

**Kearney, Nebraska**  
**October 27, 2009**  
**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 October 27, 2009, 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; Suzanne Brodine, Assistant to the City Manager; Wendell Wessels, Director of Finance; Kirk Stocker, Director of Utilities; Rod Wiederspan, Director of Public Works; Kyle Harshbarger, Police Officer; Bruce Grupe, City Engineer; Matt Williams, Library Director; Luke Olson, Management Assistant were also present. Some of the citizens present in the audience included: Whitney Nelson, David Cantrell, Jon Abegglen, Mitch Humphrey, Paul Brungardt, Paul Younes, Tom Kruger, Jacob Sertich, Scott Stober, Jack Wilkins, Dan Bahensky, Patti Streit, Lena Younes, Candy Kuntz, Steve Altmaier from KGFV Radio, Kevin Hervert from Kearney Hub.

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

## **I. ROUTINE BUSINESS**

### **INVOCATION**

Pastor Mike Lano from Trinity Presbyterian Church provided the Invocation.

### **PLEDGE OF ALLEGIANCE**

Three Boy Scouts from Troop 158 led the Council members and audience in the Pledge of Allegiance.

### **ANNOUNCEMENT**

Mayor Clouse announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted towards the back of the Council Chambers.

### **INTRODUCTION**

Mayor Clouse introduced Whitney Nelson from the Chancellor's Leadership Program who was invited to the City Council Meeting to see how City government works.

## **RECOGNITION – KVF D FIREFIGHTERS AWARDS FOR FIREFIGHTER 1 COURSE AND FIREFIGHTER II COURSE**

Mayor Clouse and Council Members recognized Jeff Benson, Dan Follmer, Zach Oliverius and Josh Thom of the Kearney Volunteer Fire Department that have completed the Firefighter I Course. The following are being recognized for completing the Firefighter II Course: Brad Anderson, Luke Bazyn, Andrew Bennett, Terry Eirich, Kelly Hardin, Rick Pulliam, Bob Reineke, Tony Rich, John Sydow, Jim Tacha, Jerry Thompson, Matt Ullman, and George Wiedel. These individuals have already dedicated a minimum of 120 hours and 84 hours respectfully to these courses. In addition to the Firefighter I Course, these individuals are continuously training with other firefighters at monthly and specialty trainings.

### **ORAL COMMUNICATIONS**

There was no Oral Communications.

## **II. UNFINISHED BUSINESS**

### **WOOD RIVER TRAILER COURT ANNUAL RENEWAL**

Postponed until November 30, 2009 any action on the annual manufactured home court license for Wood River Trailer Court, 865 West 78th Street.

## **III. PUBLIC HEARINGS**

### **BOARD OF EQUALIZATION FOR PAVING IMPROVEMENT DISTRICTS**

Mayor Clouse opened the public hearing for the Council to meet as the Board of Equalization to assess costs for Paving Improvement District No. 2007-915 for 14th Street from 6th Avenue to 9th Avenue; Paving Improvement District No. 2007-916 for 9th Avenue from 13th Street to 14th Street; Paving Improvement District No. 2007-917 for 9th Avenue from 16th Street to 19th Street; Paving Improvement District No. 2007-920 for the alley lying between 24th Street to 25th Street from 1st Avenue to 2nd Avenue; Paving Improvement District No. 2007-921 for the alley lying between 1st Avenue and 2nd Avenue from 23rd Street to 24th Street; Paving Improvement District No. 2007-922 for the alley lying between 25th Street and 26th Street from Central Avenue to Avenue A; Paving Improvement District No. 2007-923 for the alley lying between Central Avenue and Avenue A from 23rd Street to 24th Street; Paving Improvement District No. 2007-924 for the alley lying between Central Avenue and 1st Avenue from 23rd Street to 24th Street and to consider Resolution No. 2009-181.

Paving Districts 2007-915, 2007-916 and 2007-917 were graveled streets that were requested to be improved. In accordance with the City's paving assessment policy (Resolution No. 2006-103), residential properties that have graveled streets wherein the special assessments would be paid as follows: 50 percent by special sales tax funds and the other fifty percent would be assessed against the property in the district.

The remaining paving districts were created in accordance with the City's paving assessment policy, the property owners would have to pay 75 percent of the cost of the improvements. It should be noted that funds from the CRA will be applied to the total cost of the projects. The remaining amounts due will be assessed to the abutting property owners.

After completion of the construction projects, the City hired a title company to complete property abstracts so that assessments could be levied. These districts have been completed and, in order to satisfy state law, when paving, water and sewer districts are completed, the City Council must act as a Board of Equalization to levy assessments on properties so benefited. Property owners will then be required to pay the first installment within fifty days (December 16) or will be able to pay the entire assessment without any interest prior to this date.

Robert Darnell, 1306 9th Avenue, asked how the assessments were figured on the paving districts. Director of Public Works Rod Wiederspan stated that 9th Avenue was one of the gravel street projects and was based on the front footage along each lot. For example, if the lot has 100 foot of frontage, 50 percent of that 100 foot was paid for by the City and the other 50 percent was assessed back to the property owner. Mr. Darnell stated that everyone he talked to has the same amount on their bill even though their lots are much larger than his street footage.

Mr. Darnell asked about the grant that was supposed to pay for the paving of the gravel streets that the City already accepted. City Manager Michael Morgan stated there was never a grant for that area. The street paving program has been fifty percent which comes from the ½ cent sales tax. He stated that perhaps he was confusing that with the sidewalk grant. Mr. Darnell stated he was under the assumption that the street was also under a grant.

City Manager explained this was a fifty percent program which was approved by the Council and adequate petitions were not received to stop the district from going forward at that time. Unlike many other places in the community, the property owners are getting a fifty percent benefit. After the ½ cent sales tax was passed, the Council had a goal of eliminating gravel streets. They did not go out and solicit, only made the announcement of the program. That means that someone in that area requested the street to be paved. This was not initiated by the City of Kearney, but with the sales tax funds the cost was reduced by half.

With regard to the grant for the sidewalk project, that grant has been returned and the sidewalks are not being done. Mr. Darnell asked if he was going to be billed for the sidewalk that had already been put in on his property. He was told that he would not be billed. The funds used for the sidewalks were separate funds and were not included in the fees for the street paving.

Director of Public Works stated they just connected the existing sidewalks. There was one walk that was built on 14th Street with the project because they anticipated it would have the "Safe Route to School Program" in the future. A curb walk was put in with this gravel street program because the "Safe Route to School Program" did not allow it. They slid that one in on 14th Street hoping that would be acceptable. Since they did not

have to remove a bunch of trees and the grades were such that if they had to do it with the safe routes to school, it would have totally disrupted their lots. It was put in with the street project. The City will basically just pay for that one.

Mr. Darnell asked if the City had notified all the property owners as to how it was figured for the paving of the streets. Director of Public Works stated they did send notices to each property owner, like the one he received. Those owners who had questions called or stopped at City Hall to get their questions answered. He would be happy to sit down with Mr. Darnell and discuss the process with him.

City Manager stated it was important to note that the cost is figured the same everywhere on these streets. There is a cost of the project per linear foot and divided by how many feet there are. He has reviewed the costs and they are significantly different costs for various properties. Mr. Darnell stated that he has seen notices for lots twice his size for the exact same dollar amount. Director of Public Works stated each street is created and assessed differently, based on how much dirt work and storm sewer had to go into it. So there are different costs with each street, but the City is picking up fifty percent. If there is a lot that you are paying more than a larger lot on a different street that could be the difference.

City Engineer Bruce Grupe stated that if the amount is the same on all the properties on 9th Avenue, then a calculation error has been made which will need to be addressed and corrected. The cost is based on front footage; based on what it took to build the project.

Council discussed and it was the consensus that the Council would not act on Paving Improvement District No. 2007-916 to allow City staff to re-evaluate.

