

*Kearney, Nebraska
December 23, 2014
5:30 p.m.*

A meeting of the City Council of Kearney, Nebraska, was convened in open and public session at 5:30 p.m. on December 23, 2014 in the Council Chambers at City Hall. Present were: Stanley A. Clouse, President of the Council; Michaelle Trembly, City Clerk; Council Members Randy Buschkoetter, Bob Lammers and Jonathan Nikkila. Absent: Bruce Lear. 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; and Dan Lynch, Chief of Police were also present. Some of the citizens present in the audience included: Pat Cabela, Misty McDaniel. Steve Altmaier from KGFW Radio, Mike Konz from Kearney Hub, Sara Kirkly from NTV.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the City Council and a copy of their acknowledgment or receipt of such notice is attached to these minutes. Availability of the Agenda was communicated in the advance notice and in the notice to the Mayor and City Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

I. ROUTINE BUSINESS

INVOCATION/MOMENT OF SILENCE

With the absence of a minister, the Council held a moment of silence.

PLEDGE OF ALLEGIANCE

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 on the wall of the Council Chambers.

ORAL COMMUNICATIONS

There was no Oral Communications.

II. UNFINISHED BUSINESS

There was no Unfinished Business.

III. PUBLIC HEARINGS

DEDICATED UTILITY EASEMENT FOR WATER LINE

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

Mayor Clouse opened the public hearing on the proposed acquisition for a Dedicated Utility Easement for a water line on property described as part of the north 240 feet of Lot 3, Lincoln Way Villa Plots, a subdivision of the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2014-245.

Director of Utilities Kirk Stocker presented this matter to the Council. At the July 22, 2014 City Council meeting the Council approved a Developer Constructed Infrastructure Agreement for Logan View Apartments at 1818 West 24th Street. The agreement required the owner to construct water and sanitary sewer mains meeting City specifications on the property to serve several residential duplex dwelling units that owner intended to build on the site. The agreement also required the developer to grant the City a permanent water and sanitary sewer easement over the water and sanitary sewer mains that were constructed.

The owner has completed the construction of the water and sanitary sewer mains. The owner has prepared easement documents which grant the City a Permanent Water and Sanitary Sewer Easement for the water and sanitary sewer mains located on the property.

There was no one present in opposition to this hearing.

Moved by Lammers seconded by Nikkila to close the hearing and adopt **Resolution No. 2014-245** approving the proposed acquisition for a Dedicated Utility Easement for a water line on property described as part of the north 240 feet of Lot 3, Lincoln Way Villa Plots, a subdivision of the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2014-245

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 water line and voted in favor to proceed with the acquisition; and

WHEREAS, Dan J. Wurtz, Trustee and Jean E. Wurtz, Trustee, have signed a Dedication of Utility Easement for a water line on property described as a tract of land being part of the north 240 feet of Lot 3, of Lincoln Way Villa Plots, a subdivision of the City of Kearney, Buffalo County, Nebraska dedicated for Water Easement purposes. Said Water Easement to be 5 feet on each side of the following described centerline: Referring to the Northwest corner of the North 240 feet of Lot 4, of Lincoln Way Villa

Plots and assuming the North line of said 4, and the South line of State Highway 30 as bearing N89°31'01" E and all bearings contained herein are relative thereto; thence N89°31'01" E on said North line of Lots 3 and 4 a distance of 174.42 feet to the ACTUAL POINT OF BEGINNING; thence S00°14'20" E a distance of 100.03 feet; thence S89°42'14" W a distance of 60.55 feet to the Point of Termination. Said 10 foot Water Easement contains 0.04 acres, more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Dedication of Utility Easement signed by Dan J. Wurtz, Trustee and Jean E. Wurtz, Trustee, with the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute, on behalf of the City of Kearney, the Dedication of Utility Easement between the City of Kearney and Dan J. Wurtz, Trustee and Jean E. Wurtz, Trustee. The said Easement, marked Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

DEDICATED UTILITY EASEMENT FOR SANITARY SEWER LINE

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

Mayor Clouse opened the public hearing on the proposed acquisition for a Dedicated Utility Easement for a sanitary sewer line on property described as the north 240 feet of Lots 2, 3 and 4, Lincoln Way Villa Plots, a subdivision of the City of Kearney, Buffalo County, Nebraska and consider Resolution No. 2014-246.

There was no one present in opposition to this hearing.

