

Kearney, Nebraska
September 27, 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 September 27, 2011, in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Don Kearney, and Bob Lammers. Absent: Bruce Lear. Michael Morgan, City Manager; Michael Tye, City Attorney; Wendell Wessels, Director of Finance; Suzanne Brodine, Assistant City Manager; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Mary Garrison, Margaret Briggs, 25 UNK medical students, Steve Altmaier from KGFV 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

Pastor Rebecca Craig from First Lutheran Church provided the Invocation.

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 – GOLDEN K KIWANIS CLUB

Mary Jane Garrison, the outgoing president from the Golden K Kiwanis Club, reported to the Council a total of 6,987 volunteer hours of time. They were pleased to present a copy of a check for \$69,870 for the 6,987 hours of volunteer service their members have given to the Kearney community computed at a value of \$10.00 per hour. They are one of the many service clubs in Kearney and their focus is serving children, locally, nationally and through international projects. In addition to projects that Golden K initiates and supports financially, they also volunteer many hours at Kearney institutions

like Good Samaritan Hospital, MONA, the Platte River Road Archway, Kearney Public Schools, Police Department, Rowe Sanctuary, Trails and Rails Museum and a wide variety of other projects.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

ADOPT REVISED BUDGET STATEMENT FOR 2010-2011

Mayor Clouse opened the public hearing for the purpose of revising the City of Kearney Budget for the 2010-2011 Fiscal Year and consider Ordinance No. 7673.

Director of Finance Wendell Wessels presented this matter to the Council. By Law, the City may not expend more than the total budget of expenditures unless the provisions of State Statute 13-511, R.R.S. 1943 are met. Due to unforeseen circumstances, actual expenditures for the current fiscal year will exceed budgeted expenditures unless the current fiscal year budget is supplemented. Under these circumstances, state law requires that a public hearing be conducted to supplement the previously adopted budget and an ordinance be passed authorizing the expenditure of the additional requirements.

An explanation of the budget adjustments for the four funds are as follows:

Special Sales Tax: The budgeted expenditures in the Special Sales Tax Fund need to be increased from \$4,272,819.00 to \$7,474,819.00, or by \$3,202,000.00. The increase is required because of the timing of payments to contractors between two fiscal years for various projects, including the Library Expansion Project. More payments for these projects were made during fiscal year 2010-2011 than during fiscal year 2009-10 than was anticipated when preparing the 2010-2011 budget.

Various Purpose Bond: The budgeted expenditures in the Various Purpose Bond Fund need to be increased from \$1,216,846.00 to \$6,766,846.00, or by \$5,550,000.00. As you may recall, on June 28, 2011 the City Council approved the issuance of Various Purpose G.O. Refunding Bonds Series 2011 for the purpose of refunding Various Purpose G.O. Bonds Series 2004 and Various Purpose G.O. Bonds Series 2006. The City saved approximately \$435,000.00 in interest costs over the life of the refunding bonds. This transaction was not anticipated when the 2010-2011 budget was approved on September 14, 2010; therefore, the 2010-2011 budget needs to be revised to provide the authority to redeem the refunded bonds.

Sewer Revenue Bond: The budgeted expenditures in the Sewer Bond Fund need to be increased from \$1,359,171.00 to \$3,101,522.00, or by \$1,742,351.00. As you may recall, on February 22, 2011 the City Council approved the issuance of Combined Utilities Refunding Bonds Series 2011 for the purpose of refunding Combined Utilities Revenue Bonds Series 2004B. The City saved approximately \$101,000.00 in interest costs over the life of the refunding bonds. This transaction was not anticipated when the

2010-2011 budget was approved on September 14, 2010; therefore, the 2010-2011 budget needs to be revised to provide the authority to redeem the refunded bonds.

Airport: The budgeted expenditures in the Airport Fund need to be increased from \$1,990,922.00 to \$2,525,922.00 or by \$535,000.00. The increase is required because of the timing of payments to contractors between two fiscal years for the Terminal Building Renovation Project and the Terminal Parking Lot Rehabilitation Project. More payments for these projects were made during fiscal year 2010-2011 than during fiscal year 2009-10 than was anticipated when preparing the 2010-2011 budget.

There was no one present in opposition to this hearing.

Moved by Kearney to close the public hearing and introduced Ordinance No. 7673 for the purpose of revising the City of Kearney Budget for the 2010-2011 Fiscal Year 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 close the hearing and suspend the rules for Ordinance No. 7673. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Buschkoetter, Lammers, Kearney. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7673 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lammers, Kearney. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Buschkoetter that Ordinance No. 7673 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7673 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.