Moved by Clouse seconded by Kearney to close the hearing meeting as the Board of Equalization and unanimously assessed costs for Paving Improvement District No. 2007-915 for 14th Street from 6th Avenue to 9th Avenue; Paving Improvement District No. 2007-917 for 9th Avenue from 16th Street to 19th Street; Paving Improvement District No. 2007-920 for the alley lying between 24th Street to 25th Street from 1st Avenue to 2nd Avenue; Paving Improvement District No. 2007-921 for the alley lying between 1st Avenue and 2nd Avenue from 23rd Street to 24th Street; Paving Improvement District No. 2007-922 for the alley lying between 25th Street and 26th Street from Central Avenue to Avenue A; Paving Improvement District No. 2007-923 for the alley lying between Central Avenue and Avenue A from 23rd Street to 24th Street; Paving Improvement District No. 2007-924 for the alley lying between Central Avenue and 1st Avenue from 23rd Street to 24th Street and approve **Resolution No. 2009-181**. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

### **RESOLUTION NO. 2009-181**

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

Section 1. The President and Council find and determine that the street in Paving Improvement District Nos. 2007-915, 2007-917, 2007-920, 2007-921, 2007-922,

2007-923, 2007-924 have been improved by paving, curbing and guttering and incidental work, that none of the properties listed, which list is marked Exhibit "A" and made a part hereof by reference, were damaged thereby and that the amounts shown in the attached schedules do not exceed the amounts which each of said lots and parcels of ground were 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. Notice of the time and purpose of hearing on special assessments for equalizing said special assessments has been published as provided by law in the Kearney Hub, and a copy of said notice mailed by certified mail to each party known to have a direct legal interest therein.

Section 3. That there be and there is hereby levied against each lot and parcel of ground set out in Exhibit "A" the amount set opposite each lot and parcel of ground. Said assessments for Paving Improvement District Nos. 2007-915, 2007-917, 2007-920, 2007-921, 2007-922, 2007-923, 2007-924 shall become delinquent as follows:

- 1/10th fifty days after date of this Resolution
- 1/10th one year after date of this Resolution
- 1/10th two years after date of this Resolution
- 1/10th three years after date of this Resolution
- 1/10th four years after date of this Resolution
- 1/10th five years after date of this Resolution
- 1/10th six years after date of this Resolution
- 1/10th seven years after date of this Resolution
- 1/10th eight years after date of this Resolution
- 1/10th nine years after date of this Resolution

Each installment, except the first, shall draw interest at the rate of seven per centum per annum from date of this Resolution until the same become delinquent and after they become delinquent at the rate of fourteen per centum per annum until paid.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2009.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

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

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

1. Approve Minutes of Regular Meeting held October 13, 2009 and Special Meeting held October 19, 2009.
2. Approve the following Claims:
  - PS Personnel Services
  - SMCS Supplies, Materials & Contractual Services
  - ER Equipment Rental

CO	Capital Outlay
DS	Debt Service

AT&T \$152.85 smcs; AD Banker \$79.67 smcs; AC Electric \$1,452.50 smcs; Ace Hardware \$422.34 smcs; Advanced Auto Parts \$71.37 smcs; All Makes Office Equipment \$945.00 smcs; Allied Electronics \$58.20 smcs; Almquist,R \$35.00 smcs; Amax Contracting \$61.44 smcs; Amazon \$550.09 smcs; Amer Electric \$848.42 smcs,co; Amer Fence \$595.00 smcs; Amer First Aid \$22.97 smcs; Amer Power \$555.92 smcs; APWA \$904.00 smcs; Amer Red Cross \$24.00 smcs; Anderson Food Shops \$22.00 smcs; Anderson,S \$85.80 smcs; Antenna Farm \$65.72 co; Apple Market \$34.10 smcs; ARC Network \$175.00 smcs; Arrow Seed \$446.00 smcs; Baker & Taylor Books \$4,036.17 smcs; Barco Municipal \$2,823.22 smcs,co; Barney Abstract \$857.50 co; Barney Ins \$13,225.00 smcs; Battery Barn \$62.85 smcs; BBC Audiobooks \$112.26 smcs; Bear Frame & Alignment \$331.80 smcs; Bentley,D \$785.00 co; Best Lock \$420.15 smcs; Bike Shed \$71.97 smcs; Blessing Construction \$1,346.80 smcs; Bluecross Blueshield \$111,939.49 smcs; Bobs Super Store \$10.98 smcs; Bosselman \$30,675.87 smcs; Broadfoot's \$2,283.50 smcs; Brown Construction \$708.00 smcs; Buckle \$705.00 smcs; Buffalo Co Dist Court \$236.08 ps; Buffalo Co Reg Deeds \$171.00 smcs; Buffalo Outdoor Power \$116.05 smcs; Buggy Bath \$19.50 smcs; Builders Warehouse \$3,408.64 smcs; Burger King \$14.54 smcs; Business & Legal Reports \$77.70 smcs; Calendars \$24.00 smcs; Camera Doctor \$26.22 smcs; Capstone Press \$5,526.90 smcs; Carquest \$991.01 smcs; Cartwright,E \$35.09 smcs; Cash Wa \$405.35 smcs; CED Enterprise Electric \$34.11 smcs; Central District Health Dept \$3,871.50 smcs; Central Hydraulic Systems \$1,574.52 smcs; Central NE Bobcat \$705.99 smcs; Chesterman \$114.40 smcs; Child's World \$2,198.55 smcs; Circuit Solutions \$147.00 smcs; City of Ky \$10,633.99 smcs,ps; Cold Spring Granite \$1,294.90 smcs; College Savings Plan of NE \$100.00 ps; Conesco Life Ins \$24.00 ps; Construction Rental \$773.31 smcs,co; Cool Tech \$79.50 smcs; Copycat Printing \$2,641.35 smcs; Country Estate Fence \$1,000.00 smcs; CPS \$299.48 smcs; Craven,K \$30.82 smcs; Crossroads Ford \$928.94 smcs; Culligan \$150.00 smcs; Cummins Central Power \$32.18 smcs; CVI Ky \$103.84 smcs; D&M Security \$102.50 smcs; Dan Roeder Concrete \$266,821.45 co; Danko Emergency \$57.13 smcs; Davis Instruments \$82.00 smcs; Dawson Co PPD \$29,324.33 smcs; Deaton-Kennedy \$279.21 smcs; Dell \$10,122.40 smcs,co; Dept Health & Human \$80.00 smcs; Diamond Vogel \$34.99 smcs; Disney Educational \$1,315.37 smcs; Dmilaco Sports \$200.00 smcs; Dugan Business Forms \$158.69 smcs; Dulitz,N \$40.00 smcs; Dutton-Lainson \$141.40 smcs; Eakes \$1,155.14 smcs; Elements \$17.19 smcs; Elliott Equipment \$65.00 smcs; EMC Ins \$26,118.44 smcs; Essams \$1,732.54 co; Eustis Body Shop \$150.00 smcs; Expedia \$16.00 smcs; Expression Wear \$16.00 smcs; Factual Data-Midwest \$10.50 smcs; Fairbanks \$6,676.32 smcs; Family Advocacy Network \$10.00 smcs; Farmers Union \$28.50 smcs; Farrell,B \$40.00 smcs; Fastenal \$2,366.91 smcs; Fedex \$138.21 smcs; Fireguard \$795.32 smcs; Flynn,L \$13.36 smcs; Fry & Associates \$1,850.00 co; Gale \$143.13 smcs; Garrett Tires \$773.85 smcs; Gaylord Brothers \$87.53 smcs; Gleason,B \$16.25 smcs; Graham Tire \$627.28 smcs; Grainger \$1,720.65 smcs; Great Plains Safety \$675.00 smcs; Guest House Inns \$148.30 smcs; Harley Davidson \$135.72 smcs; HD Supply \$1,379.65 smcs; Heartland Clerk's Assn \$10.00 smcs; Heiman Fire Equipment \$545.75 smcs; Holiday Inn Express \$70.00 smcs; Holmes Plumbing \$747.97 smcs,co; HP Home Store \$198.93 smcs; Hydrologic \$414.00 smcs; IAEL \$102.00 smcs; ICMA RC \$4,572.24 ps; Inland Truck Parts \$287.80 smcs; Intellicom

