

*Kearney, Nebraska*  
*June 28, 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 June 28, 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; Bobbi Pettit, Assistant Development Services Director; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: James Fox, Michael Carper, Bruce Lefler, Scott Porter, Mitch English, Kent Schroeder, Roger Jasnoch, Tim Higgins, Larry Molton, Kevin Hervert from Kearney Hub, NTV.

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**

Three Boy Scouts 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**

#### **LIQUOR LICENSE – FOXHOLE, 1912 CENTRAL AVENUE**

Mayor Clouse opened the public hearing on the application for a Class I-94516 liquor license submitted by James R. Fox, dba Foxhole located at 1912 Central Avenue and to consider Resolution No. 2011-70.

James R. Fox, dba Foxhole has made application for a license to sell on premise only beer, wine and distilled spirits located at its facility, 1912 Central Avenue. Mr. Fox currently has a liquor license in Atlanta, Nebraska called the Husker Hut. This business has been in operation since 2004. In reviewing the Liquor Commission's web site, on July 30, 2004 he was cited for Selling to a Minor and he paid the fine on November 29, 2004.

The Police Department performed a background check on the applicant. It has been determined that Mr. Fox had filed an application which neglected to include all arrests for law violations as required. Mr. Fox listed two citations on the application but failed to disclose two convictions on the application.

Mr. Fox has returned the Liquor License Training Compliance form indicating that two people will be receiving TIPS training on July 7, 2011. He submitted a copy of the letter he received from the Responsible Beverage Server Coalition indicating two people will be receiving the TIPS Training on July 7.

James Fox presented this matter to the Council. He stated he has operated a bar and restaurant for 15 years. He and his daughter are scheduled to receive TIPS training on July 7.

Police Chief Dan Lynch stated that when the Police Department conducted the background check it was determined that Mr. Fox did not list on his application two convictions of two speeding violations. His application did list the sell to minor.

Council member Kearney asked Mr. Fox if he wanted to withdraw his application in order to correct it. Mr. Fox stated he would prefer to continue as is because he did not believe speeding tickets were not significant to his liquor application.

After further discussion, the Council suggested Mr. Fox contact the Liquor Commission on the possible need to amend his application to include the two convictions of speeding. The Council would then act on the application once he has clarified the amendments with the Liquor Commission.

There was no one present in opposition to this hearing.

Moved by Lear seconded by Buschkoetter to close the hearing and to table any action on Resolution No. 2011-70 pertaining to the application for a Class I-94516 liquor license submitted by James R. Fox, dba Foxhole located at 1912 Central Avenue to allow the applicant to amend his application, if necessary, and that the City Council would consider action at that time. Roll call resulted as follows: Aye: Clouse, Lear,

Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

#### **IV. CONSENT AGENDA**

Moved by Kearney seconded by Lammers that Subsections 1 through 11 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held June 14, 2011.
2. Approve the following Claims:

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

4Imprint \$498.38 smcs; A to Z Printing \$295.00 smcs; ABA Recovery \$175.94 ps; Ace Eaton Metals \$165.00 smcs; Ace Hardware \$96.82 smcs; Advance Auto Parts \$140.70 smcs; Airgas North Central \$171.55 smcs; Alamar \$9,574.82 smcs,ps; Alertshirt \$317.03 smcs; Alfred Benesch \$6,272.42 smcs,co; Al-Jon Mfg \$283.92 smcs; All Makes Auto Supply \$3,348.41 smcs; All Makes Office \$3,569.54 co; Amazon \$1,454.46 co smcs,ps; American \$299.94 smcs; Amer First Aid \$250.73 smcs; APWA \$23.00 smcs; Amsan \$276.00 smcs; Andersen Wrecking \$35.00 smcs; Anderson Bros \$541.02 smcs; Anderson,T \$24.64 smcs; APA-Bookstore \$32.95 smcs; Ask Supply \$3,317.44 smcs; Athletica Sports Systems \$404.48 smcs; Audio Go \$175.94 smcs; Awards USA \$306.27 smcs; Baker & Taylor \$4,024.35 smcs; Baltic Networks \$405.40 co; Bamford \$200.00 smcs; Barco Municipal \$5,092.00 smcs; Beach Camera \$6,729.75 smcs; Beckenhauer,T \$13.80 smcs; Blackstone Audiobooks \$61.50 smcs; Blevins,D \$225.00 smcs; Bluecross Blueshield \$401,600.69 smcs; Borg,J \$31.87 smcs; Bosselman \$899.81 smcs; Brilliance Audio \$106.19 smcs; Broadfoot's \$1,648.00 smcs,co; Buckle \$970.00 smcs; Buffalo Co Treasurer \$42,902.50 smcs; Buffalo Outdoor Power \$1,644.57 smcs; Buggy Bath Car Wash \$8.25 smcs; Builders Warehouse \$2,875.31 smcs,co; Cabela's \$29.99 smcs; Carnes,H \$1,126.25 smcs; Carquest \$880.48 smcs; Caseys \$25.00 smcs; Cash Wa Distributing \$1,848.91 smcs; Cat5ecableguycom \$153.98 co; CBA Lighting \$400.80 smcs; Celebrate Express \$123.61 smcs; Central Hydraulic Systems \$624.29 smcs; Central NE Bobcat \$66.91 smcs; Charter \$39.99 smcs; Chesterman \$4,513.26 smcs; Chief Supply \$139.53 smcs; Christensen,J \$150.00 smcs; City of Ky \$15,955.80 co,ps,smcs; Clean It Supply \$28.56 smcs; Cold Spring Granite \$479.00 smcs; Consec Life Ins \$19.00 ps; Construction Rental \$1,186.46 smcs; Copycat Printing \$1,525.10 smcs; Corporate Edge \$2,850.00 smcs; CPS 5507 Kearney \$121.00 smcs; Crossroads Ford \$1,052.76 smcs; CT Flags \$179.62 smcs; Culligan \$230.00 smcs; Cummins Central Power \$1,754.82 smcs; CVI Kearney \$735.13 smcs; D&M Security \$64.50 smcs; D&S Lighting \$239.62 smcs; Dairy Queen \$20.00 smcs; Danko Emergency \$252.90 smcs; Dawson Co PPD \$22,530.13 smcs; Day,D \$1,598.00 smcs; Daylight Donuts \$28.10 smcs; Deeter Foundry \$538.05 smcs; Dell \$5,113.16 smcs,co; Denver Museum of Natural \$119.00 smcs; Depository Trust \$1,448,515.00 ds; Deterdings \$11.95 smcs; Diamond Vogel Paint \$49.14 smcs; Dish Network \$66.47 smcs; DPC Industries \$6,958.23 smcs; Eakes \$14,152.11 smcs,co;