Moved by Nikkila seconded by Buschkoetter to close the hearing and adopt **Resolution No. 2014-246** approving the proposed acquisition for a Dedicated Utility Easement for a sanitary sewer line on property described as the north 240 feet of Lots 2, 3 and 4, Lincoln Way Villa Plots, a subdivision of the City of Kearney, Buffalo County, Nebraska. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

RESOLUTION NO. 2014-246

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 sanitary sewer line and voted in favor to proceed with the acquisition; and

WHEREAS, Dan J. Wurtz, Trustee and Jean E. Wurtz, Trustee, has signed a Dedication of Utility Easement for a sanitary sewer line on property described as a tract of land being part of the North 240 feet of Lots 2, 3, and 4, of Lincoln Way Villa Plots, a subdivision of the City of Kearney, Buffalo County, Nebraska dedicated for Sanitary Sewer Easement purposes. Said Sanitary Sewer Easement to be 10.00 feet in total width and more described as follows: Referring to the Southwest corner of North 240 feet of Lots 2, 3, and 4, of Lincoln Way Villa Plots and assuming the West line of said Lot 4 as bearing N 00°29'14" Wand all bearings contained herein are relative thereto; thence N 00°29'14" Won said West line of Lot 4 a distance of 6.23 feet to the ACTUAL POINT OF BEGINNING; thence N 00°29'14" W a distance of 10.01 feet; thence N 86°52'27" E a distance of 59.07 feet; thence N 00°29'22" W a distance of 96.03 feet; thence S 89°31'39" W a distance of 47.47 feet; thence N 00°28'21" W a distance of 10.00 feet; thence N 89°31'39" E a distance of 88.50 feet; thence S 00°28'21" E a distance of 10.00 feet; thence S 89°31'39" W a distance of 31.03 feet; thence S00°29'22" E a distance of 95.57 feet; thence N 86°52'27" E a distance of 88.59 feet; thence S 89°59'03" E a distance of 73.51feet; thence N 00°28'21" W a distance of 92.09 feet; thence S 89°31'39" W a distance of 31.00 feet; thence N 00°28'21" W a distance of 10.00 feet; thence N 89°31'39" E a distance of 88.50 feet; thence S 00°28'21" E a distance of 10.00 feet; thence S 89°31'39" W a distance of 47.50 feet; thence S 00°28'21" E a distance of 92.18 feet; thence S 89°59'03" E a distance of 59.18 feet to the East line of said Lot 2; thence S 00°31'37" E a distance of 10.00 feet on said East line of Lot 2; thence N89°59'03" W a distance of 142.52 feet; thence S 86°52'27" W a distance of 157.85 feet to the Point of Beginning. Said 10.00 foot Sanitary Sewer Easement contains 0.15 acres, more or less, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Dedication of Utility Easement signed by Dan J. Wurtz, Trustee and Jean E. Wurtz, Trustee, with the City of Kearney be and is hereby approved and accepted.

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, that the Mayor be and is hereby authorized and directed to execute, on behalf of the City of Kearney, the Dedication of Utility Easement between the City of Kearney and Dan J. Wurtz, Trustee and Jean E. Wurtz, Trustee. The said Easement, marked Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

