

*Kearney, Nebraska
November 27, 2012
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 November 27, 2012 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, 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/Development Services Director; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Dan Lynch, Chief of Police; and Shawna Erbsen, Administrative Services Director were also present. Some of the citizens present in the audience included: Steve Altmaier from KGFW Radio, Mary Jane Skala from Kearney Hub, 13 students from UNK.

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

Two 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 on the wall of the Council Chambers.

RECOGNITION OF COUNCIL MEMBER DON KEARNEY

Mayor Clouse and Council Members thanked Council member Don Kearney for his 16 years of service on the Council. Mayor Clouse presented him with a desk clock.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

PROPOSED ACQUISITION FOR ROADWAY AND UTILITY EASEMENT

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent and Temporary Roadway and Utility Easement for a tract of land located in the Northeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2012-209.

Director of Utilities Kirk Stocker presented this matter to the Council. At the September 11, 2012 City Council meeting the Council approved the rezoning, Final Plat and Subdivision Agreement for Oak Park Center, an Addition to the City of Kearney.

The development of Oak Park Center requires that sanitary sewer and storm drainage be extended northward through unplatted property to 56th Street in the proposed location of 3rd Avenue which would be constructed in the future. Also, the development requires a roadway, to be constructed in unplatted property, in the proposed location of 4th Avenue and the water and sanitary sewer mains in proposed 4th Avenue that must be constructed before the roadway.

The Subdivision Agreement for Oak Park Center required the developer to grant easements for the infrastructure described above at no cost to the City. The Utilities Department along with Miller & Associates, the City's Engineer for the project, has prepared a Permanent and Temporary Sanitary Sewer and Storm Drainage Easement for proposed 3rd Avenue and a Permanent and Temporary Roadway and Utility Easement for proposed 4th Avenue.

Before the City can accept the easements, the City Council must conduct a public hearing on the matter. Nebraska Revised Statute 18-1775 requires that a City of the first class acquiring an interest in real property shall do so only after the governing body has authorized the acquisition by action taken in a public meeting after notice and a public hearing.

There was no one present in opposition to this hearing.

Moved by Kearney seconded by Lammers to close the hearing and adopt **Resolution No. 2012-209** approving the proposed acquisition for a Permanent and Temporary Roadway and Utility Easement for a tract of land located in the Northeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M.,

Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

RESOLUTION NO. 2012-209

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent and Temporary Roadway and Utility Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Sorensen Acres, LLC, a Nebraska Limited Liability Company has granted to the City of Kearney, Nebraska a Permanent and Temporary Roadway and Utility Easement as follows:

PERMANENT ROADWAY AND UTILITY EASEMENT

A tract of land located in the Northeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of said Northeast Quarter and assuming the North line of said Northeast Quarter as bearing S89°39'09"W and all other bearings shown hereon relative thereto; thence S89°39'09"W on said North line a distance of 939.12 feet; thence S00°20'51"E perpendicular to said North line a distance of 50.00 feet to a point on the Southerly Right-of-Way of 56th Street as platted in the City of Kearney, Buffalo County, Nebraska and the ACTUAL POINT OF BEGINNING of the centerline of a 66 feet wide tract (33 feet each side) to be used for Road and Utility purposes; thence continuing S00°20'51"E perpendicular to said North line a distance of 6.22 feet to the beginning of a tangent curve to the left having a central angle of 22°27'53", a radius of 200.00 feet, and an arc length of 78.42 feet; thence S22°48'44"E tangent to said curve a distance of 240.68 feet to the Point of Termination., Buffalo County, Nebraska.

TEMPORARY ROADWAY AND UTILITY EASEMENT

A tract of land located in the Northeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of said Northeast Quarter and assuming the North line of said Northeast Quarter as bearing S89°39'09"W and all other bearing shown hereon relative thereto; thence S89°39'09"W on said North line a distance of 939.12 feet; thence S00°20'51"E perpendicular to said North line a distance of 50.00 feet to a point on the Southerly Right-of-Way of 56th Street as platted in the City of Kearney, Buffalo County, Nebraska and the ACTUAL POINT OF BEGINNING of the centerline of a 166 feet wide tract (83 feet each side) to be used for utility construction purposes; thence continuing S00°20'51"E perpendicular to said North line a distance of 6.22 feet to the beginning of a tangent curve to the left having a central angle of 22°27'53", a radius of 200.00 feet, and an arc length of 78.42 feet; thence S22°48'44"E tangent to said curve a distance of 240.68 feet to the Point of Termination, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent and Temporary Roadway and Utility Easement granted by Sorensen Acres LLC, a Nebraska Limited Liability Company to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 27TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

PROPOSED ACQUISITION FOR UTILITY EASEMENT

Public Hearings 1 and 2 were discussed together but voted on separately.