PLAY PEN LOUNGE AUTOMATIC LIQUOR LICENSE RENEWAL

Mayor Clouse stated that the applicant has complied with the City Council Liquor License Policy by submitting Certificates of Training for their employees. Therefore, this matter has been withdrawn and no action will be taken.

MONGOLIAN GRILL AUTOMATIC LIQUOR LICENSE RENEWAL

Mayor Clouse stated that the applicant has complied with the City Council Liquor License Policy by submitting Certificates of Training for their employees. Therefore, this matter has been withdrawn and no action will be taken.

DAD'S TAVERN AUTOMATIC LIQUOR LICENSE RENEWAL

Mayor Clouse stated that the applicant has complied with the City Council Liquor License Policy by submitting Certificates of Training for their employees. Therefore, this matter has been withdrawn and no action will be taken.

VETERANS F W #759 AUTOMATIC LIQUOR LICENSE RENEWAL

Mayor Clouse stated that the applicant has complied with the City Council Liquor License Policy by submitting Certificates of Training for their employees. Therefore, this matter has been withdrawn and no action will be taken.

IV. CONSENT AGENDA

Mayor Clouse stated that City staff has withdrawn Subsection 4 from the Consent Agenda which is the purchase of a kiosk at the Kearney Cemetery. Therefore, no action will be taken on that matter at this time.

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 3 and 5 through 16 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried.

1. Approve Minutes of Regular Meeting held September 13, 2011 and the Minutes of an Emergency Meeting held September 21, 2011.

2. Approve the following Claims:

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

911 Custom \$1,337.19 smcs; AT&T \$243.99 smcs; Accessdata Corp. \$1,055.00 smcs; Ace Hardware \$151.12 smcs,co; Action Training Systems \$1,646.00 smcs; Advance Auto Parts \$15.96 smcs; Airgas North Central \$198.09 smcs; Ally B Designs \$60.00 smcs; Amax \$10,067.88 co; Amazon \$2,153.20 smcs,co; American \$137.36 smcs; Amer Fence \$8,115.00 co; Amer First Aid \$225.09 smcs; Amer Legion \$275.00 smcs; Amsan \$781.97 smcs; Analytical Services \$750.00 smcs; Andersen,B \$20.30 smcs; Anderson,B \$228.80 smcs; Apple Market \$58.31 smcs; ARC Services \$1,030.00 smcs; Arctic Refrigeration \$5,623.49 smcs; Ash,D \$140.00 smcs; Ask Supply \$188.80 smcs; Audio Go \$175.94 smcs; Aurora Coop \$135.50 smcs; Avondale Badge \$89.00 smcs; Baird Holm \$1,201.52 smcs; Baker & Taylor Books \$9,324.80 smcs; Baltic Networks \$241.50 co; Bamford \$1,325.00 smcs; Barco Municipal \$248.91 smcs; Baum Hydraulic \$430.09 smcs; BBW Environmental \$200.00 smcs; Beach Audio \$339.70 co; Bells Curb Grinding \$2,270.00 co; Benmeds \$247.35 smcs; Bertrand,N \$29.77 smcs; Bluecross Blueshield \$195,939.43 smcs; BMI General Licensing \$247.60 smcs; Bob's Super Store \$10.27 smcs; Border Bookstore \$7.32 smcs; Bosselman \$38,822.50 smcs; Bossom,T \$40.33 smcs; Boulder Designs \$2,212.50 co; Boxcar Willie Motel \$300.00