IV. CONSENT AGENDA

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

1. Approve Minutes of Regular Meeting held December 9, 2014.
2. Approve the following Claims:

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

4Imprint \$569.69 smcs; A-1 Refrigeration \$1,701.75 smcs; AAA Tarps \$217.35 smcs; Ace Hardware \$156.43 smcs; Affordable Plbg \$75.00 co; AFJ Multimedia \$30.00 smcs; Agri Coop \$186.91 smcs; Alamar Uniforms \$114.13 ps; Albrecht,H \$199.50 smcs; Alertshirt \$1,330.90 smcs; All Makes Auto \$2,028.71 smcs; Allied Electronics \$582.47 smcs; Ally B Designs \$635.00 smcs,co; Amazon \$3,755.13 smcs,co; American \$274.41 smcs; Amer First Aid \$254.64 smcs; APWA \$876.00 smcs; Amsan \$1,308.73 smcs; Arch \$75,000.00 smcs; ARFF Working Group \$95.00 smcs; Arrowhead Scientific \$418.24 smcs; Arvato Windows \$299.97 co; Ask Supply \$1,896.08 smcs; Aurora Coop \$177.64 smcs; Baker & Taylor \$6,367.55 smcs; Baughman,J \$58.94 smcs; Biggs,C \$16.02 smcs; Bill's Trailer Sales \$6,895.00 co; Blackburn Mfg \$765.68 smcs; Blinds.com \$247.95 smcs; BlueCross/BlueShield \$191,895.96 smcs; Bond,S \$43.43 smcs; Books Galore \$560.64 smcs; Bosselman \$7,119.47 smcs; Breakfast Cart \$468.16 smcs; Broadfoots \$100.00 smcs; Buffalo Co Treasurer \$40.00 co; Buffalo Co Hwy Dept \$5.00 smcs; Buffalo Outdoor Power \$9,881.29 smcs,co; Buffalo Co Historical Soc \$63.00 smcs; Builders \$1,962.27 smcs,co; Cabela's \$318.73 smcs; Capital Business Systems \$146.60 smcs; Carquest \$1,694.31 smcs; Casey's \$134.77 smcs; Cash Wa \$718.21 smcs,ps; CDW Govt \$1,208.92 co; Cenex \$19.46 smcs; Center Point Publishing \$123.05 smcs; Central Contracting \$2,188.00 smcs; Central Hydraulics \$2,519.27 smcs; Central NE Bobcat \$6,198.03 smcs; Centurion Technologies \$531.00 smcs; Charter \$904.26 smcs; ChemSearch \$1,712.47 smcs; Chesterman \$243.25 smcs; Chicken Coop \$50.00 smcs; Cintas \$234.62 smcs; City of Ky \$13,437.90 smcs,ps; Coast to Coast \$555.25 smcs; Coldspring \$225.90 smcs; Compasscom \$50.00 smcs; Conseco Life \$19.00 ps; Consolidated Mgmt \$176.50 smcs; Construction Rental \$650.14 smcs; Copycat \$432.91 smcs; Cracker Barrel \$991.33 smcs; Crossroads Ford \$68.04 smcs; Cullen,M \$18.72 smcs; Cummins Central Power \$411.97 smcs; Danko Emergency \$1,736.01 smcs,co; Dawson PPD \$21,455.97 smcs; Daylight Donuts \$49.70 smcs; Dell \$14,571.93 smcs,co; Demco \$74.42 smcs; Depository Trust \$1,206,210.19 ds; Deshaun Hill Harvard \$1.00 smcs; DHHS Online Licensing \$150.00 smcs; Dish \$174.00 smcs; Dmilaco \$623.96 smcs; Dollar General \$14.45 smcs; Dutton-Lainson \$29.20 smcs; Eakes \$3,234.43 smcs; Eileen's Cookies \$25.50 smcs; EMC Ins \$5,294.20 smcs; Evers,B \$292.50 smcs; Exhaust Pros \$310.00 smcs; Experts Exchange \$149.95 smcs; Fairbanks \$944.57 smcs; Fast Mart \$77.03 smcs; Fastenal \$1,271.66 smcs; Fedex \$99.22 smcs; Felsburg Holt & Ullevig \$814.88 smcs; Fire Engineering \$67.00 smcs; Fireguard \$305.91 smcs; Firehouse Cygnus \$44.95 smcs; Foley Belsaw Institute \$167.90 smcs; Foltz,M \$28.77 smcs; Friesen Chevrolet \$1,784.98 smcs; Frontier \$9,278.09 smcs; Fuel Tech \$871.55 smcs; Fun Express \$68.12 smcs; Furry,H \$690.46 smcs; Fyr-Tek \$841.25 smcs; Gale \$1,061.96 smcs; Galeton Gloves \$678.30 smcs; Galls \$125.98 co; Garrett Tires \$5,165.03 smcs; Gempler \$446.95 smcs; Glock \$170.00 smcs; Goodner,D \$100.00 smcs; GPM \$554.95 smcs; Graham Tire \$864.60 smcs; Grainger \$523.27 smcs; Guevara,D \$11.76 smcs; H&H Distributing \$18.02 smcs; Harshbarger,K \$834.05 smcs; HD Supply \$7,757.52 smcs; Heartland Strategy \$5,000.00 smcs; Hinrichs Photography \$150.00 smcs; Hobby-