\$2,500.00 smcs; IRS \$100,700.48 ps; Int'l Code Council \$341.00 smcs; Iverson,B \$24.57 smcs; Jack Lederman \$864.81 smcs; Jim Morgans Books \$245.50 smcs; Johnstone Supply \$352.07 smcs; Jottodesk \$200.80 smcs; JRs Western \$165.94 smcs; K&K Parts \$133.76 smcs; Kabredlo's \$46.17 smcs; Kayton Electric \$2,850.00 smcs; Ky Clinic \$3,957.00 smcs,co; Ky Concrete \$11,142.23 smcs,co; Ky Crete & Block \$509.00 smcs,co; Ky Hub \$962.34 smcs; Ky Hub \$81.68 smcs; Ky Implement \$605.89 smcs; KVFD \$3,000.00 smcs; Ky Warehouse \$2,483.35 smcs; Ky Winlectric \$60.85 smcs; Ky Winnelson \$97.20 smcs; KGFW/KQKY/KRNY \$705.92 smcs; Killion Motors \$79.27 smcs; Kirkham Michael \$686.34 co; Kmart \$15.84 smcs; Kum & Go \$28.24 smcs; Laptop Charge \$95.41 co; League of NE Municipalities \$624.00 smcs; Lenovo \$63.14 smcs; Lerner Publishing Group \$2,337.04 smcs; Library of Congress \$77.95 smcs; Lighting Source \$26.39 smcs; Limbhog \$1,995.00 co; Lind Electronics \$458.75 smcs; Linweld \$1,466.03 smcs; Lockmoible \$3.50 smcs; Logicube \$1,686.55 co; LT Navigo Wireless \$1,630.50 co; Lulu Press \$145.15 smcs; Machines & Media \$139.00 smcs; Magic Cleaning \$5,630.00 smcs; Magnolia Hotel \$1,420.08 smcs; Marina Inn \$203.84 smcs; Marketing Displays \$597.43 co; Marlatt Machine Shop \$549.51 smcs; Mason Motors \$875.00 smcs; Master's Transportation \$90.08 smcs; Mat Friend Truck \$500.00 smcs; Mattox,L \$11.02 smcs; May,J \$58.50 smcs; Mays,K \$34.95 smcs; Menards \$2,140.87 smcs; Michael Burke \$150.00 smcs; Michael Todd \$714.76 smcs; Mid-State Units \$150.00 smcs; Midwest Exp \$254.70 smcs; Miller Signs \$684.52 smcs; Mirror Image \$50.00 smcs; Misko Sports \$125.40 smcs; Moonlight Embroidery \$1,645.50 smcs; Morgan,M \$79.50 smcs; Motorola \$109.65 co; Mr Grabbar \$88.90 smcs; Municipal Automation \$5,988.99 smcs; Murphy Tractor \$1,025.39 smcs; Nails Unlimited \$33.85 smcs; Napa All Makes Auto \$2,491.67 smcs; NE Chapter IAEI \$250.00 smcs; NE Child Support \$2,650.20 ps; Ne Dept of Aeronautics \$2,095.00 ds,er; Ne Dept of Revenue \$67,143.32 smcs; Ne Firefighters Foundation \$50,000.00 co; NE Library Comm \$1,974.77 smcs; NE Liquor Control \$45.00 smcs; NE Safety & Fire \$97.00 smcs; NE Truck Center \$1,574.47 smcs; NE Workforce Development \$1,414.00 ps; Newegg \$252.96 smcs; Newman Signs \$300.90 smcs; Northern Safety \$93.23 smcs; Northern Tool \$107.39 smcs; Northwestern Energy \$581.28 smcs; Nutter,R \$40.00 smcs; Office Max \$1,601.73 smcs,co; Officenet \$498.94 smcs; On Site Mobile Sharpening \$50.00 smcs; O'Reilly Auto \$861.08 smcs; Orscheln \$1,548.94 smcs; Outdoor Recreation Product \$913.00 smcs; Overhead Door \$259.13 smcs; Owl Systems \$442.04 smcs; Partstreecom \$367.58 smcs; Party America \$24.89 smcs; Paypal \$80.26 smcs,co; Peerless Machine \$798.77 smcs; Penworthy Co \$1,364.07 smcs; Pepperball Technologies \$395.00 smcs; Petroleum Equipment \$232.00 smcs; Pioneer Revere \$744.00 smcs; Pitney Bowes \$319.05 smcs; Platte Valley Comm \$189.78 smcs; Police Officer's Assn \$741.00 smcs; POS PBS SOS \$30.00 smcs; Pramac America \$2,907.77 co; Precision Fluid Power \$1,190.00 smcs; Precision Industrial \$132.81 smcs; Presto-X \$154.00 smcs; Promart 6 \$45.00 smcs; Provantage \$2,288.64 smcs,co; Qualification Targets \$255.76 smcs; Quill Corporation \$2,132.16 co; Rack Solutions \$318.50 smcs; Radioshack \$249.99 smcs; Random House \$264.00 smcs; Ready Mixed Concrete \$17,790.88 smcs,co; Reams \$218.62 smcs; Recognition Unlimited \$252.62 smcs; Recorded Books \$3,591.55 smcs; Reinke's Heating \$473.10 smcs; Ring, Arnold \$29.63 smcs; RMV Construction \$2,784.00 co; Rourke Publishing Group \$2,783.80 smcs; Russells Appliance \$2,890.00 co; Sahling Kenworth \$64.08 smcs; Sanitation Products \$46.08 smcs; Sapp Brothers \$4,688.48 smcs,co; Schaeffer Manufacturing \$398.04 smcs; Sears \$199.38 smcs; Select Mart \$33.75 smcs; S-F Laboratory \$490.00 smcs; Snappy Popcorn \$454.00 smcs; Softchoice \$3,963.56 co;

Sommer,J \$49.98 smcs; SOS Portable Toilets \$170.00 smcs; SPS VAR \$390.00 co; SSG Sport Supply \$149.05 smcs; Steinbrinks Landscaping \$685.00 smcs,co; Sunmart \$109.05 smcs; Sunny Communications \$1,515.00 co; Target \$25.98 smcs; Taylor Made \$54.47 smcs; Taylor,W \$306.39 smcs; Techtrade \$105.00 smcs; Teledyne \$695.00 smcs; Theis,J \$30.00 smcs; Thompson,K \$58.50 smcs; Tillemans,N \$80.59 smcs; Titan Machinery \$115.19 smcs; Tmax Gear \$726.12 smcs; Tokay Software \$850.00 smcs; Tractor-Supply \$2,066.52 smcs; Trans Iowa Equipment \$221.67 smcs; Travel Insurance \$14.80 smcs; Tri City Outdoor Power \$310.73 smcs; Tri-Cities Group \$188.50 smcs; Turner Body Shop \$3,531.13 smcs,co; Tworek,K \$2.43 smcs; Unique Management \$358.00 smcs; United Air \$328.90 smcs; United Seeds \$3,063.75 smcs,co; US Tennis \$35.00 smcs; UNL Press \$101.68 smcs; UPS \$79.20 smcs; Upstart \$151.14 smcs; Urban Development \$750.00 co; US Bank \$20,045.00 ds; USA Blue Book \$228.92 smcs; USPS \$178.57 smcs; Van Diest Supply \$1,850.40 smcs; Vanderbilts \$179.98 smcs; Vermont Systems \$376.00 smcs; Vessco \$136.97 smcs; Voss Lighting \$1,161.55 smcs; Waldenbooks \$621.28 smcs; Wal-mart \$859.81 smcs; Weigl Publishers \$876.36 smcs; Weisdorfer,E \$29.90 smcs; Wenquist,D \$125.00 smcs; West Central NE Home \$325.00 smcs; West Payment Center \$1,372.10 smcs; West Villa Animal Hospital \$241.38 co; Westside Wholesale \$1,079.44 smcs; Wholesale Power Tools \$283.42 smcs; Wilke Donovans \$285.68 smcs; Wooden,T \$133.25 smcs; World Theatre Foundation \$800.00 smcs; WPCI \$53.50 ps; Yanda's Music \$30.00 smcs; Yant Equipment \$6,027.40 co; Zimmerman Printers \$1,767.53 smcs; Payroll Ending 10-9-2009 -- \$318,342.59. 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 November 10, 2009 at 7:00 p.m. as date and time for hearing on those applications where applicable.

4. Approve Change Order No. 1 showing an increase in the amount of \$6,756.75, Application and Certificate for Payment No. 1-Final in the amount of \$44,281.75, and accept the Certificate of Substantial Completion submitted Dan Roeder Concrete and approved by Miller & Associates for the 2009 Part 11 Improvements consisting of Paving Improvement District No. 2009-936 for the alley lying between Avenue A and Avenue B from 25th Street and 26th Street and approve **Resolution No. 2009-182**.