smcs; Broadfoot's \$1,951.50 smcs; Bruce Furniture \$1,098.52 co; Bruce's Body Shop \$1,675.00 co; Buffalo Outdoor Power \$7,237.18 smcs; Buggy Bath Car Wash \$9.25 smcs; Builders Warehouse \$10,603.04 smcs,co; Bullex Digital Safety \$2,940.89 smcs; Buzz's Marine Supply \$32.99 smcs; Cabela's \$262.94 smcs; Campbell Pet \$36.21 smcs; Carquest \$234.50 smcs; Casey's \$79.57 smcs; Cash-Wa \$2,016.96 smcs; CDW Govt \$1,711.14 smcs; Center for Education \$124.95 smcs; Central Hydraulic Systems \$2,184.28 smcs; Central NE Bobcat \$179.51 smcs; Charter \$249.98 smcs; Chemguard \$564.49 smcs; Chesterman \$7,580.84 smcs; CHS Agri Service \$3,820.70 smcs; City Glass \$3.15 smcs; City of Ky \$30,203.40 smcs,co,ps; Cold Spring Granite \$207.00 smcs; Commercial Turf & Tractor \$219.97 smcs; Conseco Life Ins \$19.00 ps; Construction Rental \$800.03 smcs,co; Copycat Printing \$32.20 smcs; CPS \$30.75 smcs; Credit Acceptance Corp \$407.36 ps; Credit Management Service \$223.43 ps; Crossroads Ford \$550.52 smcs; Cullen,M \$43.42 smcs; Culligan \$206.82 smcs; Cummins Central Power \$3,505.41 smcs; CVI Ky \$172.73 smcs; D&S Lighting \$412.02 smcs; Dandee Concrete \$1,560.00 smcs; Danko Emergency \$2,301.98 smcs; Dawson Co Museum \$40.12 smcs; Dawson Co PPD \$31,438.99 smcs; Daylight Donuts \$53.00 smcs; Deck Builder Outlet \$194.11 smcs; Dell \$3,863.25 smcs,co; Dennis Supply \$236.70 smcs; Deterdings \$397.41 smcs; Diamond Vogel Paint \$54.00 smcs; Dish Network \$185.68 smcs; Dmilaco Sports \$45.00 ps; Dowhy Towing \$75.00 smcs; DPC Industries \$6,336.25 smcs; Dutton Lainson \$1,263.83 smcs,co; Eakes \$3,059.67 smcs; EB Wichita Hot \$610.00 smcs; Eggen,M \$281.88 smcs; Elliott Equipment \$709.31 smcs; EMC Ins \$749.23 smcs; Emergency Engineered \$1,267.00 smcs; Eppley Express \$3,522.00 smcs; Eustis Body Shop \$825.00 smcs; Express Distributing \$99.00 smcs; Face At My Door Music \$300.00 smcs; Fairbanks \$2,184.05 smcs; Farmers Union Coop \$27.00 smcs; Fastenal \$704.08 smcs; Fiddelke Heating \$15,145.50 smcs,co; Fire Engineering \$29.00 smcs; Fireworks Fire Apparatus \$1,300.00 smcs; Follmer,D \$228.80 smcs; Fore Better Golf \$999.00 smcs; Foremost Promotions \$1,493.50 smcs; Frederickson Construction \$369.00 smcs; Gale \$166.32 smcs; Galeton Gloves \$941.40 smcs; Galls \$954.43 smcs; Garrett Tires & Treads \$9,535.59 smcs; Gary's Gutters Works \$95.00 smcs; GE Money Bank \$2,359.23 smcs; General Traffic Controls \$6,975.11 smcs,co; Golf Course Superintendent \$360.00 smcs; Gove,R \$50.00 smcs; Graham Tire \$1,881.83 smcs; Grainger \$728.94 smcs; Great Plains One Call \$423.66 smcs; Great Plains Safety \$390.00 smcs; Grey House Publishing \$432.10 smcs; GT Distributors \$300.00 smcs; H&H Distributing \$698.04 smcs; Haack,S \$141.53 smcs; Hach Co \$3,455.16 smcs; Halstead,A \$21.14 smcs; Harrison,R \$154.00 smcs; Hasbrouck,S \$40.00 smcs; HD Supply \$9,685.90 smcs; Health Safety Pro \$188.52 smcs; Heiman Fire Equipment \$13,468.44 smcs; Hobby-Lobby \$16.28 smcs; Holmes Plbg \$988.53 smcs,co; Hometown Leasing \$207.71 smcs; Hornung's Golf Products \$78.26 smcs; HSBC Bank Nevada \$325.44 ps; Humphrey's Carpet \$661.78 smcs; IAEI \$15.00 smcs; ICMA RC \$3,805.27 ps; IES Commercial \$5,245.00 smcs; Inland Truck Parts \$345.43 smcs; IRS \$104,648.13 ps; Jack Lederman \$641.61 smcs; JLC \$102,084.00 co; Johnson,S \$140.00 smcs; K&F Associates \$618.75 smcs; K&K Auctions \$396.00 smcs; Ky Clinic \$35.00 smcs; Ky Concrete \$14,584.93 smcs,co; Ky Crete & Block \$1,085.83 co; Ky Glass \$5,748.95 smcs; Ky Hub \$6,863.96 smcs; Ky Implement \$1,075.84 smcs; Ky Visitors Bureau \$48,768.86 smcs; Ky Warehouse \$1,269.88 smcs; Ky Winlectric \$539.05 smcs,co; Ky Winnelson \$44.67 smcs; Kehl Tree Service \$11,636.00 smcs; Kelly Supply \$26.95 smcs; Kenny Products \$192.00 smcs; KHGI/KWNB TV \$360.00 smcs; Killion Motors \$164.49 smcs; Kindle \$20.98 smcs; Konica Minolta \$1,240.91 smcs; League of NE Municipalities \$3,097.00 smcs; Linweld