Lobby \$452.66 smcs; Hoff,S \$72.00 smcs; Holmes Plbg \$317.84 smcs; Hometown Leasing \$279.21 smcs; Hotsy Equipment \$292.46 smcs; House of Cards \$250.26 ps; ICMA RC \$4,167.62 ps; Infogroup \$2,968.00 smcs; Int'l Code Council \$87.50 smcs; IPMA \$418.00 smcs; IRS \$153,157.51 ps; Jack Lederman \$319.22 smcs; Janssen,R \$145.00 smcs; JCB Enterprises \$58.50 smcs; Jibjab.com \$18.00 smcs; John Deere Landscapes \$74.78 smcs; Johnson Controls \$110.72 smcs; Johnstone Supply \$448.35 smcs; JRs Western \$139.96 smcs; K&K Parts \$1,405.03 smcs; Kart-Man \$998.11 smcs; Ky Area Storytelling \$600.00 smcs; Ky Chamber Comm \$375.00 smcs; Ky Clinic \$2,027.00 ps; Ky Concrete \$3,238.23 smcs,co; Ky Crete & Block \$57.66 co; Ky Hub \$8,284.00 smcs; Ky Humane Soc \$7,166.25 smcs; Ky Power Sports \$1,304.88 smcs; Ky Public Schools \$2,994.00 smcs; Ky Quality \$6.00 smcs; Ky Storytelling \$300.00 smcs; Ky Warehouse \$1,042.17 smcs; Ky Winlectric \$502.61 smcs; Kelly Supply \$1,021.83 smcs; KHGI-TV \$1,755.00 smcs; Killion Motors \$303.84 smcs; Kmart \$41.27 smcs; Konica Minolta \$859.19 smcs; Kowalek,G \$17.50 smcs; Kriha Fluid Power \$74.08 smcs; Landmark Implement \$1,432.25 smcs; Lawson Products \$353.66 smcs; Lincoln Winwater Works \$1,487.18 smcs; LogIn/IACP Net \$1,100.00 smcs; Mail Express \$7,557.60 smcs; Marcontell,C \$33.78 smcs; Marlatt Machine Shop \$613.93 smcs; Marsh,M \$200.00 smcs; Matheson \$261.23 smcs; McCarty,D \$36.83 smcs; Menards \$4,451.17 smcs; Michael Todd \$1,698.78 smcs; Mid-NE Garage Doors \$385.00 smcs; Midway Chrysler \$69.95 smcs; Midwest Labs \$2,215.00 smcs; Midwest Pump & Equip \$1,315.39 smcs; Midwest Turf \$763.11 smcs; Miller & Associates \$130,410.00 smcs,co; Miller,R \$1,890.00 smcs; Mindmixer.com \$250.00 smcs; Mirror Image \$236.90 smcs; Monoprice \$402.62 co; Moonlight Embroidery \$1,560.00 smcs; Mueller,J \$624.00 smcs; Municipal Supply \$2,779.11 smcs; Mycreativeshop.com \$19.95 smcs; Navigator Motorcoaches \$350.00 smcs; NCS Equipment \$195.60 smcs; NE Child Support \$2,732.58 ps; NE Dept of Revenue \$44,071.94 smcs; NE Environmental \$422.35 smcs; NE League Municipalities \$409.00 smcs; NE Machinery \$148.91 smcs; NE Safety & Fire \$345.00 smcs; NE Sec of State \$6.50 smcs; NE State Board Landscape \$170.00 smcs; NE State Fire Marshall \$480.00 smcs; NE State Library \$105.25 smcs; NE Truck Center \$995.92 smcs; NE Turfgrass \$298.00 smcs; Neil,J \$11.70 smcs; Newman Signs \$65.40 smcs; North Central Air \$29.00 smcs; Northern Safety \$110.61 smcs; Northwestern Energy \$12,163.47 smcs; NRG Media \$2,234.00 smcs; OCLC \$607.10 smcs; Office Max \$2,053.58 smcs,co; O'Hara Lindsay \$2,002.24 smcs; One Call Concepts \$272.00 smcs; O'Reilly Auto \$622.52 smcs; Orscheln \$655.41 smcs; Oshkosh Corp \$137.21 smcs; Paper and More \$25.97 smcs; Paramount \$232.23 smcs; Party America \$8.97 smcs; Paypal \$5,135.51 co; Pilot \$217.67 smcs; Pioneer Industrial Corp \$2,455.54 smcs; Platte Valley Comm \$2,770.56 smcs,co; Postage Refill \$900.00 smcs; Presenta Plaque \$117.87 ps; Prestige Group \$244.00 smcs; Presto-X \$566.19 smcs; PRIMA \$385.00 smcs; Provantage \$2,450.44 smcs,co; Qisoft \$1,562.00 smcs; Quality Craft Tools \$120.00 smcs; Quill \$1,123.00 smcs; RDO Truck Center \$376.95 smcs; Ready Mixed Concrete \$4,914.60 smcs,co; Recognition Unlimited \$746.45 ps; Recorded Books \$365.15 smcs; Redman's Shoes \$404.67 smcs; Reinke's Refrigeration \$1,615.07 smcs; Rheome Tree \$2,120.00 smcs; RNDC-Eagle \$335.70 smcs; RNDC-Falcon \$404.90 smcs; Roper's Radiator \$80.00 smcs; Rug Doctor \$984.23 smcs; S.A.F.E. Center \$2,204.20 smcs; Sahling Kenworth \$20.73 smcs; Salter,J \$308.36 smcs; Saltzgaber,S \$60.70 smcs; Sanitation Products \$714.04 smcs; Sapp Bros \$21,732.50 smcs; School District 7 \$3,837.90 smcs; Schriner,S \$100.00 smcs; Sears \$53.00 smcs; See Clear Cleaning \$350.00 smcs;