Ecolab \$36.00 smcs; Egan Supply \$251.40 smcs; Eileen's \$39.00 smcs; Elliott Equipment \$8,496.60 smcs; EMC Insurance \$892.27 smcs; Encore Funding \$352.45 ps; ERC Wiping Products \$123.34 smcs; Erie Computer \$305.52 co; Fairbanks \$1,618.12 smcs; Fastenal \$643.24 smcs; GW Brown Co \$125.00 smcs; Gale \$677.67 smcs; Galls \$100.97 smcs; Garrett Tires \$3,068.92 smcs; General Excavating \$298,044.63 co; GIS Workshop \$2,145.00 co; Govt Finance \$225.00 smcs; Graham Tire \$2,355.45 smcs; Grainger \$1,273.13 smcs; Granite City \$47.22 smcs; Great Plains Safety \$400.00 smcs; Great Plains Welcoming \$300.00 smcs; Grones Outdoor Power \$532.64 smcs; Gronewoller,S \$85.60 smcs; H&H Distributing \$2,127.05 smcs; Haack,S \$26.72 smcs; Hach \$1,008.09 smcs; Hand Trucks R Us \$519.90 smcs; Harshbarger,K \$5.53 smcs; Hastings Canvas \$175.00 smcs; Hayneedle \$139.08 smcs; HD Supply \$2,922.00 smcs; Heiman Fire Equipment \$141.80 smcs; Highsmith \$81.56 smcs; Hobby-Lobby \$916.79 smcs,co; Holmes Plumbing \$1,141.34 smcs,co; Hooker Brothers Sand \$432.32 smcs; Hutchinson,R \$66.53 smcs; Hydrite Chemical \$12,486.94 smcs; I-80 Eppley Express \$903.00 smcs; ICMA \$4,221.47 smcs,ps; ICOM America \$1,012.96 smcs; Inland Truck Parts \$588.44 smcs; IRS \$115,845.24 ps; Int'l Code Council \$707.72 smcs; J&A Traffic Products \$8,693.20 smcs; Jack Lederman \$827.05 smcs; Janssen,B \$35.00 smcs; JLC \$91,507.00 co; John Deere Landscapes \$404.87 smcs,co; Johnson Hardware \$858.00 smcs; Johnson Services \$14,160.00 smcs; Johnson,R \$150.00 smcs; Johnstone Supply \$69.99 smcs; Jottodesk \$341.85 smcs; JRs Western \$96.00 smcs; K&K Parts \$19.95 smcs; Ky Ampride \$177.82 smcs; Ky Clinic \$446.00 smcs,ps; Ky Concrete \$7,361.05 smcs,co; Ky Crete & Block \$612.35 smcs,co; Ky Floral \$100.00 smcs; Ky Hub \$3,148.79 smcs; Ky Humane Society \$6,825.00 smcs; Ky Implement \$1,852.55 smcs; Ky Literacy Council \$500.00 smcs; Ky Noon Rotary \$105.00 smcs; Ky Quality Sew \$319.99 smcs; Ky Warehouse \$3,024.58 smcs; Ky Winlectric \$493.64 smcs; Ky Winnelson \$17.44 smcs; Ky Yamaha \$182.85 smcs; KHGI/KWNB \$160.00 smcs; Killion Motors \$113.15 smcs; Kindle \$20.98 smcs; Kondava,J \$29.00 smcs; Konica Minolta \$174.16 smcs; Krueger,L \$72.00 smcs; Kully Companies \$117.38 smcs; La Quinta Inns \$664.20 smcs; Landell-Thelen \$2,600.00 co; Lawson Products \$444.01 smcs; Leopold Painting \$3,873.00 co; Linweld \$87.67 smcs; Loves Country \$171.87 smcs; Luke,D \$83.80 smcs; Lundeen-Isaacson \$4,220.00 ps; Mac Tools \$74.97 smcs; Magic Cleaning \$6,510.00 smcs; Mail Express \$358.00 smcs; Malleck,J \$53.50 smcs; Marlatt Machine Shop \$1,461.93 smcs; Masters Leasing \$503.69 smcs; McConnell,B \$55.00 smcs; McCormack Distributing \$351.42 smcs; McMasters-Carr \$244.30 smcs; Menards \$3,659.49 smcs,co; Metlife \$17.88 ps; Mid-Continent Safety \$356.64 smcs; Mid-Iowa Solid Waste \$514.23 smcs; Mid-NE Garage Doors \$125.00 smcs; Midwest Labs \$415.70 smcs; Midwest Turf \$703.40 smcs; Mierau,B \$27.32 smcs; Miller & Associates \$27,683.62 co; Miller Electronic \$181.90 smcs; Miller Sings \$375.00 smcs; Misko Sports \$65.85 smcs; Moonlight Embroidery \$1,731.75 smcs; Moore Wallace \$487.50 smcs; Most Dependable Fountain \$107.00 smcs; Municipal Supply \$1,645.37 smcs; Museum of NE Art \$5,000.00 smcs; NALEFI \$60.00 smcs; Napa All Makes \$942.90 smcs; Nashville Wraps \$597.25 smcs; Nat'l Alliance \$80.00 smcs; NCL of Wisconsin \$370.11 smcs; NCS Equipment \$110.00 smcs; NE Child Support \$2,861.15 ps; NE Dept of Aeronautics \$370.00 ds; NE Machinery \$524.56 smcs; NE Public Health \$15.00 smcs; NE State Fair \$160.00 smcs; NE Truck Center \$148.56 smcs; NEland Distributors \$1,821.95 smcs; Nelson's Furniture \$988.00 co; Newegg \$73.75 smcs; Newman Signs \$1,790.53 smcs; Norm's Plumbing \$1,311.23 smcs; Northern Safety \$97.62 smcs; Northwestern Energy \$408.78 smcs; NWEA \$235.00 smcs; OCLC \$676.42 smcs; Office Max \$341.99 smcs; Officenet \$450.54