\$225.40 smcs; Little Caesars \$75.50 smcs; Magic Cleaning \$7,210.00 smcs; Mail Express \$1,952.98 smcs; Marlatt Machine Shop \$3,171.93 smcs; Masek Distributing \$132.90 smcs; Matheson Tri-Gas \$115.94 smcs; Maverick Books \$179.88 smcs; McMaster-Carr \$33.35 smcs; Meadowlark Hills Golf \$30.00 smcs; Menards \$3,792.12 smcs,co; Metlife \$24.24 ps; Micro Key Solutions \$165.00 smcs; Microfilm Imaging \$30,833.00 co; Mid-State Units \$200.00 smcs; Midwest Hunt & Fish \$69.99 smcs; Midwest Striping \$13,790.00 smcs; Midwest Turf \$938.61 smcs; Mieth,T \$27.72 smcs; Miller & Associates \$14,447.00 smcs,co; Miller Signs \$2,340.00 co; Mirror Image \$20.00 smcs; Misko's Sports \$35.90 smcs; Moonlight Embroidery \$2,263.50 smcs; Mostek Electric \$2,597.20 co; Murphy Tractor \$332.21 smcs; Napa All Makes \$1,721.80 smcs; Naval Surface Warfare \$1,800.00 smcs; NCS Equipment \$435.30 smcs; NE Child Support \$2,443.91 ps; NE Dept of Aeronautics \$370.00 ds; NE Dept of Revenue \$287.17 ps; NE Dept of Environmental \$450.00 smcs; NE Environmental Products \$1,223.97 smcs; NE Golf Assn \$3,880.00 smcs; NE Machinery \$52.69 smcs; NE Prof Licensing \$146.51 smcs; NE Safety & Fire \$347.55 smcs; NE Salt & Grain \$28,136.00 smcs; NE Truck Center \$102,879.98 smcs,co; NEland Distributors \$719.10 smcs; Nelson's Furniture \$1,570.08 smcs; Nevco \$63.45 smcs; Newegg \$10,884.30 smcs,co; Newman Traffic Signs \$6,350.70 smcs; NFPA Nat'l Fire \$23.80 smcs; Norm's Plbg \$211.60 smcs; Northwest Electric \$181.36 smcs; Northwestern Energy \$2,757.09 smcs; Nova Fitness Equipment \$3,591.99 ps; Nuttelman Fencing \$1,490.65 co; Nyxent Corp \$91.90 smcs; OCLC \$376.72 smcs; O'Connor,S \$140.00 smcs; Office Max \$1,115.11 smcs,co; Officenet \$2,105.01 smcs,co; Olive Software \$82.26 smcs; O'Reilly Auto \$9.29 smcs; Orscheln \$446.14 smcs; Oshkosh \$636.93 smcs; Outdoor Recreation \$767.40 smcs,co; Palmer,L \$41.28 smcs; Paramount Linen \$540.43 smcs; Parts Town \$295.74 smcs; Pat's Plbg \$645.00 smcs; Patterson,B \$114.97 smcs; Paypal \$360.90 smcs,co; Pep Co \$153.30 smcs; Platte Valley Comm \$4,046.55 smcs,co; Presto-X \$288.00 smcs; Pro Tint \$250.00 smcs; Provanage \$2,755.35 smcs; Pulliam,R \$1,104.29 smcs; Qualified Hardware \$32.00 smcs; Quill \$113.73 smcs; Ready Mixed Concrete \$21,413.29 co; Reams \$664.14 smcs; Recognition Unlimited \$141.00 smcs; Recorded Books \$1,503.97 smcs; Red Robin Number \$30.00 smcs; Reeder,L \$228.80 smcs; Reineke,R \$372.23 smcs,ps; Resource Management \$620.16 smcs; Rheome Tree \$820.00 smcs; RMV Construction \$19,500.00 co; Robinson,N \$14.12 smcs; Ronjun \$69.99 smcs; S& B Heating \$215.00 smcs; S.A. Foster \$7.00 smcs; Safelite Auto Glass \$186.95 smcs; Sahling Kenworth \$324.67 smcs; Sanitation Products \$2,289.60 smcs; Sapp Bros \$29,696.54 smcs; Schwan's \$1,505.05 smcs; Sears \$299.90 smcs; Sensus \$231.00 smcs; Sheldon,S \$38.84 smcs; Sherwin Williams \$592.81 smcs; Sid Dillon \$25,894.00 co; Sign Center \$188.00 smcs; Simply Kids Furniture \$189.95 smcs; Sis, Michele \$15.00 smcs; SMH SSI \$720.00 smcs; Snap-On Tools \$172.95 smcs; Snickerdoodles \$16.00 smcs; SOS Portable Toilets \$105.00 smcs; Stanley Security Solutions \$535.00 smcs; Steinbrink Landscaping \$18,251.76 smcs,co; Stephens Publishing \$108.31 smcs; Sterling Distributing \$210.00 smcs; Stickercom \$94.80 smcs; Strategic Materials \$350.56 smcs; Suburban Fire Protection \$205.24 smcs; Sunmart \$11.77 smcs; Super Circuits \$79.94 smcs; Sure Sound & Lighting \$220.70 smc; SWANA \$183.00 smcs; Sydow,J \$117.00 smcs; Target \$25.35 smcs; Teledyne \$784.15 smcs; Thirty's \$276.58 smcs; Thompson Co \$109.25 smcs; Thompson,D \$140.00 smcs; Tielke Enterprise \$556.70 smcs; Tool Doctor \$25.00 smcs; Tractor-Supply \$933.15 smcs; Trans Iowa Equipment \$90.54 smcs; TRC Electronics \$87.74 smcs; Trew,M \$41.15 smcs; Tri City Outdoor Power \$559.81 smcs; Tutti Fruitti \$16.10 smcs; Ultimate Office Solution \$219.98 smcs; Unique Management \$384.85 smcs; United Seeds