Mayor Clouse opened the public hearing on the proposed acquisition for a Permanent and Temporary Sanitary Sewer Main and Storm Water Drainage Easement for a tract of land located in the Northeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska and consider Resolution No. 2012-210.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Lear to close the hearing and adopt **Resolution No. 2012-210** approving the proposed acquisition for a Permanent and Temporary Sanitary Sewer Main and Storm Water Drainage Easement for a tract of land located in the Northeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

RESOLUTION NO. 2012-210

WHEREAS, Section 18-1755, R.R.S., authorizes a city acquiring an interest in real property by purchase or eminent domain to do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing; and

WHEREAS, the City Council has held a public hearing upon the proposed acquisition for a Permanent and Temporary Sanitary Sewer and Storm Water Drainage Easement and voted in favor to proceed with the acquisition; and

WHEREAS, Sorensen Acres, LLC, a Nebraska Limited Liability Company has granted to the City of Kearney, Nebraska a Permanent and Temporary Sanitary Sewer and Storm Water Drainage Easement as follows:

**PERMANENT SANITARY SEWER AND STORM
WATER DRAINAGE EASEMENT**

A tract of land located in the Northeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of said Northeast Quarter and assuming the North line of said Northeast Quarter as bearing S89°39'09"W and all other bearings shown hereon relative thereto; thence S00°19'31"E on the East line of said Section a distance of 68.80 feet; thence S89°40'29"W perpendicular to said East line a distance of 64.60 feet to a point on the Southerly Right-of-Way of 56th Street and the Westerly Right-of-Way of 2nd Avenue (NE State Highway #10) as platted in the City of Kearney, Buffalo County, Nebraska and the ACTUAL POINT OF BEGINNING of the North line of a 25 feet wide tract (all lying southerly and abutting said line) to be

used for sanitary sewer and storm drainage purposes; thence N88°38'54"W on said Southerly Right-of-Way line a distance 281.37 feet to the beginning of the centerline of a tract 20 feet wide (10 feet each side) for aforesaid purposes; thence S02°23'35"W a distance of 241.29 feet; thence S05°06'46"W a distance of 209.70 feet; thence S04°05'14"E a distance of 152.40 feet to the north line of Oak Park Center, an addition to said City and centerline of 3rd Avenue as platted on said addition and the Point of Termination, Buffalo County, Nebraska.

**TEMPORARY SANITARY SEWER AND STORM
WATER DRAINAGE EASEMENT**

A tract of land located in the Northeast Quarter of the Northeast Quarter of Section 26, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northeast Corner of said Northeast Quarter and assuming the North line of said Northeast Quarter as bearing S89°39'09"W and all other bearings shown hereon relative thereto; thence S00°19'31"E on the East line of said Section a distance of 68.80 feet; thence S89°40'29"W perpendicular to said East line a distance of 64.60 feet to a point on the Southerly Right-of-Way of 56th Street and the Westerly Right-of-Way of 2nd Avenue (NE State Highway #10) as platted in the City of Kearney, Buffalo County, Nebraska and the ACTUAL POINT OF BEGINNING of the North line of a 75 feet wide tract (all lying southerly and abutting said line) to be used for sanitary sewer and storm drainage construction purposes; thence N88°38'54"W on said Southerly Right-of-Way line a distance 281.37 feet to the beginning of the centerline of a tract 120 feet wide (60 feet each side) for aforesaid purposes; thence S02°23'35"W a distance of 241.29 feet; thence S05°06'46"W a distance of 209.70 feet; thence S04°05'14"E a distance of 152.40 feet to the north line of Oak Park Center, an addition to said City and centerline of 3rd Avenue as platted on said addition and the Point of Termination, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Permanent and Temporary Sanitary Sewer and Storm Water Drainage Easement granted by Sorensen Acres LLC, a Nebraska Limited Liability Company to the City of Kearney be and is hereby approved and accepted.

PASSED AND APPROVED THIS 27TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

ANNEXATION OF 1300 EAST 11TH STREET; ORDINANCE NO. 7775

Mayor Clouse opened the public hearing on the annexation into the City limits a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska (1300 East 11th Street) and consider placing Ordinance No. 7775 on first reading.

City Attorney Michael Tye presented this matter to the Council. The City continues to investigate areas of the community that for one reason or another have not been annexed but are eligible for annexation. Most commonly, property is annexed into the corporate limits of the City through the subdivision process as the Final Plat for subdivided property contiguous to the corporate limits is filed at the Register of Deeds Office as "an addition to the City of Kearney, Buffalo County, Nebraska." The City is

then obligated to serve the property with municipal services within twelve months if the services are requested.

The second way to annex property is by agreement. As you may remember, back in August the owners of property located at 1300 East 11th Street requested they be allowed to connect their residence to City water thereby agreeing to annexation.

In accordance with Section 19-929 of the Nebraska Statutes, "the municipal governing body shall not take final action on matters relating to...the annexation of territory...until it has received the recommendation of the planning commission if such commission in fact has been created and is existent." The Planning Commission considered the proposed annexation at a public hearing held on October 19, 2012 and was approved. There were no members of the public that testified at said hearing.