### **RESOLUTION NO. 2009-182**

WHEREAS, Dan Roeder Concrete Inc. has performed services in connection with the 2009 Part 11 Improvements consisting of Paving Improvement District No. 2009-936 for the alley lying between Avenue A and Avenue B from 25th Street and 26th Street, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$6,756.75, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Dan Roeder Concrete Inc. and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 1-Final in the amount of \$44,281.75 as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$37,525.00
Change Order No. 1 (10-27-2009)	<u>+ 6,756.75</u>
Contract Sum to Date	\$44,281.75
Gross Amount Due	44,281.75
Retainage	.00
Amount Due to Date	44,281.75
Less Previous Certificates for Payment	<u>0.00</u>
Current Payment Due	\$44,281.75

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as of September 28, 2009, 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. 1-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 OCTOBER, 2009.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**5.** Approve Application and Certificate for Payment No. 3 in the amount of \$69,426.86 submitted by Midlands Contracting and approved by Miller & Associates for the 2009 Part 4 Improvements – Bid A consisting of Water District No. 2008-554 for 48th Street from the east lot line of Lot 7, Block 4 to the west lot line of Lot 10 of Block 4, Fountain Hills Third Addition; Water District No. 2008-555 for 10th Avenue Place from 48th Street to end of cul-de-sac; Water District No. 2008-556 in a 25-foot wide utility easement from the north line of 48th Street northeasterly to the north lot line of Lot 42 of Block 2, Fountain Hills Third Addition; Water District No. 2009-557 for 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition; Sewer District No. 2008-495 for 48th Street from the west line of 11th Avenue to the east lot line of Lot 1 of Block 4, Fountain Hills Third Addition; AND in 10th Avenue Place from the south line of 48th Street to its terminus in a cul-de-sac; Sewer District No. 2008-496 in a 25-foot wide utility easement from the north line of 48th Street northeasterly to the north lot line of Lot 42 of Block 2, Fountain Hills Third Addition; Sewer District No. 2009-497 for 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition and approve **Resolution No. 2009-183.**

**RESOLUTION NO. 2009-183**

WHEREAS, Midlands Contracting, Inc. of Kearney, Nebraska has performed services in connection with the 2009 Part 4 Improvements – Bid A consisting of Water District No. 2008-554 for 48th Street from the east lot line of Lot 7, Block 4 to the west lot line of Lot 10 of Block 4, Fountain Hills Third Addition; Water District No. 2008-555 for 10th Avenue Place from 48th Street to end of cul-de-sac; Water District No. 2008-556 in a 25-foot wide utility easement from the north line of 48th Street northeasterly to

the north lot line of Lot 42 of Block 2, Fountain Hills Third Addition; Water District No. 2009-557 for 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition; Sewer District No. 2008-495 for 48th Street from the west line of 11th Avenue to the east lot line of Lot 1 of Block 4, Fountain Hills Third Addition; AND in 10th Avenue Place from the south line of 48th Street to its terminus in a cul-de-sac; Sewer District No. 2008-496 in a 25-foot wide utility easement from the north line of 48th Street northeasterly to the north lot line of Lot 42 of Block 2, Fountain Hills Third Addition; Sewer District No. 2009-497 for 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 3 in the amount of \$69,426.86, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$306,030.20</u>
Contract Sum To Date	306,030.20
Gross Amount Due	186,387.76
Retainage	18,638.78
Amount Due to Date	167,748.98
Less Previous Certificates for Payment	<u>98,322.12</u>
Current Payment Due	\$ 69,426.86

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, and hereby find and determine that Application and Certificate for Payment No. 3, as shown on Exhibit "A" be and is hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2009.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

6. Approve Change Order No. 1 showing an increase in the amount of \$4,990.70, Application and Certificate for Payment No. 2 in the amount of \$147,646.45 submitted by Blessing, LLC and approved by Miller & Associates for the 2008 Part 4 Improvements; 39th Street and 17th Avenue Intersection Improvements and approve **Resolution No. 2009-184.**

**RESOLUTION NO. 2009-184**

WHEREAS, Blessing, LLC of Kearney, Nebraska has performed services in connection with the 2008 Part 4 Improvements; 39th Street and 17th Avenue Intersection Improvements, and the City's engineer, Miller & Associates, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$4,990.70, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Blessing, LLC and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$147,646.45, as shown on Exhibit "B" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$267,833.25
Change Order No. 1 (10-27-2009)	<u>+ 4,990.70</u>
Contract Sum To Date	272,823.95
Gross Amount Due	220,458.45
Retainage	.00
Amount Due to Date	220,458.45
Less Previous Certificates for Payment	<u>45,612.00</u>
Current Payment Due	\$174,846.45
Less Liquidated Damages (34 @ \$800/day)	<u>- 27,200.00</u>
	\$147,646.45

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" and Application and Certificate for Payment No. 2, as shown on Exhibit "B" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2009.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

7. Approve the bid received for the 2009 Part 2 Improvements; Manhole Rehabilitation Project and approve **Resolution No. 2009-185** awarding the bid to Midlands Contracting in the amount of \$105,375.00.

**RESOLUTION NO. 2009-185**

WHEREAS, Miller & Associates and the City of Kearney have reviewed the sealed bids which were opened on October 13, 2009 at 2:00 p.m. for the 2009 Part 2 Improvements; Manhole Rehabilitation Project; and

WHEREAS, the Engineer's Opinion of Probable Construction Cost was \$82,900.00; and

WHEREAS, the said engineers have recommended the bid offered by Midlands Contracting, Inc. of Kearney, Nebraska in the sum of \$105,375.00 be accepted as the lowest responsible bid for said improvements.

NOW, THEREFORE, BE IT RESOLVED by the President and City Council of the City of Kearney, Nebraska that the Engineers recommendation is hereby accepted and approved, that Midlands Contracting, Inc. of Kearney, Nebraska be and is the lowest responsible bidder for the 2009 Part 2 Improvements; Manhole Rehabilitation Project to be constructed in accordance with the plans and specifications on file with the City Clerk and that the bid of Midlands Contracting, Inc. of Kearney, Nebraska in the sum of \$105,375.00 be and is hereby accepted.

BE IT FURTHER RESOLVED the Engineer's Opinion of Probable Construction Cost in the amount of \$82,900.00 be and is hereby accepted.

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

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2009.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

8. Approve the application for a Special Designated License submitted by KEARNEY BBQ CO., dba Skeeter Barnes in connection with their Class I-55865 liquor license to dispense beer and wine at Cabela's, 3600 East Highway 30, on November 22, 2009 from 4:00 p.m. until 10:00 p.m. for a customer appreciation event.

9. Approve Change Order No. 11 showing an increase in the amount of \$10,220.00, Application and Certificate for Payment No. 10 in the amount of \$226,442.70 submitted by Hausmann Construction and approved by Wilkins, Hinrichs, Stober Architects for the construction of the Peterson Senior Activity Center located at the E.K. and Mary Yanney Heritage Park and approve **Resolution No. 2009-186**.

**RESOLUTION NO. 2009-186**

WHEREAS, Hausmann Construction of Lincoln, Nebraska has performed services in connection with the construction of the Peterson Senior Activity Center located at the E.K. and Mary Yanney Heritage Park, and the City's engineer, Wilkins Hinrichs Stober Architects, have filed with the City Clerk Change Order No. 11 showing an increase to the contract sum in the amount of \$10,220.00, as shown on Exhibit "A", attached hereto and made a part hereof by reference; and

WHEREAS, Hausmann Construction and the City's engineer, Wilkins Hinrichs Stober Architects, have filed with the City Clerk Application and Certificate for Payment No. 10 in the amount of \$226,442.70 as shown on Exhibit "B" attached hereto and made a part hereof by reference as follows:

Original Contract Sum	\$2,879,000.00
Change Order No. 1 (11-25-2008)	- 21,081.00
Change Order No. 2 (11-25-2008)	- 40,000.00
Change Order No. 3 (11-25-2008)	- 25,000.00
Change Order No. 4 (11-25-2008)	+ 4,900.00
Change Order No. 5 (2-24-2009)	- 1,959.00
Change Order No. 6 (3-10-2009)	- 7,226.00
Change Order No. 7 (4-14-2009)	+ 3,667.00
Change Order No. 8 (5-12-2009)	+ 3,072.00
Change Order Nos. 9 and 10 (9-8-2009)	+ 3,466.00
Change Order No. 11 (10-27-2009)	+ 10,220.00
Contract Sum to Date	\$2,809,059.00
Total Completed and Stored to Date	2,409,471.00
Retainage	240,947.10
Amount Due to Date	2,168,523.90
Less Previous Certificates for Payment	<u>1,942,081.20</u>
Current Payment Due	\$ 226,442.70

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. 11, as

shown on Exhibit "A" and Application and Certificate for Payment No. 10, as shown on Exhibit "B", be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2009.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

**10.** Approve Application and Certificate for Payment No. 2 in the amount of \$81,318.82 submitted by Dan Roeder Concrete and approved by Miller & Associates for the 2009 Part 4 Improvements – Bid B consisting of Paving Improvement District No. 2008-930 for 48th Street from the east right-of-way line of 11th Avenue to the east line of Lot 1, Block Four, Windsor Estates Seventh Addition; Paving Improvement District No. 2008-931 for 10th Avenue Place from 48th Street to end of cul-de-sac; Paving Improvement District No. 2008-932 for 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition; Paving Improvement District No. 2008-933 for 10th Avenue from the north line of 48th Street north to the north a distance of 293.98 feet to the northeast corner of Lot 24 of Block 3, Fountain Hills Third Addition and approve **Resolution No. 2009-187**.