smcs; O'Keefe Elevator \$285.25 smcs; Old West Guns \$25.00 smcs; On Site Mobile Sharpening \$20.00 smcs; O'Reilly Auto \$439.98 smcs; Oriental Trading \$1,309.82 smcs; Orscheln \$975.43 smcs; Oshkosh \$530.38 smcs; Outdoor Recreation \$2,629.00 co; Panowicz,K \$108.00 ps; Paramount \$536.46 smcs; Patzel,M \$6.82 smcs; Paypal \$19.80 co; PC Bay Com \$218.25 co; Pepper Pod Restaurant \$157.09 smcs; Pet Kingdom \$41.27 smcs; Pioneer Research \$544.14 smcs; Platte Valley Comm \$98.52 smcs; Precision Industries \$2,368.00 smcs; Presto-X \$247.00 smcs,co; Provantage \$252.87 smcs,co; Pumpagentscom \$109.87 smcs; Quill \$329.90 smcs; RW Sorensen \$3,300.00 co; Random House \$381.60 smcs; Ready Mixed Concrete \$9,819.57 smcs; Reams \$940.66 smcs; Recognition Unlimited \$105.70 smcs; Recorded Books \$164.47 smcs; Redmans Shoes \$169.98 smcs; Resource Management \$3,464.64 smcs; Restaurant Equippers \$50.95 co; Rhode Island Novelty \$303.74 smcs; Riverside Mfg \$79.03 ps; RNDC-Eagle Div \$226.40 smcs; RNDC-Falcon Div \$22.24 smcs; Rowe Networks \$355.16 co; RT Corporation \$84.50 smcs; Rutt's Heating \$240.00 smcs; Sabin,C \$125.00 smcs; Safe Center \$2,225.32 smcs; Safe Home \$257.95 co; Sahling Kenworth \$33.90 smcs; Salina Blueprint \$255.37 smcs; Sanitation Products \$1,095.42 smcs; Sapp Brothers \$30,270.09 smcs; Schrimmer,B \$40.00 smcs; Schumacher Brothers \$380.25 smcs; Schutte,R \$31.00 smcs; Schwans Home Service \$534.70 smcs; Sears \$529.99 smcs; Signwarehousecom \$90.33 smcs; Skeeter Barnes \$4,243.28 smcs; Snow,T \$270.59 smcs; Softchoice \$1,018.86 smcs,co; Solarwinds \$99.00 smcs; SOS Portable Toilets \$115.00 smcs; Sport Supply Group \$501.42 smcs; Sprinkler Warehouse \$226.08 smcs; Stanley Security \$393.89 smcs; Steinbrink Landscaping \$823.37 smcs; Sterling Distributing \$280.40 smcs; Sterling Oil & Gas \$75.00 smcs; Stover,P \$12.89 smcs; Strategic Materials \$367.52 smcs; Sunmart \$204.36 smcs; Sysco \$96.00 smcs; Tape 4 Backup \$2,306.50 co; Target \$189.39 co; Taylor Made \$840.00 smcs; Terry's Transportation \$500.00 smcs; The Amer Legion \$27.32 smcs; The Dent Popper \$1,000.00 smcs; Thome,B \$13.80 smcs; Thompson,D \$100.00 smcs; Tielke Enterprise \$191.67 smcs; Titleist \$480.78 smcs; Toolbarncom \$27.08 smcs; Tractor-Supply \$2,747.04 smcs; Trans Iowa Equipment \$1,689.74 smcs; Transit Works \$309.00 smcs; Tri City Outdoor \$160.34 smcs; Tri-Cities Group \$173.80 smcs; TruGreen Chem Lawn \$319.20 smcs; Turfwerks \$207.00 smcs; U.S. Postal \$243.75 smcs; UPRR \$100.00 er; Unique Management \$116.35 smcs; UPS Store \$55.95 smcs,co; US Bank \$114.00 smcs; USA Blue Book \$995.74 smcs; Wal-mart \$1,467.54 smcs; Walsh,C \$149.43 smcs; Walter's Electric \$1,100.00 co; We Care Tree Care \$90.00 co; Wells Fargo Trade \$175.25 smcs; West Payment Center \$1,454.43 smcs; West Villa Animal \$254.75 smcs,co; Whiskey Creek \$42.08 smcs; Wilke Donovans \$210.21 smcs; Wilkins Hinrichs Stober \$9,453.16 co; Wingate Inn \$129.26 smcs; Yousendit \$109.99 smcs; Payroll Ending 6-18-2011 -- \$393,072.54. 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 July 12, 2011 at 7:00 p.m. as date and time for hearing on those applications where applicable.
4. Accept the bid received for the 2011 Part 4 Improvements; School Crossing Traffic Signal Construction for Kenwood Elementary School and Sunrise Middle School and adopt **Resolution No. 2011-71** awarding the bid to Dominion Construction Company in the amount of \$63,077.50.

