. The policy for Special Designated Licenses is similar, if they have had two violations in the last year or three within the last five years, they do not qualify to apply for an SDL or had better have some extenuating circumstances to explain to the Council why they should recommend approval.

Special Designated Licenses are granted for off premises events and are relatively hard for the vendor to control. They are issued for special events, such as The Cattleman's Classic or someone's wedding. Hypothetically, if a liquor license holder has had one violation in a year, unless it is egregious, their SDL would be approved by Council. If that licensee falls in the other category, they would know that they are not in a position to make application.

Council member Lear stated there would be three avenues for the person planning the event to find out if the liquor licensee they want to use is eligible to apply to the City Council for a Special Designated License. One, the liquor license holder would know based on this policy if they would be denied and would inform their customer. Two, they could call the City Clerk who has records of which establishments are eligible to apply. Three, would be to go to the Liquor Control Commission website which contains a listing of all violations that an establishment has ever had and any pending violations. If they see there has been a history of violations, they could make the decision to look for another vendor.

City Manager stated staff could occasionally put out information regarding Special Designated License applications advising people to ask questions of a vendor when engaging their services. This is similar to an individual hiring an electrician; there is a burden and responsibility on the person to ask if they have a current license. Individuals will have more of a challenge, but events like The Cattleman's Classic will

know to do this. Council member Lear suggested many events are held at repeat facilities such as the Buffalo County Fairgrounds, hotels, etc. and people helping them plan the event could also help inform individuals.

City Attorney stated that although this policy is not perfect, it is a better opportunity for people to do some research before they get to a Council meeting. Council member Kearney stated he likes the consistency this will provide and has been looking for this type of directive.

City Manager suggested that we could attach our own addendum to the Liquor Control Commission's application form that the license holder completes. The notification would advise the event applicant of their rights to verify that the liquor licensee they have chosen is eligible to submit a Special Designated License for Council's consideration. The signature of the person planning the event would be required on that form and returned to the City Clerk with the SDL application.

City Manager asked Chief of Police if the law requires all potential liquor vendor violations to be reported to the Commission. Chief Lynch stated that legislation has been proposed that would require Police Departments to report violations that they are aware of. He was not aware that it has been passed at this time and assumes that it will be strongly contested.

Chief of Police Dan Lynch stated that he had two points for the Council. First, he applauded the Council. There is no other community that is establishing a liquor policy quite like this. During his years of law enforcement, he believed the reason cities no longer have the ability to decide who gets liquor licenses is because there is no consistency. This policy provides that consistency. There are limits to what we can do under this policy, but they are using the same measuring stick for every licensee.

The other thing is in the policy, the number of violations a licensee can have is not set at a demanding level. He did not see those numbers as something difficult to avoid. These issues can be avoided when their business is conducted properly. He did not perceive this policy as being heavy handed at all.

Moved by Lammers seconded by Lear to adopt **Resolution No. 2011-28** establishing a policy for making recommendations with reference to liquor licenses issued by the Nebraska Liquor Control Commission for liquor retailers in the City of Kearney and also to put in a signature amendment by the City on the application. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

RESOLUTION NO. 2011-28

Resolution of the City Council of the City of Kearney, Nebraska Establishing a City Council policy for making recommendations with reference to liquor licenses issued by the Nebraska Liquor Control Commission for liquor retailers in the City of Kearney.

WHEREAS, local governing bodies across the State of Nebraska have very limited authority to deal with the issuance of liquor licenses within their city limits; and

WHEREAS, municipalities only have the ability to provide a recommendation to the Nebraska Liquor Control Commission with reference to the issuance of new liquor licenses and the renewal of an existing liquor license; and

WHEREAS, a municipality does have authority to deny special designated licenses should there be a basis to find that the issuance of such a license is not appropriate; and

WHEREAS, the City Council believes that there is an underage drinking problem in the City of Kearney and the Kearney City Council desires to impress upon all liquor license holders and liquor retailers the importance of not serving alcohol to minors or serving alcohol to obviously intoxicated persons and otherwise to comply with state law relative to the sale of alcoholic beverages; and

WHEREAS, the City Council wishes to establish guidelines to be used in evaluating the issuance of new liquor licenses, the renewal of existing licenses and the issuance of special designated licenses in the City of Kearney in an effort to provide consistency to the City's recommendations and the evaluation of these matters by City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kearney, Nebraska:

1. For all applications for new liquor licenses/new manager, the City Council policy will be that such a business will be required to complete the Liquor License Training Compliance form that indicates they have completed training which is specifically certified and approved by the Nebraska Liquor Commission or approved by the Kearney Police Department and that confirmation of such training or, for new license holders, an intent to provide training to employees will also be indicated on the Liquor License Training Compliance form. The license holder must provide certification of this training to the City Clerk when submitting the Liquor License Training Compliance form or, in the case of a new license, within 60 days of the opening of the business. Without the completed Liquor License Training Compliance form and a copy of the certificate of training, the City Council will recommend that the license not be issued or renewed. Certification of servers/managers shall be valid for a maximum of three years. Recertification shall consist of the same elements of any other program approved by the Nebraska Liquor Commission or approved by the Kearney Police Department.