\$895.00 smcs; Universal Supplies \$1,215.25 smcs; UPS Store \$155.36 smcs; USA Blue Book \$966.37 smcs; USPS \$406.69 smcs; USTA Membership \$35.00 smcs; Valvtect \$3,698.29 smcs; Van Diest Supply \$1,191.57 smcs; Verizon \$135.05 smcs,co; Waggoner Plbg \$4,450.00 co; Walgreens \$14.99 smcs; Wal-mart Supercenter \$1,249.53 smcs,co; Walters Electric \$1,275.00 co; Walton,T \$148.80 smcs; Ward Lab \$36.30 smcs; We Care Tree Care \$1,760.20 co; Wellman,P \$20.30 smcs; West Villa Animal Hospital \$84.00 smcs; Wiedel,G \$228.80 smcs; Wilke Donovan's \$548.55 smcs; Wilkins Hinrichs Stober \$2,507.02 co; Witz Sport Cases \$307.67 smcs; Wolfe,D \$25.96 smcs; WPCI \$157.00 ps; WRB Hotel \$100.00 smcs; Yobitech \$190.00 smcs,co; Payroll Ending 9-10-2011 -- \$336,862.69. 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 October 10, 2011 at 7:00 p.m. as date and time for hearing on those applications where applicable.

5. Approve the application for a Special Designated License submitted by Sports Fans LLC, dba Fanatics in connection with their Class C-78257 liquor license to dispense beer, wine and distilled spirits in the Extension Building located at the Buffalo County Fairgrounds, 3807 Avenue N on October 15, 2011 from 12:00 p.m. until 1:00 a.m. for a fund raiser/ reception.

6. Approve setting October 11, 2011 at 7:00 p.m. as time and date for the Board of Equalization to assess costs in connection with Paving Improvement District Nos. 2010-938, 2010-939, 2010-940, 2010-941; Water District Nos. 2010-559, 2010-560; Sanitary Sewer District Nos. 2010-499, 2010-500.

7. Approve the Agreement and Permit for Aeronautical Services at the Kearney Regional Airport between the City of Kearney and Aurora Coop Elevator, dba Buffalo Air Service and adopt **Resolution No. 2011-127.**

RESOLUTION NO. 2011-127

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 Agreement and Permit for Aeronautical Services on behalf of the City of Kearney, Nebraska, with Aurora Coop Elevator Company, dba Buffalo Air Service, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

8. Approve the Tenant Use and Operations Agreement for Loading Dock located at the Kearney Regional Airport between the City of Kearney and Aurora Coop Elevator, dba Buffalo Air Service and adopt **Resolution No. 2011-128.**

RESOLUTION NO. 2011-128

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed to execute the Tenant Use and Operations Agreement for Loading Dock at the Kearney Regional Airport, on behalf of the City of Kearney, Nebraska with Aurora Coop Elevator, dba Buffalo Air Service, a copy of the Agreement, marked Exhibit "1", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2011.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

9. Approve Application and Certificate for Payment No. 4 in the amount of \$362,513.92 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. 2011-129**.