**RESOLUTION NO. 2009-187**

WHEREAS, Dan Roeder Concrete of Kearney, Nebraska has performed services in connection with the 2009 Part 4 Improvements – Bid B consisting of Paving Improvement District No. 2008-930 for 48th Street from the east right-of-way line of 11th Avenue to the east line of Lot 1, Block Four, Windsor Estates Seventh Addition; Paving Improvement District No. 2008-931 for 10th Avenue Place from 48th Street to end of cul-de-sac; Paving Improvement District No. 2008-932 for 11th Avenue from the north line of 48th Street south to the north lot line of Lot 1 of Block 6, Fountain Hills First Addition; Paving Improvement District No. 2008-933 for 10th Avenue from the north line of 48th Street north to the north a distance of 293.98 feet to the northeast corner of Lot 24 of Block 3, Fountain Hills Third Addition, and the City's engineer, Miller & Associates, have filed with the City Clerk Application and Certificate for Payment No. 2 in the amount of \$81,318.82, as shown on Exhibit "A" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	<u>\$468,373.25</u>
Contract Sum To Date	468,373.25
Gross Amount Due	228,412.24
Retainage	22,841.22
Amount Due to Date	205,571.02
Less Previous Certificates for Payment	<u>124,252.20</u>
Current Payment Due	\$ 81,318.82

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

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2009.

ATTEST:  
 MICHAELLE E. TREMBLY  
 CITY CLERK

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

- 11. Approve setting November 10, 2009 at 7:00 p.m. as time and date for the Board of Equalization to assess costs for the east 250 feet of Lot 1 of Block 3, Windsor Estates Seventh Addition to the City of Kearney, Buffalo County, Nebraska in connection with Paving Improvement District No. 2005-906 for 4th Avenue from 44th Street to 48th Street.
- 12. Award the bid to Nebraska Truck Center for the purchase of a new 5-cubic yard dump truck for the Transportation Division in the amount of \$95,390.00.
- 13. Approve Change Order No. 1 showing an increase in the amount of \$31,075.00, Change Order No. 2 showing an increase in the amount of \$12,681.95, Application and Certificate for Payment No. 9-Final in the amount of \$107,745.02, and accepting the Certificate of Acceptance submitted by Paulsen, Inc. and approved by Kirkham Michael for the construction of the Airport Road Relocation Project and approve **Resolution No. 2009-188**.

**RESOLUTION NO. 2009-188**

WHEREAS, Paulsen, Inc. of Cozad, Nebraska has performed services in connection with the construction of the Airport Road Relocation Project, and the City's engineer, Kirkham Michael, have filed with the City Clerk Change Order No. 1 showing an increase to the contract sum in the amount of \$31,075.00 and Change Order No. 2 showing an increase in the amount of \$12,681.95, as shown on Exhibits "A" and "B", attached hereto and made a part hereof by reference; and

WHEREAS, Paulsen, Inc. and the City's engineer, Kirkham Michael, have filed with the City Clerk Application and Certificate for Payment No. 9-Final in the amount of \$107,745.02 as shown on Exhibit "C" attached hereto and made a part hereof by reference and as follows:

Original Contract Sum	\$1,501,718.55
Change Order No. 1 (10-27-2009)	+ 31,075.00
Change Order No. 2 (10-27-2009)	<u>+ 12,681.95</u>
Contract Sum to Date	1,545,475.50
Total Completed and Stored to Date	1,545,475.50
Retainage	.00
Amount Due to Date	1,545,475.50
Less Previous Certificates for Payment	<u>1,437,730.48</u>
Current Payment Due	\$ 107,745.02

WHEREAS, the Engineer and Contractor have now certified to the City Clerk that work is completed as shown by Exhibit "D" 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 Nos. 1 and 2, as shown on Exhibits "A" and "B", Application and Certificate for Payment No. 9-Final,

as shown on Exhibit "C", and the Certificate of Acceptance as shown on Exhibit "D" be and are hereby accepted and approved.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2009.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

14. Accept the Corporation Warranty Deed granted to the City of Kearney by the Kearney Area Children's Museum and approve **Resolution No. 2009-189**.

**RESOLUTION NO. 2009-189**

WHEREAS, City Council authorized the City Manager and City Attorney to acquire a tract of property described as Lots 481, 482, 483, 484, 485, 486, 487, 488, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska; and

WHEREAS, the Kearney Area Children's Museum has granted to the City of Kearney a Corporation Warranty Deed for a tract of property described as Lots 481, 482, 483, 484, 485, 486, 487, 488, Original Town of Kearney Junction now the City of Kearney, Buffalo County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Corporation Warranty Deed be and is hereby accepted.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2009.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

**V. CONSENT AGENDA ORDINANCES**

None.

**VI. REGULAR AGENDA**

**KEARNEY COUNTRY CLUB MANAGER APPLICATION**

Mayor Clouse opened for discussion the Manager Application for Lena Younes submitted by Kearney Country Club in connection with their Class C-09051 liquor license located at 2800 19th Avenue.

Patti Streit and Lena Younes presented this matter to the Council. They both have recently attended the TIPS training and all employees are required to take the training. Lena will be the temporary manager until such time a full time manager is hired.

Moved by Lammers seconded by Lear to recommend approval to the Nebraska Liquor Control Commission for the Manager Application for Lena Younes submitted by Kearney Country Club in connection with their Class C-09051 liquor license located at 2800 19th Avenue. Roll call resulted as follows: Aye: Clouse, Buschkoetter, Lear,

Lammers, Kearney. Nay: None. Motion carried.

**CRA AREAS #2 AND #8 REDEVELOPMENT PROJECT; YOUNES EXPOSTION CENTER**

Mayor Clouse opened for discussion the redevelopment project for Redevelopment Areas #2 and #8 for an area described as a tract of land being part of Government Lot 5 and part of Government Lot 6 of Section 11, Township 8 North, Range 16 West of the 6th P.M., containing 8.99 acres, more or less, Buffalo County, Nebraska (south of Talmadge Street and 650 feet west of 3rd Avenue) and to consider Resolution No. 2009-190.

On October 22, 2009 the Kearney Community Redevelopment Authority (CRA) approved a Tax Increment Financing (TIF) application submitted by Paul Younes, on behalf of Younes Conference Center, LLC for a development project located in Areas 2 and 8. The CRA recognized that significant blight and substandard factors exist in the area and that redevelopment in Areas 2 and 8 would be beneficial to the City of Kearney. This TIF project ameliorates such factors on the project site and creates a substantial investment in site preparation, necessary due to poor soil conditions, which would not be possible without tax increment financing. Eligible project costs include significant site work, parking lot construction and landscaping.

This project is estimated to generate an increased tax increment of \$1,842,750. Ninety percent of the increased tax increment approximates \$110,565 annually, will be used to pay for site preparation and infrastructure costs. This proposed project is eligible to use Tax Increment Financing on 90% of the increased tax increment to fund infrastructure costs in Redevelopment Areas 2 and 8.