**RESOLUTION NO. 2011-71**

WHEREAS, the City of Kearney has reviewed the sealed bids which were opened on June 16, 2011 at 2:00 p.m. for the 2011 Part 4 Improvements; School Crossing Traffic Signal Construction for Kenwood Elementary School and Sunrise Middle School; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$129,552.50 for the said project; and

WHEREAS, City staff has recommended the bid offered by Dominion Construction Company of Scottsbluff, Nebraska in the sum of \$63,077.50 be accepted as the lowest responsible bid for 2011 Part 4 Improvements; School Crossing Traffic Signal Construction for Kenwood Elementary School and Sunrise Middle School.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that Dominion Construction Company of Scottsbluff, Nebraska be and is the lowest responsible bidder for the 2011 Part 4 Improvements; School Crossing Traffic Signal Construction for Kenwood Elementary School and Sunrise Middle School to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Dominion Construction Company in the sum of \$63,077.50 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$129,552.50 be and is hereby accepted.

BE IT FURTHER RESOLVED that the President of the Council of the City of Kearney, Nebraska, be and is hereby authorized and directed to execute contracts for such improvements in accordance with the bid, plans, specifications, and general stipulations pertaining thereto.

PASSED AND APPROVED THIS 28TH DAY OF JUNE, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

5. Approve the request submitted by the Kearney Police Department/Buffalo County Sheriff's Office to temporarily block off Avenue B from North Railroad Street to 21st Street for the auction to be held on July 23 from 7:00 a.m. until 2:00 p.m.

6. Approve Application and Certificate for Payment No. 5 in the amount of \$123,107.40 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. 2011-72.**

**RESOLUTION NO. 2011-72**

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. 5 in the amount of \$123,107.40, 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	1,230,785.80
Retainage	123,078.58
Amount Due to Date	1,107,707.22
Less Previous Certificates for Payment	<u>984,599.82</u>
Current Payment Due	\$ 123,107.40

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 5, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF JUNE, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

7. Approve Application and Certificate for Payment No. 1 in the amount of \$111,038.40 submitted by Paulsen, Inc. and approved by Miller & Associates for the 2010 Part 5 Improvements – Bid B consisting of Paving Improvement District No. 2010-944 commencing at a point 250 feet east of 11th Avenue and from a point 250 feet west of 11th Avenue in and including all of 56th Street, and 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. 2011-73**.