In accordance with Section 16-117 of the Nebraska Revised Statutes, the City Council, on November 13, 2012, passed a resolution stating its intent to annex, approved an annexation plan, and set the public hearing for comment on the proposed annexation before the City Council for November 27. The Council will receive comments from the public with regard to the annexation. Most generally, the City Council always suspends the rules requiring the reading on three different days and moves for final passage. However, in accordance with Section 16-404 of the Nebraska Revised Statutes, "...such requirement shall not be suspended for any ordinance for the annexation of territory." Therefore, we will have the first reading of the ordinance by title on November 27, the second reading on December 11 and the third and final reading on December 26.

There was no one present in opposition to this hearing.

Moved by Lear and seconded by Buschkoetter to close the public hearing on the annexation into the City limits a tract of land being part of the Southwest Quarter of the Southwest Quarter of Section 6, Township 8 North, Range 15 West of the 6th P.M. Buffalo County, Nebraska (1300 East 11th Street), and further moved that Ordinance No. 7775 be placed on first reading by title and that the City Clerk be permitted to read Ordinance No. 7775 on its first reading. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried. City Clerk read Ordinance No. 7775 by title on first reading.

IV. CONSENT AGENDA

Moved by Buschkoetter seconded by Clouse that Subsections 1 through 13 of Consent Agenda Item IV be approved. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

1. Approve Minutes of Regular Meeting held November 13, 2012 and Minutes of Special Meeting held November 19, 2012.
2. Approve the following Claims:

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

AT&T \$259.23 smcs; ABC Drug \$15.39 smcs; Ace Eaton Metals \$180.00 smcs; Ace Hardware \$85.86 smcs; Ace Irrigation \$625.00 smcs; ACFGreenhousescom \$55.25 smcs; Adobe Systems \$433.29 smcs; Advance Auto Parts \$14.18 smcs; Agent Fee \$10.00 smcs; Ahern,V \$307.00 smcs; Alamar Uniforms \$56.50 ps; Alertshirt \$2,315.54 smcs; Alfred Benesch \$18,656.17 co; Allied Electronics \$40.57 smcs; AltoEdge \$252.62 co; Amazon \$152.71 smcs,co; American \$610.52 smcs,co; Amer First Aid \$890.27 smcs; Amer Legion \$307.92 smcs; Amer Pavement \$47,400.16 co; Amsan \$819.67 smcs; Analytical Services \$1,125.00 smcs; Anderson Bros \$142.26 smcs; Apex Superstores \$43.75 smcs; Apple Market \$38.72 smcs; Ask Supply \$60.50 smcs; Associated Bag Co \$1,455.82 smcs; Associated Staffing \$88.00 smcs; Aurora Coop \$1,745.60 smcs; B&B Mfg \$126.07 smcs; Baker & Taylor Books \$2,453.20 smcs; Baum Hydraulics \$105.23 smcs; BGNE Inc \$35.35 smcs; Big Rack Shack \$779.94 smcs; Blessing \$13,745.38 co; Bluecross Blueshield \$115,942.05 smcs; Bostick,D \$35.68 smcs; Boxwood Tech \$149.00 smcs; Brown's Shoe Fit \$389.98 smcs; Bucky's \$22.86 smcs; Buffalo Co Treasurer \$20.00 co; Buffalo Outdoor Power \$344.41 smcs; Buggy Bath Car Wash \$19.50 smcs; Builders \$1,829.24 smcs,co; Cabela's \$119.96 smcs; Cabeties and More \$100.29 smcs; Calendars \$23.49 smcs; Capital Business Systems \$78.06 smcs; Carquest \$1,799.88 smcs; Casey's \$120.93 smcs; Cash-Wa \$471.50 smcs; Caster City \$29.08 co; CDW Govt \$1,208.90 smcs; Center Point Large Print \$125.33 smcs; Central Auto Electric \$62.36 smcs; Central Fire & Safety \$155.00 smcs; Central Hydraulic \$1,400.81 smcs; Central NE Bobcat \$389.94 smcs; Charter \$54.99 smcs; Chemsearch \$824.58 smcs; Chesterman \$70.20 smcs; Chicken Coop \$40.00 smcs; Chramosta,J \$52.55 smcs; CHS Agri Service \$1,443.71 smcs; City Glass \$225.00 smcs; City of Ky \$12,637.32 smcs,ps; Cold Spring Granite \$207.00 smcs; Comfy Bowl \$150.00 smcs; Community Action Partner \$1,483.83 smcs,co; CompUSAcom \$56.52 smcs; Computer Warehouse \$17.97 co; Connelly Industrial \$353.41 smcs; Conseco Life Ins \$19.00 ps; Construction Rental \$921.53 smcs,co; Copycat Printing \$208.99 smcs; Country Inn & Suites \$200.32 smcs; Crossroads Ford \$1,360.48 smcs; CT Flags \$91.75 smcs; Cullen,M \$26.74 smcs; Cummins Central Power \$64.22 smcs; Curb It \$98.17 smcs; D&S Lighting \$92.80 smcs; Davis,E \$48.67 smcs; Dawson PPD \$25,489.49 smcs; Daylight Donuts \$77.05 smcs; Dell \$1,749.23 smcs; Dennis,S \$196.23 smcs; Dish \$208.76 smcs; Dmilaco \$1,039.04 smcs; DogPoopBagscom \$150.24 smcs; Dostals Construction \$143,514.90 co; Dowhy Towing \$155.00 smcs; Dutton Lainson \$24.50 smcs; Eakes \$1,061.55 smcs; Earl May Seed \$475.46 smcs; Education Specialty \$267.14 smcs; Embassy Suites \$980.76 smcs; EMC Ins \$14,638.58 smcs; Enterprise \$170.97 smcs; Eustis Body Shop \$225.00 smcs; Expression Wear \$668.22 smcs; Fairbanks \$882.57 smcs; Farmers Union Coop \$26.64 smcs; Fast Phil Plaza \$21.49 smcs; Fastenal \$991.75 smcs; FedEx \$165.83 smcs; Flaherty,T \$246.00 smcs; Flight Light \$599.20 smcs; Frederick,A \$27.00 smcs; Frontier \$208.73 smcs; Galeton Gloves \$1,116.00 smcs; Garrett Tires \$4,597.30 smcs; GE Money Bank \$1,612.50 smcs; Gearhart,R \$120.00 smcs; Goodwin Tucker Group \$292.50 smcs; Gough,P \$75.00 smcs; Graham Tire \$176.72 smcs; Grainger \$1,615.76 smcs; Great Western Bank \$105.00 smcs; Gurney \$975.00 smcs; H&S Auto \$19.89