RESOLUTION NO. 2011-129

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. 4 in the amount of \$362,513.92, 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 | 1,159,506.25 |
| Retainage | 115,950.63 |
| Amount Due to Date | 1,043,555.62 |
| Less Previous Certificates for Payment | <u>681,041.70</u> |
| Current Payment Due | \$ 362,513.92 |

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 4, as shown on Exhibit "A" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Approve Application and Certificate for Payment No. 6 in the amount of \$78,332.76 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. 2011-130.**

RESOLUTION NO. 2011-130

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. 6 in the amount of \$78,332.76, 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 | 1,317,822.20 |
| Retainage | 131,782.22 |
| Amount Due to Date | 1,186,039.98 |
| Less Previous Certificates for Payment | <u>1,107,707.22</u> |
| Current Payment Due | \$ 78,332.76 |

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

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Approve Change Order No. 1 showing a decrease in the amount of \$30,698.30, Application and Certificate for Payment No. 2-Final in the amount of \$23,241.15 and

accept the Certificate of Substantial Completion submitted by Dan Roeder Concrete, Inc. and approved by Miller & Associates for the 2011 Part 2 Improvements consisting of Paving Improvement District No. 2010-942 for 18th Street from 8th Avenue to 9th Avenue; and Paving Improvement District No. 2010-943 for 7th Avenue from 18th Street to 19th Street and adopt **Resolution No. 2011-131**.

RESOLUTION NO. 2011-131

WHEREAS, Dan Roeder Concrete, Inc. of Kearney, Nebraska has performed services in connection with the 2011 Part 2 Improvements consisting of Paving Improvement District No. 2010-942 for 18th Street from 8th Avenue to 9th Avenue; and Paving Improvement District No. 2010-943 for 7th Avenue from 18th Street to 19th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$30,698.30, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Dan Roeder Concrete, Inc. and the City's engineer, have filed with the City Clerk Application and Certificate for Payment No. 2-Final in the amount of \$23,241.15, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

| | |
|--|--------------------|
| Original Contract Sum | \$238,775.00 |
| Change Order No. 1 (9-27-2011) | <u>- 30,698.30</u> |
| Contract Sum To Date | 208,076.70 |
| Gross Amount Due | 208,076.70 |
| Retainage | .00 |
| Amount Due to Date | 208,076.70 |
| Less Previous Certificates for Payment | <u>184,835.55</u> |
| Current Payment Due | \$ 23,241.15 |

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of September 12, 2011, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 2-Final, as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

12. Approve the request submitted by the Kearney Family YMCA to conduct the Turkey Trot on November 24, 2011 beginning at 9:00 a.m. The route for the 2-Mile Run/Walk is to begin/finish at the YMCA, south on 6th Avenue, west on 35th Street, south on 7th Avenue, southeast through Harmon Park to the intersection of 29th Street and 5th Avenue, north on 5th Avenue, west to 33rd Street, north on 6th Avenue to YMCA. The route for the 5-Mile Run is to begin/end at YMCA, south on 6th Avenue,

east on 33rd Street, south on 5th Avenue, west on 26th Street through Campus, north on 15th Avenue, west on hike/bike trail, north on Country Club Lane, east on 35th Street, north on 11th Avenue, east on 39th Street, north on 6th Avenue to YMCA.

13. 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 October 15, 2011 from 7:00 a.m. until 2:00 p.m.

14. Approve Change Order No. 8 showing an increase in the amount of \$17,146.00 submitted by JLC, Inc. and approved by Wilkins Hinrichs Stober Architects in connection with the Kearney Public Library Addition & Renovation Project and adopt **Resolution No. 2011-132.**