**RESOLUTION NO. 2011-73**

WHEREAS, Paulsen Inc. of Cozad, Nebraska has performed services in connection with the 2010 Part 5 Improvements – Bid B consisting of Paving Improvement District No. 2010-944 commencing at a point 250 feet east of 11th Avenue and from a point 250 feet west of 11th Avenue in and including all of 56th Street, and 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. 1 in the amount of \$111,038.40, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,634,697.50
Contract Sum To Date	1,634,697.50
Gross Amount Due	123,376.00
Retainage	12,337.60
Amount Due to Date	111,038.40
Less Previous Certificates for Payment	<u>.00</u>
Current Payment Due	\$ 111,038.40

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 1, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 28TH DAY OF JUNE, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**8.** Approve T-Hangar B-5 Lease Agreement between the City of Kearney and Donald Simpson for storage purposes at the Kearney Regional Airport and adopt **Resolution No. 2011-74.**

#### **RESOLUTION NO. 2011-74**

BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the T-Hangar B-5 Lease Agreement, on behalf of the City of Kearney, Nebraska, with Donald Simpson, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 28TH DAY OF JUNE, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**9.** Approve the request submitted by Buffalo County to designate four parking stalls on the north side and four parking stalls on the east side of the Buffalo County Courthouse as 30-minute parking spaces.

**10.** Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropic in connection with their IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exhibit Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on July 23, 2011 from 6:00 p.m. until 1:00 a.m. for a dance.

11. Approve the application for a Special Designated License submitted by Juan Lazo, dba El Tropico in connection with their IBK-37623 catering liquor license to dispense beer and distilled spirits in the Exposition Building located at the Buffalo County Fairgrounds, 3807 Avenue N, on September 3, 2011 from 6:00 p.m. until 1:00 a.m. for a dance.

## **V. CONSENT AGENDA ORDINANCES**

Mayor Clouse stated that Ordinance No. 7655 will be removed from the Consent Agenda Ordinances for discussion. Therefore, the remaining three ordinances of the Consent Agenda Ordinances were acted upon.

### **ORDINANCE NO. 7654 – SELL LAND TO ACE IRRIGATION**

At the last Council meeting, you approved the request submitted by Buffalo County to vacate a portion of the old Airport Road, specifically the vacation will not extend beyond 807 feet to the north from the intersection of old Airport Road and 39th Street. The Council also approved the Agreement with ACE Irrigation to purchase approximately 7.7 acres from the City which is located behind their business and along what is known as Piper Avenue. In accordance with Section 16-202 of the Nebraska Revised Statutes, the City has the power to sell and convey any real estate owned by the City by ordinance directing such conveyance. Notice of such sale and the terms shall be published for three consecutive weeks in a legal newspaper. ACE Irrigation has agreed to pay the City \$54,800.00 for the purchase of the property and there are no other financial obligations on the part of the City.

Council Member Lammers introduced Ordinance No. 7654, being Subsection 1 of Agenda Item V selling Lot 1 of Block Two, Piper Subdivision, Buffalo County, Nebraska to ACE Irrigation, 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, Buschkoetter, Lear, Lammers, Kearney. 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. 7654 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7654 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7654 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. 7656 – AMEND SECTIONS OF THE PLUMBING CODE OF THE CITY CODE**

Master, journeyman, apprentice, and specialty plumbers are required to practice under a license granted by the City of Kearney Examining Board for Plumbers. In order to receive a license, an applicant must first demonstrate experience to the Examining Board for Plumbers as required by 9-1048 of the Kearney Municipal Code. The Board then reviews applicants and grants them the opportunity to take a test appropriate to their level of licensure. Up to this point, the examination has been written and administered by staff. One member of the Examining Board for Plumbers and the city plumbing inspector has been responsible for grading the test and handling appeals. In the past year, nine applicants have needed to take the examination more than once.

Staff has significant concerns that this practice sacrifices transparency, places unnecessary demands on staff time, and leaves opportunity for exams to be graded on subjectivity. In order to address these concerns, staff consulted the International Association of Plumbing and Mechanical Officials (IAPMO). IAPMO recommended National Inspection Testing Certification (NITC). NITC is a company that offers nationally recognized standardized testing for master and journeyman level plumbers. The examination is based on the current edition of the Uniform Plumbing Code.

The proposed method of examining master and journeyman level plumbers will be through a standardized test, which will be proctored by Development Services staff and administered by NITC. NITC will also be responsible for grading the test and addressing appeals. The examination will be offered quarterly on the fourth Friday of the following months: January, April, July, and October. Applicants must receive an examination score of 70% or higher in order to receive a license.

The Examining Board for Plumbers has reviewed the process and recommended implementing standardized testing at their monthly board meeting in June 16, 2011. This process will allow inspectors to spend more time in the field delivering inspections and less time grading and arguing test questions. Furthermore, this new practice will assist in correcting the perception in the tradesman community that licensing practices in Kearney are convoluted and exclusive.

In addition to simplifying and equalizing the process for examination and licensure, staff is also proposing the elimination of specialty contractor licenses. Master, journeyman, and apprentice level licenses for plumbers will be the only type of plumbing license issued within in the City of Kearney.