smcs; Hach \$89.85 smcs; Hampton Inn \$87.96 smcs; Harrison,R \$550.00 smcs; Hastings \$53.39 smcs; Hauxwell Pump \$325.96 smcs; HD Supply \$285.44 smcs; Heggemyer,L \$12.04 smcs; Hitz,C \$45.04 smcs; Hobby-Lobby \$175.90 smcs; Holiday inn \$465.70 smcs; Holmes Plumbing \$920.04 smcs; Hometown Leasing \$237.20 co; Hooker Bros \$219.45 smcs; Hopkins,A \$25.96 smcs; Jack Lederman \$701.11 smcs; Johnson,M \$310.00 smcs; Johnstone Soppo \$11.82 smcs; Kart-Mart \$977.05 smcs; Ky Ampride \$97.77 smcs; Ky Chamber Comm \$493.00 smcs; Ky Clinic \$250.00 smcs,ps; Ky Comm Foundation \$10,000.00 co; Ky Crete & Block \$2,162.04 smcs; Ky Hub \$3,002.09 smcs,co; Ky Humane Soc \$6,825.00 smcs; Ky Implement \$400.20 smcs; Ky Powersports \$99.15 smcs; Ky Towing \$375.00 smcs; Ky Warehouse \$548.85 smcs; Ky Winlectric \$338.24 smcs; Kehl Tree Service \$1,390.00 smcs; Kelly Supply \$763.63 smcs; Killion Motors \$93.73 smcs; K-Log \$163.08 smcs; Kmart \$10.69 smcs; Konica Minolta \$1,152.75 smcs; Kully Supply \$98.16 smcs; Landmark Implement \$41.32 smcs; Larue Distributing \$167.94 smcs; Lawson Products \$36.10 smcs; Lockmobile \$72.35 smcs; Logan Contractors \$193.71 smcs; M&M Control \$411.64 smcs; Mac Tools \$84.65 smcs; Macolite \$460.09 smcs; Magic Clearing \$3,700.00 smcs; Mail Express \$149.34 smcs; Marlatt Machine Shop \$14.70 smcs; Marshall,B \$1,014.00 smcs; Masonry Construction \$19,550.00 co; Masters Leasing \$245.00 smcs; Matheson \$180.00 smcs; McAfee \$2,063.04 smcs; McCarty,D \$23.33 smcs; McMaster-Carr \$74.75 smcs; Menards \$2,571.92 smcs; Mid-NE Garage Doors \$207.50 smcs; Midwest Turf \$126.19 smcs; Miller Signs \$105.00 smcs; Monoprice \$16.15 smcs; Municipal Emergency \$166.89 smcs; Municipal Supply \$372.68 smcs; Napa All Makes \$507.45 smcs; National Crime Justice \$5.00 smcs; NCS Equipment \$280.91 smcs; NE Dept of Environmental \$274,615.00 smcs,ds; NE Dept of Revenue \$53,169.85 smcs; NE Law Enforcement \$160.00 smcs; NE Peterbilt \$217,995.00 co; NE Safety & Fire \$304.50 smcs; NE Statewide Arboretum \$120.00 smcs; NE Truck Center \$1,157.91 smcs; New World Systems \$76,145.00 smcs,co; Newegg \$420.82 co; NFPA Natl Fire \$234.44 smcs; NMC Exchange \$2,000.35 smcs; Northern Safety \$410.18 smcs; Northern Tool \$204.86 smcs; Northwest Electric \$422.25 smcs; Northwestern Energy \$1,185.21 smcs; NRPA \$713.00 smcs; OCLC \$557.87 smcs; Office Max \$905.43 smcs; Officenet \$540.30 smcs; OMB Guns \$1,061.92 smcs; Oriental Trading \$184.32 smcs; Orscheln \$521.58 smcs; Oshkosh \$186.34 smcs; Otto Environmental \$24,682.00 smcs; Outdoor Recreation \$26.00 co; Paramount \$363.64 smcs; Party America \$47.28 smcs; Paypal \$264.65 smcs; Peach Trader \$459.46 smcs; Pep Co \$53.66 smcs; Phillips,A \$48.24 smcs; Ping \$67.97 smcs; Platte Valley Comm \$848.25 smcs,co; Platte Valley Labs \$505.00 smcs; Presto-X \$184.12 smcs; Priority Management \$98.00 smcs; Provantage \$2,259.72 smcs,co; Province,N \$7.58 smcs; Qualified Hardware \$431.00 smcs; Quill \$52.85 smcs; Radioshack \$4.49 smcs; Random House \$52.50 smcs; Reading Group Choices \$16.20 smcs; Reams \$870.72 co; Recognition Unlimited \$29.35 smcs; Recorded Books \$844.80 smcs; Recovery Systems \$4,682.50 smcs; Redman's Shoes \$300.00 smcs; Reed,C \$100.00 smcs; Restaurant Equippers \$500.50 smcs; Richards,S \$100.00 smcs; Roper's Radiator \$75.00 smcs; Roth,K \$9.62 smcs; Russell's Appliance \$120.00 smcs; Rylind Manufacturing \$584.00 smcs; S&B Heating \$713.05 smcs; Sahling Kenworth \$69.36 smcs; Sanchez,G \$17.57 smcs; Sandstedt,T \$34.92 smcs; Sanitation Products \$1,732.59 smcs; Sears \$28.97 smcs; Sheraton Hotels \$178.00 smcs; Sherwin Williams \$5.87 smcs; Sign Center \$147.75 smcs; Sister Cities Intl \$510.00 smcs; Smart Yield \$86.62 smcs; Snap-On Tools \$209.09 smcs; SOS Portable Toilets \$115.00 smcs; Steinbrink Landscaping \$1,774.91 smcs; Stott,D \$101.07 smcs; Strategic Materials \$703.08 smcs; Sungard Public Sector \$195.00 smcs; Sunmart