2. With reference to an automatic renewal of a presently existing liquor license, the City Clerk will notify the license holders that they must provide a copy of their Certification prior to the automatic renewal of the liquor license. Class C liquor licenses are renewed annually commencing November 1 with written protests to the issuance of automatic renewal of license being filed by any resident of the City of Kearney on or before August 10. Certification must be provided to the City Clerk no later than September 1. Non-Class C liquor licenses are renewed annually commencing May 1 with written protests to the issuance of automatic renewal of license being filed by any resident of the City of Kearney on or before February 10. Certification must be provided to the City Clerk no later than March 1. If Certification is not provided to the City Clerk, it shall be the policy of the City Council to require that license holder to appear before the Council at a public hearing to review the status of the license and its renewal.

3. With reference to the application for a new license/new manager or an automatic renewal of an existing license, the City Council policy will be that if such license holder has been charged and convicted of two or more charges of the sale of alcohol to a visibly intoxicated person or the sale of alcohol to a minor within the renewal period (one year) and/or has been charged and convicted of three or more similar violations in the prior five years, City Council will not recommend approval of said liquor

license to the Nebraska Liquor Control Commission. The City Council does hereby find that having such a number of violations of state law with reference to the sale of alcoholic beverages to be evidence of the fact that such a license holder has failed to comply with Nebraska law as it relates to the handling of alcoholic beverages and that it would not be appropriate for such an individual and/or business to continue to hold a liquor license due to such failures to comply with state law. If a license holder is up for automatic renewal of its license and there have been two or more law violations as outlined above, it shall be the policy of the City Council to require that license holder to appear before the Council at a public hearing to review the status of the license and its renewal.

4. With reference to special designated licenses, if the license holder that is making application for such a special designated license has had two or more violations of the law including the sale of alcohol to a visibly intoxicated person and/or the sale of alcohol to a minor within one calendar year (calendar year shall be defined as from January 1 to December 31 of a given year) of the last issuance of its underlying liquor license or three or more such violations within the last five years, it shall be the policy of the City Council to deny such application and to not grant that license holder the ability to have a special designated license for the event requested.

5. If the license holder has been cited for the above-referenced violations of state liquor law but has not had an opportunity to be heard either in a court of law or before the Nebraska Liquor Control Commission, City Council policy will be that such citations cannot be considered until there has been a final determination as to the citations which have been issued.

6. This shall be a nonbinding resolution and the City Council may evaluate each license application on a case-by-case basis and take into consideration such circumstances or factors as it might deem appropriate with reference to each individual application or applicant. The intent of this Resolution is to establish an overall policy as to when the City Council will consider not recommending the issuance or renewal of a liquor license to the Nebraska Liquor Control Commission and what factors it deems appropriate to consider in denying an application for a special designated license.

PASSED AND APPROVED THIS 22ND DAY OF MARCH, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

OPEN ACCOUNT CLAIMS: NPPD - \$73,682.13, PLATTE VALLEY STATE BANK - \$50,209.46, SCHOOL DISTRICT #7 - \$7,044.66, STAN CLOUSE - \$184.44

Moved by Buschkoetter seconded by Kearney that Open Account Claims in the amount of \$50,209.46 payable to Platte Valley State Bank, in the amount of \$73,682.13 payable to Nebraska Public Power District, and in the amount of \$184.44 payable to Stan Clouse be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney. Nay: None. Clouse and Lear abstained. Motion carried.

Moved by Clouse seconded by Kearney that Open Account Claims in the amount of \$7,044.66 payable to School District #7 be allowed. Roll call resulted as follows: Aye: Clouse, Lear, Kearney. Nay: None. Buschkoetter and Lammers abstained. Motion

carried.

VII. REPORTS

BOARDS AND COMMISSIONS

Council member Lear wanted to thank all the members that serve on the various Boards and Commissions of the City. He had been speaking with one of the Planning Commission members and citizens do not realize that these members spend a lot of personal time serving on Boards. They work extraordinarily hard to make good decisions and to do what is right for the community.

VIII. ADJOURN

Moved by Kearney seconded by Lammers that Council adjourn at 8:07 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**