The comprehensive fee schedule will be affected as the examination fee (\$25.75) for a journeyman and master plumber will no longer be required. Journeyman and master applicants will now be required to make a payment directly to NITC. Journeyman will pay NITC \$130 while Master will pay \$140. Successful applicants will continue to pay a licensing and registration fee to the City of Kearney as currently prescribed by the City of Kearney Comprehensive Fee Schedule.

Council Member Lammers introduced Ordinance No. 7656, being Subsection 3 of Agenda Item V amending the following sections of Chapter 9 of the City Code: Section 9-1032 "Installations by Owner", Section 9-1041 "Classifications of Licenses", Section 9-1042 "Specialty Plumber Classifications", Section 9-1043 "License Fees", Section 9-1044 "Application for Registration", Section 9-1045 "Plumbers; Certificate of Insurance", Section 9-1047 "Examining Board for Plumbers", Section 9-1048 "Examination and Licensing Requirements", Section 9-1049 "Issuance of License", Section 9-1051 "Renewal of Licenses, Section 9-1052 "Revocation of License", and Section 9-1055 "Licenses; Reciprocity" to remove the reference of specialty contractor plumber and specialty installer; to require the examination of master and journeyman plumbers by National Inspection Testing Certification; to require journeyman and master applicants to pay examination fees directly to National Inspection Testing Certification; to set the testing session offered by the City on the fourth Friday of January, April, July and October, 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, Buschkoetter, Lear, Lammers, Kearney. 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. 7656 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7656 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7656 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. 7657 – AMEND SECTION 8-804 OF THE CITY CODE**

With the recent annexations and improvements to a number of city streets, 30th Avenue, Avenue N, Avenue M, 11th Street, 39th Street, 48th Street, 56th Street, Railroad Street, and 4th Avenue, a number of speed limit changes have been made or need to be made along these streets. Working with the Police Department, staff has established the appropriate speed limits based on the existing street section and traffic performance. This ordinance reflects the changes to Section 8-804 of Chapter 8 Police of the City Code. These changes will have very little fiscal expenses to the City of Kearney at this time. As part of the annual sign budget, the Public Works Department will install and maintain the necessary speed zone signs on the above mentioned streets.

Council Member Lammers introduced Ordinance No. 7657, being Subsection 4 of Agenda Item V amending Section 8-804 "Specific Limits" of Article 8 "Speed Limitations" of Chapter 8 "Police" of the Kearney City Code to amend the speed limit on the following streets within the City: 4th Avenue, 30th Avenue, Avenue M, Avenue N, 11th Street, 39th Street, 56th Street, Railroad Street, and 1st Street East, 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, Buschkoetter, Lear, Lammers, Kearney. 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. 7657 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lear seconded by Buschkoetter that Ordinance No. 7657 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7657 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**

### **ORDINANCE NO. 7655 – CREATE PAVING DISTRICT NO. 2011-948**

Mayor Clouse stated that Ordinance No. 7655 creates Paving Improvement District No. 2011-948 for the east 75 feet of the alley lying between 26th Street and 27th Street from 4th Avenue to 5th Avenue. Council members have been contacted by two property owners concerning the paving of this portion of the alley.

On May 24 the Council adopted an ordinance creating a paving district for an alley located between 26th Street from 4th Avenue to 5th Avenue. The City received written objections from the majority property owners within the proposed district which represented 79 percent and the district was repealed on June 14. Mr. Schroeder submitted a letter requesting to pave just the east 75 feet of the alley.

Kent Schroeder stated that he demolished the dwelling that was previously there and constructed a new duplex. He is wanting to pave the alley because the driveways to the duplex enter and exit through the alley. It was his intent from the beginning to pave 75 feet of the alley as it abuts his property and preempt any elevation change that would occur with paving.

Director of Public Works Rod Wiederspan stated that the City could set the elevation so as not to effect the property by future paving. Mr. Schroeder stated he would prefer to pave that portion of the alley.

Discussion was held on the cost of design and engineering. Mr. Schroeder, in previous talks with the Director of Public Works, stated that he believed the amount would be \$85 per foot per side for the entire alley. Director of Publics Works stated this estimate has increased because of the fact that the alley request has now gone from a 300-foot alley to a 75-foot alley paving district. All district have fixed costs such as engineering, contractor mobilization, advertising, etc. When you take these fixed cost and spread them from a 300-foot paving district to a 75-foot paving district the per foot cost to the abutting property effected by the district increases. The City currently has not designed the proposed alley so the final quantities and work associated with this project have not been determined yet. He estimated the engineering would be approximately \$6,000.

Scott Porter, 402 West 27th Street, addressed the Council. He is one of the abutting property owners who would be assessed. When Mr. Schroeder presented the petition to him at the beginning, it was his understanding that it was for the entire alley. He stated he wanted the alley paved if the entire block wanted it paved; if they did not want it paved then he did not want it paved. Because of the costs to design and engineer the entire alley, he did not think it was fair that three property owners would have to pay the costs instead of all the property owners in the block.