Select Sprayers \$34.68 smcs; Seton Identification \$233.07 co; Sherwin Williams \$146.20 smcs; Shoplet.com \$193.85 smcs; Sirchie Finger Print Lab \$395.64 smcs; Sixel Consulting \$20,082.78 smcs; Slimdown \$92.69 smcs; Smartsoft \$411.96 co; Smeal Fire Apparatus \$502,993.00 co; Snap-On Tools \$2,395.00 smcs; Sport Supply \$350.64 smcs; Sportsmart.com \$535.50 smcs; Stamps.com \$4.99 smcs; Staples \$420.23 smcs; State Electrical Division \$96.00 smcs; Steinbrink Landscaping \$108.75 smcs; Sterling Distributing \$822.98 smcs; Sunmart \$54.75 smcs; Sutphen Corp \$45.20 smcs; Target \$32.14 smcs; Techsoup \$8.00 co; Thompson Co \$65.54 smcs; Thomson Reuters-West \$277.08 smcs; Tighton Tool \$19,733.00 co; Titan Machinery \$3,370.62 smcs; TM Sporting Goods \$42.78 smcs; Tool Doctor \$32.00 smcs; Tractor-Supply \$1,026.58 smcs; Trade Well Pallet \$1,575.00 smcs ;Tye Law Firm \$12,012.38 smcs,ps; Underground Construction \$585.00 smcs; Union Bank \$67,635.15 ps; Unique Management \$250.60 smcs; UNK \$3,000.00 smcs; UNL Marketplace \$66.39 smcs; UPS \$135.14 smcs; USA Blue Book \$534.81 smcs; USA Communications \$189.32 smcs; USPS \$358.98 smcs; Verizon \$773.22 smcs; Vermont Systems \$1,137.12 smcs; Vessco \$5,000.00 smcs; Wal-Mart \$897.11 smcs; Walters Electric \$500.00 smcs; Watchguard Video \$55.00 co; Wearguard \$131.07 smcs; Weller,B \$554.05 smcs; Wilke's True Value \$147.64 smcs; Winchester,S \$77.04 smcs; Witmer Public Safety \$902.33 smcs,co; WPCI \$160.50 ps; Zazzle \$104.03 smcs; Zimmerman Printing \$761.98 smcs; Payroll Ending 12-13-2014 -- \$380,825.02. 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 January 13, 2015 at 5:30 p.m. as date and time for hearing on those applications where applicable.

4. Adopt **Resolution No. 2014-247** setting the interest rate, providing equal annual installments, providing the interest rate for delinquent installments for special assessments for 2015 with regard to the creation of paving, water and sanitary sewer districts; and to establish a policy on reimbursing developers for infrastructure costs for Developer Constructed Infrastructure Agreements.

RESOLUTION NO. 2014-247

BE IT RESOLVED BY THE PRESIDENT AND COUNCIL OF THE CITY OF KEARNEY, NEBRASKA:

Section 1. Streets that have been improved by paving, curbing and guttering and incidental work, and/or the installation of water mains, and/or the installation of sanitary sewer mains shall be assessed to lots and parcels of ground where specially benefited by said improvements and the total amount of said special assessments does not exceed the costs of said improvements exclusive of the cost of the intersections and areas formed by the crossing of streets, avenues and alleys as heretofore determined by the Mayor and City Council.

Section 2. All special assessments provided for by the laws of the state shall become due fifty (50) days after the date of levy and may be paid within that time without interest, but if not so paid, each installment, except the first, shall draw interest at the rate of 5.0 per centum per annum from the date the Board of Equalization

convened until the same become delinquent. This interest rate is effective for the 2015 calendar year.

Section 3. Such assessments shall become delinquent in equal annual installments as follows:

| Paving | Water | Sanitary Sewer |
|---|--|--|
| 1/10th fifty days after date of Board of Equalization | 1/5th fifty days after date of Board of Equalization | 1/5th fifty days after date of Board of Equalization |
| 1/10th one year after date of Board of Equalization | 1/5th one year after date of Board of Equalization | 1/5th one year after date of Board of Equalization |
| 1/10th two year after date of Board of Equalization | 1/5th two year after date of Board of Equalization | 1/5th two year after date of Board of Equalization |
| 1/10th three year after date of Board of Equalization | 1/5th three year after date of Board of Equalization | 1/5th three year after date of Board of Equalization |
| 1/10th four year after date of Board of Equalization | 1/5th four year after date of Board of Equalization | 1/5th four year after date of Board of Equalization |
| 1/10th five year after date of Board of Equalization | | |
| 1/10th six year after date of Board of Equalization | | |
| 1/10th seven year after date of Board of Equalization | | |
| 1/10th eight year after date of Board of Equalization | | |
| 1/10th nine year after date of Board of Equalization | | |

Such assessments shall become delinquent in equal annual installments over such period of years as set forth above. Delinquent installments shall bear interest at the rate specified in Section 45-104.01 of the Nebraska Revised Statutes, which is currently set at fourteen percent, and such rate may from time to time be adjusted by the Legislature, until paid and shall be collected in the usual manner for the collection of general taxes and shall be subject to the same penalties.

Section 4. Pursuant to Section 9-1310 of the Kearney City Code, the City will reimburse Developers for infrastructure costs considered the responsibility of the City as outlined in paragraphs 1, 2, 3, and 4 of Section 57-103(B) of the Kearney City Code based on the most recent unit price bids received by the City, and approved by the City Council, for similar projects. The attached schedule of unit price bids is hereby approved by the City Council and shall be used by the City Engineer to calculate infrastructure reimbursements to Developers for qualified Developer Constructed Infrastructure Agreements approved by the City Council during the 2015 calendar year. Developers will not be reimbursed for infrastructure items not included on the attached schedule of unit price bids.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

5. Adopt **Resolution No. 2014-248** amending the Money Accumulation Plan for Employees of the City of Kearney and authorize the Mayor and other appropriate officers of the City of Kearney to execute any document or amendment necessary to amend and administer the Plan.