\$107.43 smcs; Target \$382.71 smcs,co; Teledyne \$144.50 smcs; Terry's Tickets \$1,500.00 smcs; Thompson Co \$114.90 smcs; Tielke Enterprise \$79.74 smcs; Todd Feed & Supply \$73.54 smcs; Toners Inc \$141.75 smcs; Tool Doctor \$55.00 smcs; Tractor-Supply \$436.77 smcs; Tri City Outdoor Power \$55.94 smcs; Tri-City Sign \$360.00 smcs; Turner Body Shop \$180.00 smcs; U Stop \$44.40 smcs; Unique Management \$366.95 smcs; United Air \$522.40 smcs; United Seeds \$999.00 smcs; UNK-Board of Regents \$344.16 ps; UPS Store \$55.81 smcs; USA Blue Book \$347.14 smcs; USPS \$259.36 smcs; Valmont \$429.00 smcs; Van Diest Supply \$3,292.20 smcs; Van Horn,S \$7.58 smcs; Van Ingen,L \$71.00 smcs; Verizon Wireless \$96.78 smcs; Walgreens \$8.55 smcs; Walmart \$833.62 smcs,co; Water Environment \$114.00 smcs; Wicks Sterling Trucks \$878.56 smcs; Wiegand Security \$90.00 smcs; Wilke's True Value \$300.23 smcs; WPCI \$239.00 ps; Yant Equipment \$372.98 smcs; Zavodny,J \$6.92 smcs; Zimmerman Printers \$48.75 smcs; Payroll Ending 11-17-2012 -- \$357,311.79. 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 December 11, 2012 at 7:00 p.m. as date and time for hearing on those applications where applicable.

4. Adopt **Resolution No. 2012-211** prohibiting parking on both sides of Plaza Boulevard from Villa Drive to La Platte Road, and also on both sides of La Platte Road from Plaza Boulevard east a distance of 380 feet.

RESOLUTION NO. 2012-211

WHEREAS, in the interest of the public safety, there is a need for certain "No Parking" areas within the City of Kearney.