Mitch English, 406 West 27th Street stated he did not want the alley paved. It would not benefit him at all because it would not pave the entire width of his driveway. He protested the district for the entire district and he protests this partial paving as well.

City Attorney Michael Tye stated that the state law is it takes more than fifty percent to stop a district from going forward. In this instance, the percentage is fifty/fifty so the district could not be petitioned out.

Discussion was held on the district that was created prior that included the entire alley. There was a majority of property owners that signed a petition protesting the district. They did not want the alley paved. The Council did not believe it was fair to the two property owners that did not want it because they would not have enough to stop the district.

Mayor Clouse stated that Mr. Schroeder has constructed a very attractable building and understood why Mr. Schroeder would want the alley paved.

Moved by Buschkoetter seconded by Kearney to deny Ordinance No. 7655 creating Paving Improvement District No. 2011-948 for the east 75 feet of the alley lying between 26th Street and 27th Street from 4th Avenue to 5th Avenue. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

### **REDEEM 2004 AND 2006 VARIOUS PURPOSE GENERAL OBLIGATION BONDS**

Regular Agenda Items 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened for discussion the calling for the redemption of the Various Purpose General Obligation Bonds Series 2004 and the Various Purpose General Obligation Bonds Series 2006 and to consider Resolution No. 2011-75.

Bruce Lefler from Ameritas Investment presented this matter to the Council. The City of Kearney currently has Various Purpose General Obligation (G.O.) Bonds Series 2004 (Series 2004) and Various Purpose G.O. Bonds Series 2006 (Series 2006) outstanding. The outstanding Series 2004 Bonds have an interest coupon rate ranging from 3.10% to 4.45% and mature on April 1, 2024. The outstanding Series 2006 Bonds have an interest coupon rate ranging from 3.75% to 4.35% and mature on July 1, 2026. After monitoring the municipal bond market over the past several months, it appears that the City of Kearney could save considerable interest costs by refinancing the Series 2004 and Series 2006 Bonds. It is estimated that the Various Purpose G.O. Refunding Bonds Series 2011 (Series 2011) will have an interest rate ranging from 0.40% to 4.00% and will mature on June 1, 2026. Actual interest rates will not be known until June 28, 2011. The City of Kearney has an opportunity to save approximately \$435,000 over the term of the Series 2011 Bonds by refinancing the Series 2004 and Series 2006 Bonds.

Moved by Clouse seconded by Kearney to approve calling for the redemption of the Various Purpose General Obligation Bonds Series 2004 and the Various Purpose General Obligation Bonds Series 2006 and adopt **Resolution No. 2011-75**. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

### **RESOLUTION NO. 2011-75**

BE IT RESOLVED by the Mayor and City Council of the City of Kearney, Nebraska:

Section 1. The following bonds of the City of Kearney Nebraska, in accordance with their option provisions are hereby called for payment on July 29, 2011, after which date interest on the bonds will cease:

- a. Various Purpose Bonds, Series 2004, of the City of Kearney, Nebraska, date of original issue – April 1, 2004, in the principal amount of Two Million Five Hundred Ten Thousand Dollars (\$2,510,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
\$ 150,000	April 1, 2012	3.10%	486890 TU 0
160,000	April 1, 2013	3.25	486890 TV 8
165,000	April 1, 2014	3.45	486890 TW 6
170,000	April 1, 2015	3.60	486890 TX 4
175,000	April 1, 2016	3.65	486890 TY 2
185,000	April 1, 2017	3.80	486890 TZ 9
190,000	April 1, 2018	3.90	486890 UA 2
195,000	April 1, 2019	4.05	486890 UB 0
205,000	April 1, 2020	4.15	486890 UC 8
215,000	April 1, 2021	4.20	486890 UD 6
225,000	April 1, 2022	4.35	486890 UE 4

230,000	April 1, 2023	4.40	486890 OF 1
245,000	April 1, 2024	4.45	486890 UG 9

Said bonds are hereinafter referred to as the “2004 Refunded Bonds.”

The 2004 Refunded Bonds are subject to redemption at any time on or after April 1, 2009, at par and accrued interest, and said interest is payable semiannually. The proceeds of the 2004 Refunded Bonds were used for the purpose of paying the costs (including payment of \$4,150,000 Bond Anticipation Notes, Series 2002, date of original issue - April 2, 2002, due April 1, 2004) of improving streets and alleys, intersections and areas formed by the crossing of streets, avenues or alleys and streets adjacent to real estate owned by the City in Paving Improvement District Nos. 2000-835, 2001-861, 2001-862, 2001-863, 2001-865, 2001-866 and 2002-868, and Intersection Improvement District No. 2000-5.

b. General Obligation Various Purpose Bonds, Series 2006, of the City of Kearney, Nebraska, date of original issue – July 14, 2006, in the principal amount of Three Million Forty Thousand Dollars (\$3,040,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
\$ 150,000	July 1, 2012	3.75%	486890 UY 0
155,000	July 1, 2013	3.85	486890 UZ 7
170,000	July 1, 2014	3.90	486890 VA 1
170,000	July 1, 2015	3.95	486890 VB 9
175,000	July 1, 2016	4.00	486890 VC 7
185,000	July 1, 2017	4.05	486890 VD 5
195,000	July 1, 2018	4.10	486890 VE 3
200,000	July 1, 2019	4.10	486890 VF 0
205,000	July 1, 2020	4.15	486890 VG 8
215,000	July 1, 2021	4.20	486890 VH 6
1,220,000	July 1, 2026	4.35	486890 VJ 2

Said bonds are hereinafter referred to as the “2006 Refunded Bonds.”