Jon Abegglen, Chairman of the CRA, presented this matter to the Council. The project is for the construction of a event convention center containing approximately 56,000 square feet. The tax increment financing is going to be used to defray costs associated with repairing the land for construction because it has some real issues in terms of compaction. This will require additional costs to get this land ready to build on and also there are going to be infrastructure costs associated with it that are outside the normal infrastructure costs for projects like this. The request is for ninety percent of the tax increment that will be created from the project was the final assessed value as determined by the county assessor after construction is complete. The CRA Board did unanimously approve this on October 22, 2009. They believe that it is another good project for the City of Kearney and another great use of TIF to augment further development in our community.

Moved by Lear seconded by Buschkoetter to approve the redevelopment project for Redevelopment Areas #2 and #8 for an area described as a tract of land being part of Government Lot 5 and part of Government Lot 6 of Section 11, Township 8 North, Range 16 West of the 6th P.M., containing 8.99 acres, more or less, Buffalo County, Nebraska (south of Talmadge Street and 650 feet west of 3rd Avenue) and approve **Resolution No. 2009-190**. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

**RESOLUTION NO. 2009-190**

WHEREAS, the City of Kearney, Nebraska, a municipal corporation and city of the first class, has determined it be desirable to undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1991, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Community Redevelopment Authority of the City of Kearney, Nebraska (the "Authority"), has prepared a Redevelopment Plan for both Area #2 and Area #8 pursuant to Section 18-2111 of the Act ("Redevelopment Plan"), and recommended the Redevelopment Plan to the Planning Commission of the City; and

WHEREAS, the Planning Commission of the City reviewed the Redevelopment Plan pursuant to the Act and submitted its recommendations, if any, to the Authority, pursuant to Section 18-2114 of the Act; and

WHEREAS, in accordance with Section 18-2114 of the Act, the Authority submitted its recommendation, along with the recommendation from the Planning Commission to the City Council; and

WHEREAS, following consideration of the recommendations of the Planning Commission and the Authority, and following the public hearing with respect to the Redevelopment Plan, the City approved the Plan; and

WHEREAS, there has been presented to the City by the Authority for approval pursuant to and in accordance with Section 18-2119 of the Act a specific Redevelopment Project within the Redevelopment Plan and as authorized in the Redevelopment Plan, as legally described as a tract of land being part of Government Lot 5 and part of Government Lot 6 located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: referring to the Southeast Corner of Government Lot 5 located in Section 11 and assuming the South line of Government Lot 5 and Government Lot 6 located in Section 11 as bearing S88°07'45"W and all bearings contained herein are relative thereto; thence S88°07'45"W and on the South line of said Government Lot 5 a distance of 1135.49 feet to the ACTUAL PLACE OF BEGINNING, said point being the Southwest Corner of Lot 1, Interstate Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing S88°07'45"W and continuing on the South line of said Government Lot 5 and said Government Lot 6 located in Section 11 a distance of 367.28 feet; thence leaving the South line of said Government Lot 6 located in Section 11, N02°11'25"E a distance of 916.60 feet to a point on the South line of Talmadge Street; thence S87°48'42"E and on the South line of said Talmadge Street a distance of 372.00 feet to a point on the West line of a tract of land described on Warranty Deed filed on Microfilm Roll 86, Page 729, Recorded February 4, 1986, in the office of the Buffalo County Register of Deeds, said point being identified by 5/8" rod as shown on a survey dated February 12, 1987, by Wayne A. Humphrey, Nebraska Registered Land Surveyor No. 224, appearing of record in the Survey Record Repository of the State of Nebraska at Index No. 125-756 and received by such repository on September 25, 1987 (said Wayne A Humphrey survey being herein after referred to as "the W.A.

Humphrey survey"); thence continuing S87°48'42"E and on the South line of said Talmadge Street a distance of 299.98 feet to a point on the East line of said tract of land described on Microfilm Roll 86, Page 729, said point being monumented by a 5/8" rod shown on the W.A. Humphrey survey; thence leaving the South line of said Talmadge Street, S00°18'59"W and on the East line of said tract of land described on Microfilm Roll 86, Page 729, a distance of 56.66 feet to the Southeast Corner of said tract of land described on Microfilm Roll 86, Page 729, said point being monumented by a 5/8" R. Rod with I.D. cap stamped "Humphrey L.S. 492 as shown on a survey dated February 23, 2005, by Mitchell W. Humphrey, Nebraska, Registered Land Surveyor No. 492, filed of record in the office of the Buffalo County Surveyor, thence S88°05'19"W and on the South line of said tract of land described on Microfilm Roll 86, Page 729, a distance of 204.87 feet to a point on the West line of Lot B, Interstate Subdivision to the City of Kearney, Buffalo County, Nebraska; thence leaving the South line of said tract of land described on Microfilm Roll 86, Page 729, S00°08'21"W and on the West line of said Lot B, Interstate Subdivision a distance of 210.83 feet to the Southwest Corner of said Lot B, Interstate Subdivision, said point also being on the North line of Lot I, Block 1, Interstate Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N89°59'18"W and on the North line of said Lot 1, Block 1, Interstate Third Addition a distance of 50.0 feet to the Northwest Corner of said Lot 1, Block 1, Interstate Third Addition; thence S00°09'32"W and on the West line of said Lot 1, Block 1, Interstate Third Addition, a distance of 294.24 feet to a point on the North line of said Lot 1, Interstate Fourth Addition; thence S89°48'38"W and on the North line of said Lot I, Interstate Fourth Addition a distance of 83.00 feet to the Northwest Corner of said Lot 1, Interstate Fourth Addition; thence S00°04'21"W and on the West line of said Lot 1, Interstate Fourth Addition a distance of 309.39 feet to the place of beginning, containing 8.99 acres, more or less, all in Buffalo County, Nebraska; and

WHEREAS, the City Council has determined that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project have been found to be in the long-term best interests of the community.

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

1. The Redevelopment Plan of the City previously approved for the area described on the attached Exhibits "A", and "B" including the Redevelopment Project legally described as a tract of land being part of Government Lot 5 and part of Government Lot 6 located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: referring to the Southeast Corner of Government Lot 5 located in Section 11 and assuming the South line of Government Lot 5 and Government Lot 6 located in Section 11 as bearing S88°07'45"W and all bearings contained herein are relative thereto; thence S88°07'45"W and on the South line of said Government Lot 5 a distance of 1135.49 feet to the ACTUAL PLACE OF BEGINNING, said point being the Southwest Corner of Lot 1, Interstate Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing S88°07'45"W and continuing on the South line of said Government Lot 5 and said Government Lot 6 located in Section 11 a distance of 367.28 feet; thence leaving the South line of said Government Lot 6 located in Section 11, N02°11'25"E a distance of 916.60 feet to a point on the South line of Talmadge Street; thence S87°48'42"E and

on the South line of said Talmadge Street a distance of 372.00 feet to a point on the West line of a tract of land described on Warranty Deed filed on Microfilm Roll 86, Page 729, Recorded February 4, 1986, in the office of the Buffalo County Register of Deeds, said point being identified by 5/8" rod as shown on a survey dated February 12, 1987, by Wayne A. Humphrey, Nebraska Registered Land Surveyor No. 224, appearing of record in the Survey Record Repository of the State of Nebraska at Index No. 125-756 and received by such repository on September 25, 1987 (said Wayne A Humphrey survey being herein after referred to as "the W.A. Humphrey survey"); thence continuing S87°48'42"E and on the South line of said Talmadge Street a distance of 299.98 feet to a point on the East line of said tract of land described on Microfilm Roll 86, Page 729, said point being monumented by a 5/8" rod shown on the W.A. Humphrey survey; thence leaving the South line of said Talmadge Street, S00°18'59"W and on the East line of said tract of land described on Microfilm Roll 86, Page 729, a distance of 56.66 feet to the Southeast Corner of said tract of land described on Microfilm Roll 86, Page 729, said point being monumented by a 5/8" R. Rod with I.D. cap stamped "Humphrey L.S. 492 as shown on a survey dated February 23, 2005, by Mitchell W. Humphrey, Nebraska, Registered Land Surveyor No. 492, filed of record in the office of the Buffalo County Surveyor, thence S88°05'19"W and on the South line of said tract of land described on Microfilm Roll 86, Page 729, a distance of 204.87 feet to a point on the West line of Lot B, Interstate Subdivision to the City of Kearney, Buffalo County, Nebraska; thence leaving the South line of said tract of land described on Microfilm Roll 86, Page 729, S00°08'21"W and on the West line of said Lot B, Interstate Subdivision a distance of 210.83 feet to the Southwest Corner of said Lot B, Interstate Subdivision, said point also being on the North line of Lot I, Block 1, Interstate Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N89°59'18"W and on the North line of said Lot 1, Block 1, Interstate Third Addition a distance of 50.0 feet to the Northwest Corner of said Lot 1, Block 1, Interstate Third Addition; thence S00°09'32"W and on the West line of said Lot 1, Block 1, Interstate Third Addition, a distance of 294.24 feet to a point on the North line of said Lot 1, Interstate Fourth Addition; thence S89°48'38"W and on the North line of said Lot I, Interstate Fourth Addition a distance of 83.00 feet to the Northwest Corner of said Lot 1, Interstate Fourth Addition; thence S00°04'21"W and on the West line of said Lot 1, Interstate Fourth Addition a distance of 309.39 feet to the place of beginning, containing 8.99 acres, more or less, all in Buffalo County, Nebraska, is hereby determined to be feasible and in conformity with the general plan for the development of the City of Kearney as a whole and the Redevelopment Plan, including the Redevelopment Project identified on the attached Exhibits "A" and "B", is in conformity with the legislative declarations and determinations set forth in the Act.