RESOLUTION NO. 2014-248

Adoption of Amendment to Money Accumulation Plan for Employees of the City of Kearney

BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska that in order to conform the terms of the Plan with respect to the effective date of participation by eligible employees, the Plan shall be, and it hereby is, amended in the form of the Amendment document submitted at this meeting and by this reference made a part of this resolution.

BE IT FURTHER RESOLVED that the Mayor and other appropriate elected officials and officers of the City of Kearney shall be, and they hereby are, authorized to do any and all things necessary to carry out and accomplish the foregoing Resolution, including the execution of the above-referenced Amendment to the Money Accumulation Plan for Employees of the City of Kearney, including such actions as may be necessary or appropriate to achieve and maintain tax qualification of the aforesaid Plan under Section 401(a) of the Internal Revenue Code of 1986, as amended.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

6. Adopt **Resolution No. 2014-249** approving the following Agricultural Leases at the Kearney Regional Airport from January 1, 2015 until December 31, 2015: David Fleming (364.36 non-irrigated acres and 276 irrigated acres); Gary Henderson (38 irrigated acres); Don Hendrickson (193.5 irrigated acres); Ron Hendrickson (75 dry land hay acres); and Lee Potter (62 irrigated acres).

RESOLUTION NO. 2014-249

BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the President be and is hereby authorized and directed on behalf of the City of Kearney, Nebraska to execute the following Agriculture Lease Agreements on property located at the Kearney Regional Airport from January 1, 2015 until December 31, 2015:

- David R. Fleming (364.36 non-irrigated acres) – annual cash rent is \$40,080;
- David R. Fleming (276 irrigated acres) – annual cash rent is \$77,222;
- Gary Henderson (38 irrigated acres) – annual cash rent is \$9,501;
- Don Hendrickson, dba Agrident, Inc. (193.5 irrigated acres) – annual cash rent is \$48,375;
- Ron Hendrickson, dba Agrident, Inc. (75 acres dry land hay) – annual cash rent is \$4,500;
- Lee Potter (62 irrigated acres) – annual cash rent is \$15,501;

A copy of the Agreements, marked Exhibits “1”, “2”, “3”, “4”, “5”, “6” are attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

7. Accept the bids received for the purchase of a hook lift truck used in the Utilities Department and award the bid to Nebraska Truck Center in the amount of \$158,098.00.

8. Adopt **Resolution No. 2014-250** approving Application and Certificate for Payment No. 6 in the amount of \$92,861.32 submitted by Blessing, LLC and approved by Miller & Associates for the 2014 Part 2 Improvements consisting of Paving Improvement District No. 2014-964 for Central Avenue from 31st Street to a point 150 feet south of 26th Street and 26th Street from Central Avenue to Avenue C.

RESOLUTION NO. 2014-250

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2014 Part 2 Improvements consisting of Paving Improvement District No. 2014-964 for Central Avenue from 31st Street to a point 150 feet south of 26th Street and 26th Street from Central Avenue to Avenue C, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 6 in the amount of \$92,861.32 as shown on Exhibit “A” attached hereto and made a part hereof by reference and as follows:

| | |
|--|---------------------|
| Original Contract Sum | \$2,474,168.95 |
| Change Order No. 1 (8-26-2014) | + 17,375.00 |
| Change Order No. 2 (11-25-2014) | + <u>11,757.75</u> |
| Contract Sum To Date | 2,503,301.70 |
| Gross Amount Due | 1,395,884.30 |
| Retainage (10%) | 139,588.43 |
| Amount Due to Date | 1,256,295.87 |
| Less Previous Certificates for Payment | <u>1,163,434.55</u> |
| Current Payment Due | \$ 92,861.32 |

NOW, THEREFORE, BE IT RESOLVED by the Mayor 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 is hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2014.

ATTEST:
 MICHAELLE E. TREMBLY
 CITY CLERK

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

9. Adopt **Resolution No. 2014-251** approving Application and Certificate for Payment No. 2 in the amount of \$471,609.63 submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue and Sanitary Sewer Connection District No. 2014-1 commencing at a point near the Kearney RV Park located at 315 Avenue M, northward and westward in an easement, Landon Street if extended, thence northward through Riverside Addition and Kreutz Addition to 4th Street, thence westward to Central Avenue.

RESOLUTION NO. 2014-251

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2014 Part 7 Improvements consisting of Paving Improvement District No. 2014-968 for 4th Street from 3rd Avenue to 6th Avenue and Sanitary Sewer Connection District No. 2014-1 commencing at a point near the Kearney RV Park located at 315 Avenue M, northward and westward in an easement, Landon Street if extended, thence northward through Riverside Addition and Kreutz Addition to 4th Street, thence westward to Central Avenue, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$471,609.63 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

| | |
|--|-----------------------|
| Original Contract Sum | <u>\$5,513,218.10</u> |
| Contract Sum To Date | 5,513,218.10 |
| Gross Amount Due | 664,695.62 |
| Retainage (10%) | 66,469.56 |
| Amount Due to Date | 598,226.06 |
| Less Previous Certificates for Payment | <u>126,616.43</u> |
| Current Payment Due | <u>\$ 471,609.63</u> |

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 2, as shown on Exhibit "A", be and is hereby accepted and approved.