RESOLUTION NO. 2011-132

WHEREAS, JLC, Inc. of York, Nebraska has performed services in connection with the Kearney Public Library Addition & Renovation Project, and the City's engineer, Wilkins Hinrichs Stober Architects, have filed with the City Clerk Change Order No. 9 showing an increase to the contract sum in the amount of \$17,146.00, as shown on Exhibit "A", attached hereto and made a part hereof by reference as follows:

| | |
|---------------------------------|-----------------------|
| Original Contract Sum | \$4,548,220.00 |
| Change Order No. 1 (12-22-2009) | - 75,500.00 |
| Change Order No. 2 (7-13-2010) | + 2,128.00 |
| Change Order No. 3 (9-14-2010) | + 6,565.00 |
| Change Order No. 4 (1-11-2011) | + 15,556.00 |
| Change Order No. 5 (1-11-2011) | + 76,099.00 |
| Change Order No. 6 (4-12-2011) | + 14,494.00 |
| Change Order No. 7 (7-26-2011) | + 11,545.00 |
| Change Order No. 8 (8-9-2011) | + 43,513.00 |
| Change Order No. 9 (9-27-2011) | <u>+ 17,146.00</u> |
| Contract Sum to Date | <u>\$4,659,766.00</u> |

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 9, as shown on Exhibits "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

15. Approve the application with the Nebraska Game and Parks Commission Recreational Trails Program for \$150,000 for Rehabilitation of Trailhead Facilities and Trail Link at E.K. & Mary Yanney Heritage Park and adopt **Resolution No. 2011-133.**

RESOLUTION NO. 2011-133

WHEREAS, the City of Kearney, Nebraska, is an eligible to file an application under the Nebraska Game and Parks Commission Recreational Trails Program for funds to rehabilitate the trailhead facilities and trail link at E.K. & Mary Yanney Heritage Park.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the City Manager be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of Kearney and the Nebraska Game and Parks Commission so as to effect acceptance of the grant application.

PASSED AND APPROVED THIS 27TH DAY OF SEPTEMBER, 2011.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

16. Approve the application for a Special Designated License submitted by NIGHT LIFE CONCEPTS, INC., dba Cunningham's Journal in connection with their Class CK-59311 catering liquor license to dispense beer, wine and distilled spirits inside the Ag Pavilion located at the Buffalo County Fairgrounds, 3807 Avenue N, on October 22, 2011 from 5:00 p.m. until 12:00 a.m. for a reception.

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7674 – AMEND CHAPTER 9 OF CITY CODE TO ADOPT NATIONAL ELECTRICAL CODE 2011 EDITION

On May 26, 2011 the Governor approved LB56 which will update Section 81-2104(5) to reference the minimum standards for electrical wiring in the State of Nebraska to be the 2011 National Electrical Code (NEC). This change went into effect August 27, 2011 with any State of Nebraska electrical permit received by the State Electrical Division on or after August 27, 2011 to be on the 2011 NEC. Municipalities of the First Class are required to adopt and enforce this latest addition of the National Electrical Code.

Council Member Clouse introduced Ordinance No. 7674, being Subsection 1 of Agenda Item V amending Chapter 9 “Public Works” of the City Code as follows: Section 9-734 “Electrical Code; Adopted” of Article 7 “Electricity” to adopt the National Electrical Code 2011 Edition; amend Section 9-736.1 “Service Masts as Supports” to adopt the National Electrical Code 2011 Edition; amend Section 9-753 “Section 403.102. Amended; Motor Disconnect, Location” to adopt the National Electrical Code 2011 Edition, 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, Buschkoetter, Lammers, Kearney. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City

Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7674 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lammers, Kearney. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Kearney seconded by Lammers that Ordinance No. 7674 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7674 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. 7675 – AMEND SECTION 9-1048 OF CITY CODE

Currently, the City of Kearney requires any individual who is employed by a master plumber as a helper, to register as an apprentice plumber. However, the Code requires that such apprentice be a full time employee and work a minimum of 40 hours per week. A number of plumbing contractors have requested that part time or summer help be permitted to register as a way to help encourage or motivate potential individuals into the plumbing trade. The proposed change will permit an employer to register a part time worker and track his time as an incentive to continue in the trade until such time as he or she becomes eligible to test for a journeyman plumbing license.

The Examining Board for Plumbers for the City of Kearney voted unanimously to recommend this amendment at their monthly meeting on Thursday, September 15.

Council Member Clouse introduced Ordinance No. 7675, being Subsection 2 of Agenda Item V amending Section 9-1048 "Examination and Licensing Requirements" of Article 10 "Plumbing Code" of Chapter 9 "Public Works" to allow part-time employees working under the supervision of a master plumber to be considered an apprentice level plumber, 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, Buschkoetter, Lammers, Kearney. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7675 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lammers, Kearney. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Kearney seconded by Lammers that Ordinance No. 7675 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7675 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. 7676 AMEND SECTION 8-913 OF CITY CODE

On September 7, 2011 the Downtown Improvement Board voted unanimously to recommend that all parking in Off Street Parking District #1 be considered free parking with no enforcement on Saturday and Sunday. Currently, Section 8-913 of Chapter 8 "Police" of the City Code states that:

"It shall be unlawful for any person to park any vehicle on any of the following streets and public parking areas for a period of time in excess of two (2) consecutive hours between the hours of (8:00) a.m. and eight (8:00) p.m. on Monday through Saturday".