2. The City Council hereby determines that the proposed Redevelopment Project would not be economically feasible without the use of tax increment financing; that the proposed Redevelopment Project would not occur in the community without the use of tax increment financing, and; that the costs and benefits of the proposed Redevelopment Project are found to be in the long-term interests of the community.

3. Approval of the Redevelopment Plan is hereby ratified and reaffirmed, as amended by this Resolution, and the Authority is hereby directed to implement the Redevelopment Plan in accordance with the Act.

4. Pursuant to Section 18-2147 of the Act, ad valorem taxes levied upon real property in a redevelopment project for the benefit of any public body, included or authorized in the Plan which is legally described as a tract of land being part of

Government Lot 5 and part of Government Lot 6 located in Section 11, Township 8 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: referring to the Southeast Corner of Government Lot 5 located in Section 11 and assuming the South line of Government Lot 5 and Government Lot 6 located in Section 11 as bearing S88°07'45"W and all bearings contained herein are relative thereto; thence S88°07'45"W and on the South line of said Government Lot 5 a distance of 1135.49 feet to the ACTUAL PLACE OF BEGINNING, said point being the Southwest Corner of Lot 1, Interstate Fourth Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence continuing S88°07'45"W and continuing on the South line of said Government Lot 5 and said Government Lot 6 located in Section 11 a distance of 367.28 feet; thence leaving the South line of said Government Lot 6 located in Section 11, N02°11'25"E a distance of 916.60 feet to a point on the South line of Talmadge Street; thence S87°48'42"E and on the South line of said Talmadge Street a distance of 372.00 feet to a point on the West line of a tract of land described on Warranty Deed filed on Microfilm Roll 86, Page 729, Recorded February 4, 1986, in the office of the Buffalo County Register of Deeds, said point being identified by 5/8" rod as shown on a survey dated February 12, 1987, by Wayne A. Humphrey, Nebraska Registered Land Surveyor No. 224, appearing of record in the Survey Record Repository of the State of Nebraska at Index No. 125-756 and received by such repository on September 25, 1987 (said Wayne A Humphrey survey being herein after referred to as "the W.A. Humphrey survey"); thence continuing S87°48'42"E and on the South line of said Talmadge Street a distance of 299.98 feet to a point on the East line of said tract of land described on Microfilm Roll 86, Page 729, said point being monumented by a 5/8" rod shown on the W.A. Humphrey survey; thence leaving the South line of said Talmadge Street, S00°18'59"W and on the East line of said tract of land described on Microfilm Roll 86, Page 729, a distance of 56.66 feet to the Southeast Corner of said tract of land described on Microfilm Roll 86, Page 729, said point being monumented by a 5/8" R. Rod with I.D. cap stamped "Humphrey L.S. 492 as shown on a survey dated February 23, 2005, by Mitchell W. Humphrey, Nebraska, Registered Land Surveyor No. 492, filed of record in the office of the Buffalo County Surveyor, thence S88°05'19"W and on the South line of said tract of land described on Microfilm Roll 86, Page 729, a distance of 204.87 feet to a point on the West line of Lot B, Interstate Subdivision to the City of Kearney, Buffalo County, Nebraska; thence leaving the South line of said tract of land described on Microfilm Roll 86, Page 729, S00°08'21"W and on the West line of said Lot B, Interstate Subdivision a distance of 210.83 feet to the Southwest Corner of said Lot B, Interstate Subdivision, said point also being on the North line of Lot I, Block 1, Interstate Third Addition, an addition to the City of Kearney, Buffalo County, Nebraska; thence N89°59'18"W and on the North line of said Lot 1, Block 1, Interstate Third Addition a distance of 50.0 feet to the Northwest Corner of said Lot 1, Block 1, Interstate Third Addition; thence S00°09'32"W and on the West line of said Lot 1, Block 1, Interstate Third Addition, a distance of 294.24 feet to a point on the North line of said Lot 1, Interstate Fourth Addition; thence S89°48'38"W and on the North line of said Lot I, Interstate Fourth Addition a distance of 83.00 feet to the Northwest Corner of said Lot 1, Interstate Fourth Addition; thence S00°04'21"W and on the West line of said Lot 1, Interstate Fourth Addition a distance of 309.39 feet to the place of beginning, containing 8.99 acres, more or less, all in Buffalo County, Nebraska, shall be divided, for a period not to exceed 15 years after the effective date of the provision, which effective date shall be October 27, 2009, as follows:

- a. That proportion of the ad valorem tax which is produced by the levy at the

rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That proportion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, the redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in such a redevelopment project shall be paid into the funds of the respective public bodies.

c. Any interest and penalties due for delinquent taxes shall be paid into the funds of each public body in the same proportion as are all other taxes collected by or for the public body.

5. The Mayor and City Clerk are authorized and directed to execute and file with the Treasurer and Assessor of Buffalo County, Nebraska, an Allocation Agreement and Notice of Pledge of Taxes with respect to the Redevelopment Project substantially in the form attached hereto as Exhibit "C" with appropriate insertions.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2009.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **NEIGHBORHOOD STABILIZATION PROGRAM GUIDELINES**

Mayor Clouse opened for discussion the Program Guidelines for the City of Kearney/Habitat for Humanity Neighborhood Stabilization Program and to consider Resolution No. 2009-191.

The City of Kearney was funded for neighborhood Stabilization Funds (NSP) from the Nebraska Department of Economic Development (DED). As a part of that grant, the City will be partnering with Habitat for Humanity for the construction of two Habitat homes for income eligible households. The special conditions of the grant require the City Council to approve Program Guidelines which outline the program, such as use of funds, application process, income limits, etc.

As the Grant Administrator for this project, she has developed the Program Guidelines with the assistance of Suzanne Brodine from the City of Kearney, Pat Compton, Housing Representative with DED, and Lynn Franzen, Program representative with DED. The guidelines were written to comply with CDBG/NSP requirements. Lynn Franzen, DED Program Representative for the NSP grant project, reviewed the Guidelines and has given verbal approval of them as submitted. Once the Council formally approves the Guidelines they will be submitted to DED for final approval, allowing the project to proceed.

Candy Kuntz from Miller & Associates presented this matter to the Council. She provided a draft of the program guidelines for the Council to review. She also sent those to the Department of Economic Development for their review. The DED has some minor changes that were not applicable to NSP programs, just some of the NIFA references that are normally applicable for down payment assistance program in the regular CDBG program. She spoke to Lynn Franzen, who is the program representative for this project and talked through the changes and she accepted the changes as she requested. They were very minor changes.

Mayor Clouse commented this project was to remove some structures and build back through the grant program in conjunction with Habitat for Humanity. Ms. Kuntz stated there was some misunderstanding on how that program is actually going to work. Those are going to demolish five residential structures that have been identified at this time throughout Kearney. However, the houses that they are building with Habitat are not going to be on the lots of the structures that are being demolished. Habitat has already purchased two lots in southeast Kearney and those lots are the lots that will be used for the development of the two Habitat houses.

Mayor Clouse stated that the homes being demolished are being done voluntarily. It is two separate activities; the demolition does not come into play with what Habitat is building.