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

10. Adopt **Resolution No. 2014-252** approving Application and Certificate for Payment No. 1 in the amount of \$213,019.20 submitted by Midlands Contracting and approved by Miller & Associates for the 2014 Part 8 Improvements consisting of Water District No. 2014-574 and Sanitary Sewer District No. 2014-512 in 27th Avenue from 11th Street south 850 feet; and Water District No. 2014-575 and Sanitary Sewer District No. 2014-513 in 30th Avenue from 11th Street south 1,500 feet.

RESOLUTION NO. 2014-252

WHEREAS, Midlands Contracting of Kearney, Nebraska has performed services in connection with the 2014 Part 8 Improvements consisting of Water District No. 2014-574 and Sanitary Sewer District No. 2014-512 in 27th Avenue from 11th Street south 850 feet; and Water District No. 2014-575 and Sanitary Sewer District No. 2014-513 in 30th Avenue from 11th Street south 1,500 feet, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1 in the amount of \$213,019.20 as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

| | |
|--|---------------------|
| Original Contract Sum | <u>\$749,062.00</u> |
| Contract Sum To Date | 749,062.00 |
| Gross Amount Due | 236,688.00 |
| Retainage (10%) | 23,668.80 |
| Amount Due to Date | 213,019.20 |
| Less Previous Certificates for Payment | <u>.00</u> |
| Current Payment Due | <u>\$213,019.20</u> |

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

PASSED AND APPROVED THIS 23RD DAY OF DECEMBER, 2014.

ATTEST:
MICHAELLE E. TREMBLY
CITY CLERK

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

11. Approve the application for a Special Designated License submitted by Thunderhead Brewing in connection with their Class LK-047920 catering liquor license to dispense beer at Eustis Body Shop located at 720 Central Avenue on January 15, 2015 from 3:00 p.m. until 10:00 p.m. for a reception.

V. CONSENT AGENDA ORDINANCES**ORDINANCE NO. 7954 AMENDING SECTIONS IN ARTICLE 15 OF CHAPTER 1 OF THE CITY CODE**

This ordinance will amend Section 1-1505 of the Kearney City Code to allow the Purchasing Agent, or his/her designee, the authority to join with other units of government in cooperative purchasing of supplies, equipment or services when the best interests of the city would be served. The ordinance also amends Section 1-1510 of the Kearney City Code to allow the City Manager to designate other city employees, such as Department Heads, the authority to approve employee travel. Various other housekeeping changes are also included in the ordinance to clean up the Purchasing Code.

Council Member Clouse introduced Ordinance No. 7954 amending Article 15 “Purchasing” of Chapter 1 “Administration of the City Code as follows: Section 1-1503 “Office of Purchasing Agent; Appointment of Agent”, Section 1-1506 “Informal Purchasing”, Section 1-1507 “Professional Services”, Section 1-1510 Miscellaneous Expenditures”, and Section 1-1512 “Requisitions and Estimates” to clarify the language; Section 1-1505 “Formal Contract Procedure” to authorize the Purchasing Agent or his/her designee, to join with other units of government in cooperative purchasing of supplies, equipment of services when the best interests of the City would be served, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. 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. 7954 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 7954 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, 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. 7954 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. 7955 CREATING PAVING DISTRICT NO. 2014-969

Council Member Clouse introduced Ordinance No. 7955 creating Paving Improvement District No. 2014-969 for 11th Street from a point 109.74 feet west of 30th Avenue, thence east for a distance of 2,440.08 feet, and moved that the statutory rules requiring ordinances to be read by title on three different days be suspended and said ordinances be considered for passage on the same day upon reading by number only, and then placed on final passage and that the City Clerk be permitted to call out the number of the ordinance on its first reading and then upon its final passage. Council Member Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. 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. 7955 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 7955 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, 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. 7955 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. 7956 CREATING PAVING DISTRICT NO. 2014-970

Council Member Clouse introduced Ordinance No. 7956 creating Paving Improvement District No. 2014-970 for 27th Avenue from 11th Street south a distance of 850[±] feet as platted in Lot 1, Bearcat Corner, an addition to 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 Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. 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. 7956 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 7956 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, 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. 7956 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. 7957 CREATING PAVING DISTRICT NO. 2014-971

Council Member Clouse introduced Ordinance No. 7957 creating Paving Improvement District No. 2014-971 for 30th Avenue from 11th Street south a distance of 1,500[±] feet as platted in Lot 1, Bearcat Corner, an addition to 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 Lammers seconded the motion to suspend the rules. President of the Council asked for discussion or if anyone in the audience was interested in the ordinance. No one responded. Clerk called the roll which resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. 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. 7957 by number. Roll call of those in favor of the passage of said ordinance on the first reading resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried. Ordinance was read by number.