The 2006 Refunded Bonds are subject to redemption at any time on or after July 14, 2011, at par and accrued interest, and said interest is payable semiannually. The proceeds of the 2006 Refunded Bonds were used for the purpose of paying the costs (including payment of \$3,280,000 Bond Anticipation Notes, Series 2004, date of original issue - July 15, 2004, due July 15, 2006 and \$1,175,000 Bond Anticipation Notes, Series 2005, date of original issue - September 1, 2005, due July 15, 2006) of improving streets and alleys, intersections and areas formed by the crossing of streets, avenues or alleys and streets adjacent to real estate owned by the City in Paving Improvement District Nos. 2004-885 and 2005-899.

Section 2. The 2004 Refunded Bonds and the 2006 Refunded Bonds are to be paid at the office of the Treasurer of the City of Kearney, in Kearney, Nebraska, as paying agent and registrar (the "Paying Agent").

Section 3. A true copy of this resolution shall be filed immediately with the Paying Agent for the 2004 Refunded Bonds and the 2006 Refunded Bonds, and said Paying Agent is hereby instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinances authorizing the 2004 Refunded Bonds and 2006 Refunded Bonds.

PASSED AND APPROVED THIS 28TH DAY OF JUNE, 2011.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**ORDINANCE NO. 7658 – ISSUE 2011 GENERAL OBLIGATION REFUNDING BONDS**

Regular Agenda Items 1 and 2 were discussed together but voted on separately.

Council Member Kearney introduced Ordinance No. 7658, being Subsection 2 of Agenda Item VI authorizing the issuance of General Obligation Refunding Bonds of the City of Kearney, Nebraska, in the principal amount of \$5,610,000 for the purpose of providing funds which, along with City Funds on hand, will pay and redeem \$2,510,000 of the city's outstanding Various Purpose Bonds, Series 2004, date of Original Issue – April 1, 2004 and \$3,040,000 of the City's outstanding General Obligation Various Purpose Bonds, Series 2006, date of Original Issue – July 14, 2006; directing the application of the proceeds of said bonds; prescribing the form of said bonds; providing for the levy and collection of taxes to pay the same; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser, 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 Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7658 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Lear that Ordinance No. 7658 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear, Lammers, Kearney. Nay: None. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7658 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.

**OPEN ACCOUNT CLAIMS: NPPD - \$71,690.39, PLATTE VALLEY STATE BANK - \$53,767.89**

Moved by Kearney seconded by Lammers that Open Account Claims in the amount of \$53,767.89 payable to Platte Valley State Bank, and in the amount of \$71,690.39 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lammers, Kearney, Buschkoetter. Nay: None. Clouse and Lear abstained. Motion carried.

## **VII. REPORTS**

### **FOLLOW-UP ON LISTENING SESSION**

City Manager Michael Morgan stated the City conducted listening sessions to receive public comments with regard to capital improvements project. The top suggestions received included Park & Recreation facilities, streets, sidewalks, traffic, and assistance to UNK for facilities.

The majority of the ½ cent special sales tax is being used for street improvements. However, staff identified \$15 million in street projects that are not currently funded.

Kearney's property tax rate is .14887 and is the third lowest of 148 cities in Nebraska. City property tax rate has not increased for five consecutive years. In order to fund the projects suggested, the City property tax rate would have to increase fifty percent.

State law allows the City to collect occupation taxes on businesses. The City can levy such an occupation tax up to a rate of 6.25 percent. A vote of the people is not required to adopt an occupation tax. The communities of Omaha, Lincoln, Norfolk, Grand Island, and Sidney have all adopted a restaurant occupation tax. Norfolk is the only community that the citizens voted on the issue.

If Kearney were to consider a restaurant occupation tax, the proceeds would be used for community betterment purposes as defined by state law. The restaurant occupation tax is a possible solution to meet existing and future community needs.

It was the consensus of the Council members to review the information that the City Manager presented them to determine what to do.

### **SCHOOL CROSSINGS**

Larry Molten stated that he wanted the City to look at the school crossing for Avenue N and 34th Street. City Manager stated the City has been working with the School Safety Committee on all school crossings. City staff will meet with Mr. Molten to discuss further.

**VIII. ADJOURN**

Moved by Kearney seconded by Lammers that Council adjourn at 8:14 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**