This requested change would require an alteration in the City Code that would state:

"It shall be unlawful for any person to park any vehicle on any of the following streets and public parking areas for a period of time in excess of two (2) consecutive hours between the hours of (8:00) a.m. and eight (8:00) p.m. on Monday through Friday."

Chief of Police Dan Lynch was consulted on this request and informed staff that he does not have the staff available on Saturdays to enforce the two hour parking code. It would not be possible to enforce the 2-hour parking regulation on Saturdays without hiring additional staff or paying overtime to existing Civil Service Officers.

Council Member Clouse introduced Ordinance No. 7676, being Subsection 3 of Agenda Item V amending Section 8-913 "Two-Hour Parking; Generally" of Article 9 "Stopping, Standing and Parking" of Chapter 8 "Police" to provide 2-hour parking in certain designated areas between the hours of 8:00 a.m. and 8:00 p.m., Monday through Friday, 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, Buschkoetter, Lammers, Kearney. Nay: None. Lear absent. Motion to suspend the rules having been concurred in by three-fourths of the City Council, said motion was declared passed and adopted. City Clerk read Ordinance No. 7676 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Buschkoetter, Lammers, Kearney. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Kearney seconded by Lammers that Ordinance No. 7676 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse,

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

By reason of the roll call voted on the first reading and final passage of the ordinance, Ordinance No. 7676 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

ANNEXATION AND ORDINANCE NO. 7663 FOR PROPERTY LOCATED AT 1316 WEST 11TH STREET; CRAIG AND CHRISTY WEGNER

Moved by Lammers seconded by Buschkoetter that Ordinance No. 7663 be placed on third and final reading by title and that the City Clerk be permitted to read Ordinance No. 7663 annexing a tract of land to be included within the corporate limits: part of the Southwest Quarter of the Southwest Quarter of Section 2 and the Northwest Quarter of the Northwest Quarter of Section 11, all in Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska (1316 West 11th Street) on its third and final reading. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. City Clerk read Ordinance No. 7663 by title on third and final reading.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7663 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lammers. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the third reading and final passage of the ordinance, Ordinance No. 7663 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.

ANNEXATION AND ORDINANCE NO. 7664 FOR PROPERTY LOCATED AT AVENUE M AND THE NORTH CHANNEL OF THE PLATTE RIVER; O & O FARMS

Moved by Lammers seconded by Buschkoetter that Ordinance No. 7664 be placed on third and final reading by title and that the City Clerk be permitted to read Ordinance No. 7664 annexing the following tract of land to be included within the corporate limits: part of Government Lot 3 in Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (Avenue M and the North Channel of the Platte River) on its third and final reading. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. City Clerk read Ordinance No. 7664 by title on third and final reading.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7664 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lammers. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the third reading and final passage of the ordinance, Ordinance No. 7664 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.

ANNEXATION AND ORDINANCE NO. 7665 FOR PROPERTY LOCATED AT THE NORTH CHANNEL OF THE PLATTE RIVER AND AVENUE M; AVENUE M LIFT STATION PROPERTY

Moved by Lammers seconded by Buschkoetter that Ordinance No. 7665 be placed on third and final reading by title and that the City Clerk be permitted to read Ordinance No. 7665 annexing the following tract of land to be included within the corporate limits: land located in the Southwest Quarter of Section 7, Township 8 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska (North Channel of the Platte River and Avenue M) on its third and final reading. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. City Clerk read Ordinance No. 7665 by title on third and final reading.

Moved by Buschkoetter seconded by Clouse that Ordinance No. 7665 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lammers. Nay: None. Lear absent. Motion carried.

By reason of the roll call voted on the third reading and final passage of the ordinance, Ordinance No. 7665 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 - \$101,590.61, PLATTE VALLEY STATE BANK - \$54,002.78

Moved by Kearney seconded by Lammers that Open Account Claims in the amount of \$54,002.78 payable to Platte Valley State Bank, and in the amount of \$101,590.61 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney. Nay: None. Clouse abstained and Lear absent. Motion carried.

VII. REPORTS

None.

VIII. ADJOURN

Moved by Kearney seconded by Lammers that Council adjourn at 7:16 p.m. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter. Nay: None. Lear absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**