Moved by Lammers seconded by Nikkila that Ordinance No. 7957 be passed, approved and published as required by law. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, 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. 7957 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

MANAGER APPLICATION FOR JERSEY'S SPORTS BAR

Mayor Clouse opened for discussion the manager application for Patrick Cabela submitted by Jersey's Sports Bar & Grill, Inc. dba Jersey's Sports Bar in connection with their Class I-070888 liquor license and located at 5012 3rd Avenue, Suite 120.

Patrick Cabela presented this matter to the Council. He stated they need to get his name put on the liquor license. The former owner was on it and he got bought out.

Mayor Clouse asked if anything else had changed in training or anything. Mr. Cabela stated it is pretty standard, everyone has to do the TIPS program before they can start working, they have signs up everywhere reminding everyone on a daily basis that they need to card or their job is at risk if they do not card everyone.

Moved by Nikkila seconded by Buschkoetter to approve the manager application for Patrick Cabela submitted by Jersey's Sports Bar & Grill, Inc. dba Jersey's Sports Bar in connection with their Class I-070888 liquor license and located at 5012 3rd Avenue, Suite 120. Roll call resulted as follows: Aye: Clouse, Lammers, Nikkila, Buschkoetter. Nay: None. Lear absent. Motion carried.

MANAGER APPLICATION FOR SMOKER FRIENDLY #017/SF LIQUORS

Mayor Clouse opened for discussion the manager application for Misty McDaniel submitted by The Cigarette Store Corp., dba Smoker Friendly #017/SF Liquors in connection with their Class C-102050 liquor license and located at 620 East 25th Street, Suite F.

Misty McDaniel presented this matter to the Council. She stated they do the TIPS training and have a strict carding policy. If they fail the sting they get terminated automatically.

Council Member Lammers asked if their standard policy would be to fire anybody that would serve to somebody that would be a minor. Ms. McDaniel stated that is correct.

Moved by Buschkoetter seconded by Clouse to approve the manager application for Misty McDaniel submitted by The Cigarette Store Corp., dba Smoker Friendly #017/SF Liquors in connection with their Class C-102050 liquor license and located at 620 East 25th Street, Suite F. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

OPEN ACCOUNT CLAIM

Moved by Buschkoetter seconded by Lammers that the Open Account Claim in the amount of \$86,658.74 payable to Nebraska Public Power District be allowed. Roll call resulted as follows: Aye: Buschkoetter, Nikkila, Lammers. Nay: None. Clouse abstained. Lear absent. Motion carried.

VII. REPORTS

City Manager Michael Morgan stated Project Honor is a project that is certainly the biggest economic development project in the community's history. It is a project they are very proud of and very excited and look forward to. A special thanks to Governor Heineman who set forth the process, Senator Hadley who worked tirelessly at the Legislature, Mayor Clouse and City Council who gave staff a lot of discretion to work towards this project and saw the vision. Darren Robinson at the Economic Development Council and Tom Henning. Darren worked harder than anyone on this project and he is very proud of his efforts and he deserves a lot of recognition for that. The Development Review Team, Department Heads who spent a lot of time on the Facebook project and who were well prepared as they moved forward on this project. John Helgoth at the State of Nebraska, the Chamber, Marion McDermott and the Veterans First Committee and all those individuals who were involved. Senator Johanns, Senator Fischer and Congressman Adrian Smith all worked hard and supported the efforts to secure the federal funding.

Enough cannot be said either about Buffalo County and Chairman Bill McMullen. A lot of meetings, good input, they were able to receive financial assistance as well from Buffalo County which is great assistance. Gratitude going to Miller & Associates and specifically Craig Bennett who is a big part of this project. Craig knows these items and how to get these projects done and it is one of the reasons why the City is so ready. Local architect firm Wilkins Hinrichs & Stober and there were a lot of citizens who participated in several meetings throughout the last 1½ years.

At the end of the day the big deciding point was once again Kearney and if you look at all the individuals who put forth synergy and effort to accomplish a major project like this and left their egos at the door and contributed and worked hard. They tried a lot of

different things and as they put the proposal together and it will be an exciting time, a lot of work ahead. Finance Director Wendell Wessels has some work to do on the finance side now that it becomes an actual funding document. They have had discussions at the Development Review Team about the site. It is a beautiful site and the location and the layout citizens will be very proud of it at the end of the day. The architect firm and the State have done an awesome job so they will start seeing more of that information and hopefully get some time tables that will be set.

VIII. ADJOURN

Moved by Nikkila seconded by Buschkoetter that Council adjourn at 5:45 p.m. Roll call resulted as follows: Aye: Clouse, Nikkila, Lammers, Buschkoetter. Nay: None. Lear absent. Motion carried.

ATTEST:

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

**MICHAELLE E. TREMBLY
CITY CLERK**