Moved by Buschkoetter seconded by Clouse to approve the Program Guidelines for the City of Kearney/Habitat for Humanity Neighborhood Stabilization Program and approve **Resolution No. 2009-191**. Roll call resulted as follows: Aye: Clouse, Lammers, Kearney, Buschkoetter, Lear. Nay: None. Motion carried.

### **RESOLUTION NO. 2009-191**

WHEREAS, the City of Kearney was funded for Neighborhood Stabilization Funds (NSP) from the Nebraska Department of Economic Development; and

WHEREAS, as a part of that grant, the City will be partnering with Habitat for Humanity for the construction of two Habitat homes for income eligible households; and

WHEREAS, the City of Kearney is required to approve the Program Guidelines which outline the program, such as use of funds, application process, and income limits.

NOW, THEREFORE, BE IT RESOLVED by the President and Council of the City of Kearney, Nebraska, that the Program Guidelines be and are hereby adopted and approved subject to final approval by the Nebraska Department of Economic Development. A copy of the Program Guidelines, marked as Exhibit "A", is attached hereto and made a part hereof by reference.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2009.

ATTEST:  
MICHAELLE E. TREMBLY  
CITY CLERK

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

### **PLANS FOR KEARNEY PUBLIC LIBRARY ADDITION & RENOVATION PROJECT**

Mayor Clouse opened for discussion the Plans and Specifications for the Kearney

Public Library Addition & Renovation Project and set the bid opening date for November 17, 2009 at 2:00 p.m.

Library Director Matt Williams thanked the Council for the provision of funds to enlarge the Library and acknowledged the public for supplementing those funds. He believes this development plan will meet the community's needs for many years to come. Highlights of the plan include; an increased space for youth, larger computer lab and program spaces, more shelf space for materials, group study rooms and more restrooms. As part of the planning, they took great pains to separate the noisy areas from the quiet areas of the Library. The problem they have in the current building is that everything echoes throughout the Library. They tried to make sure they have quiet spaces in the group study rooms where people can study or read. In short, he believes that this plan is one the community can be proud of and they are excited that the many years of efforts are finally paying off.

Jacob Sertich from Wilkins Hinrichs Stober Architects stated this has been an exciting project for him because unlike a lot of projects that he works on, this is a place that he and his family use and will continue to use throughout the years that they live here. He stated the Library staff has been great to work with. He presented an overview of the plans for the expansion. On the first level of the Library, the addition will extend from the south edge of the building to the Dent Popper building. The first level addition will come within approximately 10-12 inches from the wall of the existing Dent Popper building. The Library addition will have its own wall and footings so it will not be tying into that existing building. On the basement level, the basement steps will be about 18 feet from the Dent Popper building so they will not be undermining the footings of their building.

On the first level, they will be maintaining the existing main entries on both the east and the west side. In the current building they will be doing a wholesale renovation in what will become the heart of the building. They will repurpose the existing stack areas and in the northwest corner they will have a new adult non-fiction area. In the northeast corner there will be periodicals and a media area. There will be some larger dedicated study rooms along the north edge of the existing building. There will be new administrative offices on the west side of the building along with a new book drop and a new media return on the west side. At the heart of the building is a new circulation area. The circulation desk will be returned to its original location where it was in 1975. Along with the circulation area is a circulation workroom and an office for the circulation coordinator. New restrooms will be located on the east side.

As far as the new addition on the first level, there will be a large new children's area which is substantially larger than the existing one. In addition to the children's area, there will be a new young adult (teen) room in the middle and on the east side will be a new adult fiction area. There will be a new garage for the Bookmobile along with a dedicated Bookmobile workroom on the south end of the new addition. There will be a new elevator which will go to all three floors located in the heart of the building. The existing elevator shaft will mostly be torn down and a portion will be repurposed into an area for the mechanical unit that will be maintained for the building.

The basement level is currently not an occupied space. It houses the existing mechanical space and elevator equipment room. The new addition will be adding on

some program spaces. On this level, they will have the new technology learning center, a new technology learning center lab, a classroom and an office and workroom for the TLC. There will be mechanical spaces, staff lounge, a server room and technical services office for the technical services staff of the Library.

Most of the second level will be renovation. The only thing they are adding on the second level as part of the addition is the stair towers on the east and west sides of the building along with new mechanical spaces and new restrooms. The existing second level to the north will be repurposed into meeting and conference rooms. The existing stair wells will be removed and a new floor put in place so they will have four dedicated meeting rooms. The meeting rooms on the west side will have an operable partition separating the two conference rooms, making it into one large conference room when the partition is open.

The exterior of the building will be matched to the existing finishes. The exception on the addition will be to use an efface system (exterior insulation finish system) as opposed to the cast in place concrete and pre-cast concrete used on the original. They will also match the dark brown trim that is very prominent on the existing building which will also be matched with the trim and flashing and some of the metal panel that will be on the new addition.

Council member Lear asked how many technology stations are projected. Mr. Sertich stated that he was not sure of the total number. As they develop a furniture plan later, they will have a more concrete number of how many technology stations they will have. Library Director stated that the computer lab has 18 computers and the plan for the new lab is to double that amount. There will also be computers in the teen area, the youth area and the adult area. This does not include the staff computers and the computers for looking up materials. They will have at least 50 plus stations.

Mayor Clouse asked if the basement will provide for a tornado shelter. Mr. Sertich stated basically the entire basement would function adequately as a tornado shelter, with the exception of the stairwells. There will not be any windows in the basement.

Mr. Sertich stated that restrooms have been added on all three levels that are ADA compliant. The new elevator will have access to all levels for restrooms, etc. The existing building only had restrooms on the main floor which was inconvenient for people, although the old elevator also went to each floor.

The plan for construction phasing depends on the approval of the Council to award the bids during the Council meeting of November 24th. If approved at the meeting, construction would proceed as soon as possible, weather permitting. The first phase would be the new addition which is projected to take about a year to complete. Once the new addition is complete, the entire existing Library would be moved into the new addition. The Library would remain open during the construction. Once the Library has transitioned to the new addition, the renovation of the existing building is anticipated to take about a year. This is a two year construction timeframe for the total project, with completion to be approximately in November-December 2011.

Moved by Clouse seconded by Kearney to approve the Plans and Specifications for the Kearney Public Library Addition & Renovation Project and set the bid opening date for November 17, 2009 at 2:00 p.m. Roll call resulted as follows: Aye: Clouse, Kearney, Buschkoetter, Lear, Lammers. Nay: None. Motion carried.

**OPEN ACCOUNT CLAIMS: NPPD - \$68,821.68, PLATTE VALLEY STATE BANK - \$49,433.37, STANLEY CLOUSE - \$352.75**

Moved by Kearney seconded by Lammers that Open Account Claims in the amount of \$49,433.37 payable to Platte Valley State Bank, in the amount of \$68,821.68 payable to Nebraska Public Power District, and in the amount of \$352.75 payable to Stanley Clouse be allowed. Roll call resulted as follows: Aye: Buschkoetter, Lammers, Kearney. Nay: None. Clouse and Lear abstained. Motion carried.

## **VII. REPORTS**

### **INFORMATIONAL BREAK**

Assistant to the City Manager Suzanne Brodine stated they have been trying over the past few years to utilize an opportunity that the City has through its contract with Charter. This allows the City an hour production time each year, but in the past we have not done anything like that. We have created a program to utilize that will hopefully get more information out to the public. This will give the City another way to inform the public about programs that are going on. The program they created is called "The Information Break". They just filmed the first episode and interviewed Ken Tracy from the Kearney Volunteer Fire Department regarding fire safety month, some issues coming up as the weather changes and safety tips that people should be following. Each month there will be a new episode which will air on Channel 6 and will also be posted on the City's web site. The next episode will be on the new Peterson Senior Activity Center to help promote it and show what it looks like on the inside as it gets completed. City Manager Michael Morgan encouraged citizens to contact Suzanne with suggestions for topics. The cable company has done an excellent job working with City staff. It is a good use of technology and we are excited about using it.

## **VIII. ADJOURN**

Moved by Kearney seconded by Lammers that Council adjourn at 7:52 p.m. Roll call resulted as follows: Aye: Clouse, Lear, Lammers, Kearney, Buschkoetter. Nay: None. Motion carried.

**ATTEST:**

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

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**MICHAELLE E. TREMBLY  
CITY CLERK**