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

That both sides of Plaza Boulevard from Villa Drive to La Platte Road be designated as "NO PARKING".

That both sides of La Platte Road from Plaza Boulevard east a distance of 380 feet be designated as "NO PARKING".

BE IT RUTHER RESOLVED that the City Manager cause the necessary and proper signs to be erected.

PASSED AND APPROVED THIS 27TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Adopt **Resolution No. 2012-212** approving an Agreement between the City of Kearney and East 20th and O Storage to create a water district to provide fire protection of the proposed development at 1404 East 20th Street.

RESOLUTION NO. 2012-212

WHEREAS, East 20th and O Storage, L.L.P. a Nebraska Limited Partnership is the property owner of the following tracts of land: Lots 1 through 14 inclusive all in Block 13 Whiteaker's Grove Addition to Kearney, Buffalo County, Nebraska, EXCEPT a tract of land in Lots 3 through 8 in Block 13, Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska, EXCEPT a tract deeded to the City of Kearney, Nebraska under Warranty Deed recorded as Inst. 97-5309, more particularly described as follows: beginning at the Southeast corner of said Block 13, thence S90°00'00"W (bearing assumed and all other bearings are relative thereto) a distance of 216.74 feet along the South line of said Block 13, thence N0°00'00"E a distance of 7.00 feet, thence along a curve to the left subtended by a chord bearing N45°02'06"E and 296.80 feet along said curve having a radius of 210.0 feet and an arc length of 329.61 feet and a central angle of 89°55'49"E, a distance of 7.00 feet to the point on the east line of said Block 13, thence S0°04'11"W along the said east line a distance of 216.74 feet to the point of beginning, except that portion lying in the alley between said lots 7 and 8 and containing 0.30 acres, more or less

AND

Lots 1 through 7 and Lots 10 through 14, Block 14, Whiteaker's Grove Addition to Kearney, Buffalo County, Nebraska

AND

Vacated street described as the South Half of 21st Street lying between Avenue O and Avenue P as it abuts Lots 1 and 14, inclusive, of Block 14, Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska, as recorded on Roll 92, Page 016311-016313 and vacated street described as the 20 foot alley lying between 20th Street and 21st Street and Avenue O and Avenue P as it abuts Lots 1 through 14 of Block 14; a 20 foot alley lying between 20th Street and 21st Street and Avenue P and Avenue Q as it abuts Lots 1 through 14 of Block 13; The West Half of Avenue P lying between 20th Street and 21st Street as it abuts Lots 1 through 7 of Block 14; and the south Half of 21st Street from the West right-of-way line East of Avenue P, East to the West right-of-way line of Avenue Q, all in Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska as the same is filed with the Office of the Buffalo County Register of Deeds at Plat Book 1, Page 81, and recorded as Inst. 97-5670

AND

Vacated East Half of Avenue P lying between 20th Street and 21st Street as it abuts Lots 8 through 14 of Block 13, Whiteaker's Grove Addition to the City of Kearney, Buffalo County, Nebraska, as the same is filed with the Office of the Buffalo County Register of Deeds as Inst. 97-5670.

WHEREAS, the Owner is requesting the City create a water improvement district for the purpose of constructing an eight-inch diameter ductile iron pipe water main from the existing water main located on the west side of Avenue O and the north side of 20th Street, eastward approximately 500 feet to the east line of Lot 8, Block 13, Whiteaker's Grove Addition.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, to approve the Agreement between the City of Kearney and East 20th and O Storage, L.L.P. a Nebraska Limited Partnership requesting the City create a water improvement district as outline above. The Agreement, marked as Exhibit "A" is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to file said Agreement with the Buffalo County Register of Deeds.

PASSED AND APPROVED THIS 27TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Adopt **Resolution No. 2012-213** rescheduling the regular Council meeting for December 25, 2012 to be scheduled for December 26, 2012 as required by Section 1-210 of the Kearney City Code.

RESOLUTION NO. 2012-213

WHEREAS, Section 19-615 of the Nebraska Revised Statutes mandates that the council in cities of the first class shall meet at such time and place as it may prescribe by ordinance, but not less frequently than twice each month; and

WHEREAS, according to Section 1-210 of the Kearney City Code, the regular meetings of the Council shall be held on the second and fourth Tuesday of each month; and

WHEREAS, the second regularly scheduled meeting in December falls on December 25, 2012 which is Christmas Day; and

WHEREAS, Section 1-210 of the Kearney City Code also provides if the meeting falls upon a legal holiday, the meeting shall be held on the preceding or following day, as the Council determines appropriate.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the regularly meeting scheduled for Tuesday, December 25, 2012 shall be held on Wednesday, December 26, 2012 at 7:00 p.m. in the Council Chambers at City Hall.

PASSED AND APPROVED THIS 27TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

7. Adopt **Resolution No. 2012-214** approving the Kearney Public Library's Strategic Plan for 2013-2015.

RESOLUTION NO. 2012-214

WHEREAS, with the expansion of the Kearney Public Library, it was necessary to completely revise the Kearney Public Library's Strategic Plan with an emphasis on programming, marketing and technology that reflects current needs of patrons and the new Library's ability to accommodate more and better programing; and

WHEREAS, the Library Advisory Board considered the Strategic Plan for 2013-2015 and has recommended the City Council adopt the said Plan.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the recommendation from the Library Advisory Board, on adopting a revised Kearney Public Library Strategic Plan for 2013-2015, a copy marked as Exhibit "A", attached hereto and made a part hereof, be and is hereby adopted.

PASSED AND APPROVED THIS 27TH DAY OF NOVEMBER, 2012.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

8. Adopt **Resolution No. 2012-215** approving Change Order No. 1 showing a deduct in the amount of \$8,103.15, Application for Payment No. 3-Final in the amount of \$3,836.22, and accept the Certificate of Substantial Completion submitted by Midlands Contracting and approved by Miller & Associates for the 2012 Part I Improvements - Bid A consisting of Water District No. 2012-563 and Sanitary Sewer District No. 2012-503 for 13th Street Place from 17th Avenue to its terminus in a cul-de-sac; Water District No. 2012-564 and Sanitary Sewer District No. 2012-504 for 12th Street Place from 17th Avenue to its terminus in a cul-de-sac.

RESOLUTION NO. 2012-215

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with the 2012 Part 1 Improvements – Bid A consisting of Water District No. 2012-563 and Sanitary Sewer District No. 2012-503 for 13th Street Place from 17th Avenue to its terminus in a cul-de-sac; Water District No. 2012-564 and Sanitary Sewer District No. 2012-504 for 12th Street Place from 17th Avenue to its terminus in a cul-de-sac, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing a decrease in the amount of \$8,103.15, as shown on Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, Midlands Contracting, Inc. and Miller & Associates have filed with the City Clerk Application and Certificate for Payment No. 3-Final in the amount of \$3,836.22, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$84,827.64
Change Order No. 1 (11-27-2012)	<u>- 8,103.15</u>
Contract Sum To Date	76,724.50
Gross Amount Due	76,724.50
Retainage	.00
Amount Due to Date	77,724.50
Less Previous Certificates for Payment	<u>72,888.28</u>
Current Payment Due	\$ 3,836.22

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of October 30, 2012, as shown by Exhibit "C" attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Change Order No. 1, as shown on Exhibit "A", Application and Certificate for Payment No. 3-Final, as shown on Exhibit "B", and the Certificate of Substantial Completion as shown on Exhibit "C" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

9. Adopt **Resolution No. 2012-216** accepting the Certificate of Substantial Completion submitted by Masonry Construction and approved by Miller & Associates for the Masonry Cleaning and Restoration project for the City of Kearney/Buffalo County Law Enforcement Center.

RESOLUTION NO. 2012-216

WHEREAS, Masonry Construction, Inc. of Bellevue, Nebraska has performed services in connection with the Masonry Cleaning and Restoration project for the City of Kearney/Buffalo County Law Enforcement Center, and Miller & Associates and Masonry Construction have now certified that the work is completed as of November 12, 2012, as shown by Exhibit "A" 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, hereby accepts the Certificate of Substantial Completion as shown on Exhibit "A".

PASSED AND APPROVED THIS 27TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Adopt **Resolution No. 2012-217** accepting the Certificate of Substantial Completion submitted by Dostals Construction and approved by Miller & Associates for the 2011 Part 12 Improvements; Harmon Park Inclusive Playground.

RESOLUTION NO. 2012-217

WHEREAS, Dostals Construction Company of Gretna, Nebraska has performed services in connection with the 2011 Part 12 Improvements; Harmon Park Inclusive Playground, and Miller & Associates and Dostals Construction Company have now certified that the work is completed as of October 25, 2012, as shown by Exhibit "A" 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, hereby accepts the Certificate of Substantial Completion as shown on Exhibit "A".

PASSED AND APPROVED THIS 27TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Approve the Plans and Specifications for the 2012 Part 6 Improvements consisting of Paving Improvement District No. 2012-954 and Water District No. 2012-565 for 52nd Street from 3rd Avenue and terminating 761 feet west; Paving Improvement District No. 2012-955 for 3rd Avenue, a Road and Utility Easement, from

the north line of 52nd Street to the north line of Oak Park Center and east in a Roadway and Utility Easement to the west line of 2nd Avenue; Paving Improvement District No. 2012-956 for 56th Street from 2nd Avenue west to 6th Avenue; Water District No. 2012-566 in a Road and Utility Easement in Lot 4, Oak Park Center lying between 2nd Avenue and 3rd Avenue; Water District No. 2012-567 in a 66-foot Road and Utility Easement from the south line of the intersection of 56th Street and 4th Avenue and terminating at a point 325 feet southeasterly; Sanitary Sewer District No. 2012-505 in a Roadway and Utility Easement beginning at a point 136 feet west of 2nd Avenue on the south line of 56th Street and southerly terminating at the south line of Lot 4, Oak Park Center and set the bid opening date for December 17, 2012 at 2:00 p.m.

12. Approve the request submitted by Main Street Kearney and the Downtown Improvement Board for the 2012 Christmas holiday events as follows: (1) temporarily block off 8 parking stalls in front of Nelson's Furniture, 2109 Central Avenue from November 19, 2012 until January 4, 2013; (2) temporarily block off 3 parking stalls in front of The Solid Rock, 2010 Central Avenue on November 29, 2012 from 8:00 a.m. until 10:00 p.m.; (3) temporarily block off all parking stalls in front of the Kearney Hub, 13 East 22nd Street on November 29, 2012 from 8:00 a.m. until 10:00 p.m.; (4) temporarily block off 3 parking stalls in front of KGFV Radio, 2223 Central Avenue on November 29, 2012 from 8:00 a.m. until 10:00 p.m.; (5) temporarily block off 3 parking stalls in front of Fort Theatre Dentistry, 2205 Central Avenue on November 29, 2012 from 8:00 a.m. until 10:00 p.m.; and (6) temporarily block off 3 parking stalls in front of MONA, 2401 Central Avenue on November 29, 2012 from 8:00 a.m. until 10:00 p.m.

13. Adopt **Resolution No. 2012-218** approving the Purchase Agreement between the City of Kearney and Chief Industries to purchase Lots 2 and 3 of Block 1, Piper Subdivision, which is located on Airport property.

RESOLUTION NO. 2012-218

WHEREAS, the City of Kearney is the owner of Lots 2 and 3 of Block 1, Piper Subdivision located in part of the Northeast Quarter of the Southwest Quarter, the Northwest Quarter of the Southeast Quarter, part of Government Lot and part of Government Lot 4 located in Section 28, Township 9 North, Range 15 West of the 6th P.M., Buffalo County, Nebraska; and

WHEREAS, there has been an offer to purchase these lots for \$115,000; and

WHEREAS, it has been proposed that the City agree to the sale of the lots, as shown on the Purchase Agreement between the City of Kearney and Chief Industries, Inc.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute the Purchase Agreement on behalf of the City of Kearney, as shown on Exhibit "A", attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF NOVEMBER, 2012.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

V. CONSENT AGENDA ORDINANCES

ORDINANCE NO. 7776 SELLING PORTION OF VACATED AVENUE B

Back in 1959 the City vacated the east ten feet and the west ten feet of Avenue B from 11th Street to 19th Street. The City has received a request to purchase the vacated east ten feet abutting the west 75 feet of Lots 895-898, Original Town of Kearney Junction. Attached is a letter from Mitch Humphrey representing the property owner. The City has negotiated a purchase price for the vacated right-of-way of \$400 which would be due and payable at closing.

Council Member Clouse introduced Ordinance No. 7776, being Subsection 1 of Agenda Item V selling the vacated east ten feet of Avenue B as it abuts the west 75 feet of Lots 895, 896, 897 and 898, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska, 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, 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. 7776 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 Kearney seconded by Lammers that Ordinance No. 7776 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. 7776 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. 7764A CREATING SEWER DISTRICT NO. 2012-505A

At the November 13, 2012 City Council meeting the City Council created Sanitary Sewer District No. 2012-505. Since that time the sanitary sewer described in the district has reached the final design stage. Based on the final design, both the Utilities Department and the developer have decided that the sanitary sewer main should be constructed in a straighter alignment than the developer indicated on the Public Works Plan for the development of Oak Park Center.

Due to the change in alignment, the Utilities Department has prepared an amended legal description for Sanitary Sewer District No. 2012-505. The change is minimal and the property originally included in the district has not changed significantly. The owners

of property included in the amended district description remains the same as in the original district description.

Council Member Clouse introduced Ordinance No. 7764A, being Subsection 2 of Agenda Item V creating Sanitary Sewer District No. 2012-505A in a Roadway and Utility Easement beginning at a point 136 feet west of 2nd Avenue on the south line of 56th Street and southerly terminating at the south line of Lot 4, Oak Park Center, 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, 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. 7764A 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 Kearney seconded by Lammers that Ordinance No. 7764A 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. 7764A 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

OPEN ACCOUNT CLAIM TO NPPD - \$88,452.19

Moved by Lammers seconded by Lear that the Open Account Claim in the amount of \$88,452.19 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Lear, Lammers, Kearney, Buschkoetter. Nay: None. Clouse abstained. Motion carried.

VII. REPORTS

No reports.

VIII. ADJOURN

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

Motion carried.

ATTEST:

**MICHAELLE E. TREMBLY
CITY CLERK**

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